

Cohabitation, Domestic Partnerships, and Nontraditional Families Annotated Bibliography

by
Nancy Levit*

This bibliography covers law review articles, A.L.R. entries, and some web articles published between 2005 and 2008. Articles for which the title is self-explanatory or that concern only a single case, state, or statute are cited, but not annotated.

Articles relating to assisted reproductive technologies (including embryo disputes and preconception agreements and gestational surrogacy) can be found in Nancy Levit, *Family Law in the Twenty-first Century: An Annotated Bibliography*, 21 J. AM. ACAD. MATRIM. LAW. 271 (2008).

Adoption	170	R
Second Parent Adoption	173	R
Alternative Dispute Resolution	174	R
Bankruptcy	174	R
Child Custody, Parenting, and Visitation	175	R
Custody	175	R
Parenting	177	R
Stepparenting	180	R
Visitation	181	R
Child Support	183	R
Cohabitation	184	R
Cohabitation, Prenuptial, and Postnuptial Agreements	186	R
Divorce and Dissolution	189	R
Domestic or Intimate Partner Violence	190	R
Domestic Partnerships and Civil Unions	191	R
Domestic Partner Rights and Benefits	193	R
Estate Law and Planning	196	R
Trusts	199	R

* Curators' and Edward D. Ellison Professor of Law, University of Missouri-Kansas City School of Law.

170 *Journal of the American Academy of Matrimonial Lawyers*

Wills and Intestate Succession	199	R
Fatherhood and Paternity	200	R
Filial Support.....	203	R
International Law	204	R
Lesbian, Gay, Bisexual, and Transgendered Parents.....	207	R
Marriage and Its Varieties.....	211	R
Common Law Marriage	211	R
Covenant Marriage	212	R
Polygamy	213	R
Same-Sex Marriage	214	R
Miscellaneous	220	R
Property.....	222	R
Tax	223	R
Torts	224	R
Trial Issues	224	R

Adoption (see also Lesbian, Gay, Bisexual, and Transgendered Parents)

Richard R. Bradley, *Making a Mountain Out of a Molehill: A Law-and-Economics Defense of Same-Sex Foster Care Adoptions*, 45 FAM. CT. REV. 133 (2007) (using comparative international data and economics to argue that homosexual partners should be able to adopt children from foster care).

June Carbone, *The Role of Adoption in Winning Public Recognition for Adult Partnerships*, 35 CAP. U. L. REV. 341 (2006) (examining the role of adoption in garnering acceptance of adult relationships that do not have legal sanction).

Christopher Colorado, Note, *Tying the Braid of Second-Parent Adoptions—Where Due Process Meets Equal Protection*, 74 FORDHAM L. REV. 1425 (2005) (urging heightened constitutional protection for the liberty interests implicit in second parent adoption).

Sacha Coupet, *Swimming Upstream Against the Great Adoption Tide: Making the Case for “Impermanence,”* 34 CAP. U. L. REV. 405 (2005) (urging consideration of long-term kinship caregiving in lieu of taking children away from their families to give them up for permanent adoption).

Angela Chaput Foy, *Adult Adoption and the Elder Population*, 8 MARQ. ELDER'S ADVISOR 109 (Fall 2006) (explaining the differences between adult and child adoption and examining the law of states where it is available).

Solangel Maldonado, *Discouraging Racial Preferences in Adoptions*, 39 U.C. DAVIS L. REV. 1415 (2006) (observing that many Americans seek international adoptions based on the myth that no healthy infants are available for adoption in America, and drawing on empirical evidence to condemn agencies' practices of race-matching).

David D. Meyer, *A Privacy Right to Public Recognition of Family Relationships? The Cases of Marriage and Adoption*, 51 VILL. L. REV. 891 (2006) (arguing that after *Lawrence v. Texas* the right to privacy has come full circle to encompass a right to public recognition of private relationships).

Richard F. Storrow, *Rescuing Children from the Marriage Movement: The Case Against Marital Status Discrimination in Adoption and Assisted Reproduction*, 39 U.C. DAVIS L. REV. 305 (2006) (dismantling the idea that heterosexuals-only marriage is best for children of the union, critiquing marriage as a proxy for parental fitness, and urging a reconciliation of the law regarding step-parent and second-parent adoptions).

Michael S. Wald, *Adults' Sexual Orientation and State Determinations Regarding Placement of Children*, 40 FAM. L.Q. 381 (2006) (reviewing social science literature assessing the emotional health, cognitive abilities and school performance of children living with gay and lesbian parents and finding an absence of evidence of negative consequences).

Tanya M. Washington, *Throwing Black Babies Out With the Bathwater: A Child-Centered Challenge to Same-Sex Adoption Bans*, 6 HASTINGS RACE & POVERTY L.J. 1 (2009) (arguing that bans on adoption by gay and lesbian parents disproportionately impact black orphans by relegating some of them to institutional care).

Rhonda Wasserman, *Are You Still My Mother?: Interstate Recognition of Adoptions by Gays and Lesbians*, 58 AM. U. L. REV. 1 (2008) (evaluating under the Full Faith and Credit Clause

172 *Journal of the American Academy of Matrimonial Lawyers*

whether states are obligated to recognize adoptions performed in other states if the adopting parents are gay or lesbian).

Robin Fretwell Wilson & W. Bradford Wilcox, *Bringing Up Baby: Adoption, Marriage and the Best Interests of the Child*, 14 WM. & MARY BILL RTS. J. 883 (2006) (drawing on social science literature regarding children's interests to argue for a hierarchy of preferences for adoptive families—placement first with a married couple, second with a single parent, and then third with an unmarried couple).

Barbara Bennett Woodhouse, *Waiting for Loving: The Child's Fundamental Right to Adoption*, 34 CAP. U. L. REV. 297 (2005) (discussing the extension of the rationale of *Loving v. Virginia* to children awaiting adoption as a theory to challenge unconstitutional barriers to adoption).

Marisa Gonzalez, Comment, *If You Can't Fix It, You've Got to Stand It: Lofton v. Secretary of Department of Children and Family Services and the Florida Adoption Statute's Discrimination Against Homosexuals and Foster Children*, 7 WHITTIER J. CHILD & FAM. ADVOC. 277 (2008).

Debra E. Guston & William S. Singer, *The State of Gay and Lesbian Adoption in New Jersey*, 239 N.J. LAW. 35 (Apr. 2006) (New Jersey).

Christopher D. Jozwiak, *Lofton v. Secretary of the Dep't of Children & Family Services: Florida's Gay Adoption Ban Under Irrational Equal Protection Analysis*, 23 LAW & INEQ. 407 (2005) (Florida).

Cynthia R. Mabry, *Opening Another Exit from Child Welfare for Special Needs Children—Why Some Gay Men and Lesbians Should Have the Privilege to Adopt Children in Florida*, 18 ST. THOMAS L. REV. 269 (2005) (Florida).

David D. Meyer, *Palmore Comes of Age: The Place of Race in the Placement of Children*, 18 U. FLA. J.L. & PUB. POL'Y 183 (2007).

Jeffrey A. Parness, *Adoption Notices to Genetic Fathers: No to Scarlet Letters, Yes to Good-Faith Cooperation*, 36 CUMB. L. REV. 63 (2005-06) (Florida).

Spenser B. Ross, *Finstuen v. Crutcher: The Tenth Circuit Delivers a Significant Victory for Same-Sex Parents With Adopted Children*, 85 DENV. U. L. REV. 685 (2008) (Tenth Circuit).

Elizabeth J. Samuels, *Time to Decide? The Laws Governing Mothers' Consents to the Adoption of Their Newborn Infants*, 72 TENN. L. REV. 509 (2005).

Nicole M. Shkedi, Comment, *When Harry Met Lawrence: Allowing Gays and Lesbians to Adopt*, 35 SETON HALL L. REV. 873 (2005).

Sean M. Smith, Recent Development, *The "Hawaiianness" of Same-Sex Adoption*, 30 U. HAW. L. REV. 517 (2008) (Hawaii).

Robert G. Spector, *The Unconstitutionality of Oklahoma's Statute Denying Recognition to Adoptions by Same-Sex Couples From Other States*, 40 TULSA L. REV. 467 (2005) (Oklahoma).

Mark Strasser, *Lawrence, Lofton, and Reasoned Judgment: On Who Can Adopt and Why*, 18 ST. THOMAS L. REV. 473 (2005).

Second Parent Adoption

Heather Buehe, Note, *Second-Parent Adoption and the Equitable Parent Doctrine: The Future of Custody and Visitation Rights for Same-Sex Partners in Missouri*, 20 WASH. U. J.L. & POL'Y 283 (2006) (Missouri).

Jason N.W. Plowman, Note, *When Second-Parent Adoption Is the Second-Best Option: The Case for Legislative Reform as the Next Best Option for Same-Sex Couples in the Face of Continued Marriage Inequality*, 11 SCHOLAR 57 (2008).

Alternative Dispute Resolution¹

Nadine A. Gartner, *Lesbian (M)otherhood: Creating an Alternative Model for Settling Child Custody Disputes*, 16 *LAW & SEXUALITY* 45 (2007) (urging lesbian mothers to use mediation, separate from the judicial system and perhaps supported by local volunteer centers, to privately determine custody).

Mark J. Hanson, *Moving Forward Together: The LGBT Community and the Family Mediation Field*, 6 *PEPP. DISP. RESOL. L.J.* 295 (2006) (exploring ways that the LGBT community has used mediation since the 1970s to assist in dissolution of relationships as well as specific issues that arise during mediation with sexual minorities).

Rikk Larsen & Crystal Thorpe, *Elder Mediation: Optimizing Major Family Transitions*, 7 *MARQ. ELDER'S ADVISOR* 293 (2006) (explaining issues that arise in elder law that may be appropriate for mediation such as estate planning issues, inheritance disputes and medical treatment decisions and special processes for elder mediation).

Robert E. Emery & Kimberly C. Emery, *Should Courts or Parents Make Child-Rearing Decisions? Married Parents as a Paradigm for Parents Who Live Apart*, 43 *WAKE FOREST L. REV.* 365 (2008).

Melissa Lombreglia, Note, *The Calm After the Storm: Using Mediation to Resolve Parenting Disputes in the Wake of Natural Disasters*, 46 *FAM. CT. REV.* 395 (2008).

Ralph A. Peebles et al., *It's the Conflict, Stupid: An Empirical Study of Factors That Inhibit Successful Mediation in High-Conflict Custody Cases*, 43 *WAKE FOREST L. REV.* 505 (2008).

Bankruptcy

Jackie Gardina, *The Perfect Storm: Bankruptcy, Choice of Law, and Same-Sex Marriage*, 86 *B.U. L. REV.* 881 (2006) (discussing

¹ For additional entries on this topic, see Nancy Levit, *Family Law in the Twenty-first Century: An Annotated Bibliography*, 21 *J. AM. ACAD. MATRIM. LAW.* 271, 371-76 (2008).

the absence of choice of law rules for bankruptcy cases and what rules should apply when participants in civil unions or same-sex marriages go into bankruptcy).

Judith K. Fitzgerald, *We All Live in a Yellow Submarine: BAPCPA's Impact on Family Law Matters*, 31 S. ILL. U. L.J. 563 (2007).

Erin K. Healy, Comment, *It Depends: Prioritizing Function Over Form to Evaluate a Debtor's Dependency Relationships in Consumer Bankruptcy*, 22 EMORY BANKR. DEV. J. 185 (2005).

Eric S. Nguyen, *Parents in Financial Crisis: Fighting to Keep the Family Home*, 82 AM. BANKR. L.J. 229 (2008).

Anthony Michael Sabino, *Violence of Action: The Bankruptcy Code, Domestic Relations Law, and the New War With State Probate Law*, 19 QUINNIPIAC PROB. L.J. 264 (2006).

Child Custody, Parenting, and Visitation (*see also* Families—Changing Rights and Responsibilities)

Custody

Linda S. Anderson, *Protecting Parent-Child Relationships: Determining Parental Rights of Same-Sex Parents Consistently Despite Varying Recognition of Their Relationship*, 5 PIERCE L. REV. 1 (2006) (considering a variety of issues that surface when same-sex parents move to a state that does not recognize their union).

Burgess C. Bradshaw, Comment, *LGBT Parents—Where Do Their Child Custody Disputes Belong?*, 5 J. AM. ARB. 405 (2006) (urging LGBT parents to use arbitration to resolve custody disputes).

Christy M. Buchanan & Parissa L. Jahromi, *A Psychological Perspective on Shared Custody Arrangements*, 43 WAKE FOREST L. REV. 419 (2008) (reviewing psychological studies about children's well-being in various types of custody arrangements, such as joint custody and sole custody with high visitation).

David D. Meyer, *The Constitutional Rights of Non-custodial Parents*, 34 HOFSTRA L. REV. 1461 (2006) (critiquing the rationales

176 *Journal of the American Academy of Matrimonial Lawyers*

used to limit the child-rearing authority of non-custodial parents).

Michelle Ognibene, *A Constitutional Analysis of Grandparents' Custody Rights*, 72 U. CHI. L. REV. 1473 (2005) (tracing the constitutional bases for grandparents' custody rights when grandparents fill parent-like roles).

Alison M. Schneider, Note, *Best Interests and Parental Presumptions: Bringing Same-Sex Custody Agreements Beyond Preclusion by the Federal Defense of Marriage Act*, 17 WM. & MARY BILL RTS. J. 293 (2008) (arguing that the Full Faith and Credit Clause and the Parental Kidnapping Prevention Act require recognition of custody agreements created in other states between same-sex couples, despite the federal and state DOMAs).

Katherine M. Swift, *Parenting Agreements, the Potential Power of Contract, and the Limits of Family Law*, 34 FLA. ST. U. L. REV. 913 (2007) (arguing that courts should not trump parenting contracts with best interests analysis in custody determinations).

Richard A. Warshak, *Punching the Parenting Time Clock: The Approximation Rule, Social Science, and the Baseball Bat Kids*, 45 FAM. CT. REV. 600 (2007) (critiquing the ALI's approximation rule).

American Bar Association, *Educating the Client About Custody*, 30 FAM. ADVOC. 20 (Winter 2008).

Thomas D. Arnhold, *Practical Tips for Handling Children's Issues When One Parent Is in the Military*, 77 J. KAN. B.A. 16 (June 2008).

Barbara Ann Atwood, *The Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act: Bridging the Divide Between Pragmatism and Idealism*, 42 FAM. L.Q. 63 (2008).

Kari J. Carter, Note, *The Best Interest Test and Child Custody: Why Transgender Should Not Be a Factor in Custody Determinations*, 16 HEALTH MATRIX 209 (Winter 2006).

Ariana S. Cooper, Note, *Free Exercise Claims in Custody Battles: Is Heightened Scrutiny Required Post-Smith?*, 108 COLUM. L. REV. 716 (2008).

Richard A. Crain, *Choosing the Best Custody Expert Witness*, 30 FAM. ADVOC. 12 (Spring 2008).

Jeffrey A. Dodge, Note, *Same Sex Marriage and Divorce: A Proposal for Child Custody Mediation*, 44 FAM. CT. REV. 87 (2006).

Katherine Hunt Federle, *Righting Wrongs: A Reply to the Uniform Law Commission's Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act*, 42 FAM. L.Q. 103 (2008).

Alan M. Jaffe & Diana Mandeleew, *Essentials of a Forensic Child Custody Evaluation*, 30 FAM. ADVOC. 16 (Spring 2008).

Marygold S. Melli & Patricia R. Brown, *Exploring a New Family Form—The Shared Time Family*, 22 INT'L J.L. POL'Y & FAM. 231 (2008).

Christopher Missick, Comment, *Child Custody Protections in the Servicemembers Civil Relief Act: Congress Acts to Protect Parents Serving in the Armed Forces*, 29 WHITTIER L. REV. 857 (2008).

National Conference of Commissioners on Uniform State Laws, *Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act*, 42 FAM. L.Q. 1 (2008).

Susan L. Pollet & Melissa Lombreglia, *A Nationwide Survey of Mandatory Parent Education*, 46 FAM. CT. REV. 375 (2008).

Parenting

Laura Nicole Althouse, *Three's Company? How American Law Can Recognize a Third Social Parent in Same-Sex Headed Families*, 19 HASTING WOMEN'S L.J. 171 (2008) (drawing on the Canadian decision in *A.A. v. B.B.*, the author urges recognition of two primary parents and a third parent who would have limited social rights).

Mary Patricia Byrn, *From Right to Wrong: A Critique of the 2000 Uniform Parentage Act*, 16 UCLA WOMEN'S L.J. 163 (Winter/

178 *Journal of the American Academy of Matrimonial Lawyers*

Spring 2007) (critiquing the 2000 Uniform Parentage Act for failing to recognize that children conceived through assisted reproductive technologies to same-sex couples have two parents).

June Carbone, *The Legal Definition of Parenthood: Uncertainty at the Core of Family Identity*, 65 *LA. L. REV.* 1295 (2005) (examining various bases for determining parenthood, including marital presumptions, biology, and de facto parenting).

Deborah L. Forman, *Married with Kids and Moving: Achieving Recognition for Same-Sex Parents Under the Uniform Parentage Act*, 4 *WHITTIER J. CHILD & FAM. ADVOC.* 241 (2005) (questioning whether parental rights for same-sex parents that are recognized in one state will carry over to another state that has a DOMA).

Mellisa Holtzman, *Definitions of the Family as an Impetus for Legal Change in Custody Decision Making: Suggestions From an Empirical Case Study*, 31 *LAW & SOC. INQUIRY* 1 (Winter 2006) (maintaining that having courts adopt expansive definitions of family may place children in the position of having legal relationships with parents with whom children have no emotional connection and suggesting that a children's rights approach instead will best protect children's attachment relationships).

Melanie B. Jacobs, *Why Just Two? Disaggregating Traditional Parental Rights and Responsibilities to Recognize Multiple Parents*, 9 *J.L. & FAM. STUD.* 309 (2007) (arguing that the rights of parenthood should accompany financial, emotional and functional investments in a child's life rather than the biological contribution to creating the child).

Laura T. Kessler, *Community Parenting*, 24 *WASH. U. J.L. & POL'Y* 47 (2007) (drawing on social science research to urge legal recognition of multiple parents in a child's life).

John G. New, Note, "Aren't You Lucky to Have Two Mamas?": *Redefining Parenthood in Light of Evolving Reproductive Technologies and Social Change*, 81 *CHI.-KENT L. REV.* 773 (2006) (reviewing various state definitions of parentage as well as definitions under the Uniform Parentage Acts of 1973 and 2000 and assessing what factors—genetic ties, gestational roles, and

parenting responsibilities and emotional attachment—should play a role in determining who is a child’s parent).

Rachel E. Shoaf, Note, *Two Mothers and Their Child: A Look at the Uncertain Status of Nonbiological Lesbian Mothers Under Contemporary Law*, 12 WM. & MARY J. WOMEN & L. 267 (2005) (examining various different theories of functional parenthood, including equitable parenthood, de facto parenthood, and in loco parentis, and applying theories of equitable estoppel in the context of parental rights).

Lynn D. Wardle, *Form and Substance in Parentage Law*, 15 WM. & MARY BILL RTS. J. 203 (2006) (arguing that children develop best in households with both a mother and father and that legal rules should favor dual gender arrangements).

June Carbone, *From Partners to Parents Revisited: How Will Ideas of Partnership Influence the Emerging Definition of California Parenthood*, 7 WHITTIER J. CHILD & FAM. ADVOC. 3 (2007) (California).

Jessica Hawkins, *My Two Dads: Challenging Gender Stereotypes in Applying California’s Recent Supreme Court Cases to Gay Couples*, 41 FAM. L.Q. 623 (2007) (California).

Melanie B. Jacobs, *Applying Intent-Based Parentage Principles to Nonlegal Lesbian Coparents*, 25 N. ILL. U. L. REV. 433 (2005).

Nancy G. Maxwell & Richard Donner, *The Psychological Consequences of Judicially Imposed Closets in Child Custody and Visitation Disputes Involving Gay or Lesbian Parents*, 13 WM. & MARY J. WOMEN & L. 305 (2006).

Sara Xochitl Orozco, *K.M. v. E.G., Elisa B. v. Superior Court, and Kristine H. v. Lisa R.: Intent and Biology in California’s Lesbian Parenting Cases*, 46 JURIMETRICS J. 421 (2006) (California).

Nicole L. Parness, Comment, *Forcing a Square Into a Circle: Why Courts Are Straining to Apply the Uniform Parentage Act to Gay Couples and Their Children*, 27 WHITTIER L. REV. 893 (2006) (California).

180 *Journal of the American Academy of Matrimonial Lawyers*

Richard E. Redding, *It's Really About Sex: Same-Sex Marriage, Lesbian Parenting, and the Psychology of Disgust*, 15 DUKE J. GENDER L. & POL'Y 127 (2008).

Lawrence Schlam, *Standing in Third-Party Custody Disputes in Arizona: Best Interests to Parental Rights—and Shifting the Balance Back Again*, 47 ARIZ. L. REV. 719 (2005) (Arizona).

Courtney Trimacco, Note, *K.M. v. E.G., My Two Moms: California Courts Hold That a Child Can Have Two Natural Mothers*, 38 U. TOL. L. REV. 1065 (2007) (California).

William B. Turner, *The Lesbian de Facto Parent Standard in Holtzman v. Knott: Judicial Policy Innovation and Diffusion*, 22 BERKELEY J. GENDER L. & JUST. 135 (2007) (Wisconsin).

Stepparenting

Megan S. Calvo, Note, *Uniform Parentage Act—Say Goodbye to Donna Reed: Recognizing Stepmothers' Rights*, 30 W. NEW ENG. L. REV. 773 (2008) (arguing that the Uniform Parentage Act should give stepmothers standing in maternity suits).

Margaret M. Mahoney, *Stepparents as Third Parties in Relation to Their Stepchildren*, 40 FAM. L.Q. 81 (2006) (exploring the law of stepparent visitation and the factors limiting the legal rights of stepparents, such as protection of the rights of noncustodial biological parents as well as the variety of differing stepparent arrangements).

Melissa Murray, *The Networked Family: Reframing the Legal Understanding of Caregiving and Caregivers*, 94 VA. L. REV. 385 (2008) (suggesting ways to legally recognize familial caregiving networks—by expanding the category of parenthood or creating alternative statuses that are afforded some legal protection).

Peter Wendel, *Inheritance Rights and the Step-Partner Adoption Paradigm: Shades of the Discrimination Against Illegitimate Children*, 34 HOFSTRA L. REV. 351 (2005) (sorting through various state rules concerning stepparent and steppartner adoption and inheritance rights).

Barbara Busharis, *A Very Brady Conflict: Are Stepparents “Close Family Members”?*, 26 TRIAL ADVOC. Q. (Fall 2007).

John C. Ruck, *Discipline of Stepchildren by Stepparents in Cases Involving Joint Custody*, 87 MICH. B.J. 39 (Oct. 2008) (Michigan).

Lawrence Schlam, *Third Party “Standing” and Child Custody Disputes in Washington: Non-Parent Rights—Past, Present, and . . . Future?*, 43 GONZ. L. REV. 391 (2007-08) (Washington).

David B. Sweet, Annotation, *Stepparent’s Postdivorce Duty to Support Stepchild*, 44 A.L.R. 4TH 520 (2006).

Visitation

Stephen Gilmore, *Contact/Shared Residence and Child Well-Being: Research Evidence and Its Implications for Legal Decision-Making*, 20 INT’L J.L. POL’Y & FAM. 344 (2006) (providing updated international research regarding the effects of regular contact or shared parenting on children’s adjustment to separation of their parents).

Brent Bennett et al., Comment, *To Grandmother’s House We Go: Examining Troxel, Harrold, and the Future of Third Party Visitation*, 74 U. CIN. L. REV. 1549 (2006) (Ohio).

Joan Catherine Bohl, Comment, *That “Thorny Issue” Redux: California Grandparent Visitation Law in the Wake of Troxel v. Granville*, 36 GOLDEN GATE U. L. REV. 121 (2006) (California).

Emily Chase Dubansky, Recent Decision, *Koshko v. Haining: Does a Heightened Standard for Grandparent Visitation Really Protect Children’s Best Interests?*, 67 MD. L. REV. 805 (2008) (Maryland).

Angela Ferraris, Comment, *Sibling Visitation as a Fundamental Right in Herbst v. Swan*, 39 NEW ENG. L. REV. 715 (2005) (California).

Mary Ellen Gill, Note, *Third Party Visitation in New York: Why the Current Statute Is Failing Our Families*, 56 SYRACUSE L. REV. 481 (2006) (New York).

182 *Journal of the American Academy of Matrimonial Lawyers*

Michael K. Goldberg, Flynn v. Henkel: *A Heavy Burden for Petitioners Under the Grandparent Visitation Act*, 96 ILL. B.J. 244 (May 2008) (Illinois).

Michael K. Goldberg, *Over the River and Through the Woods—Again: The New Illinois Grandparent Visitation Act*, 29 S. ILL. U. L.J. 403 (2005) (Illinois).

Serena Thompson Green, Note, *Is Arkansas's Grandparent Visitation Statute Constitutional Under the Standards Articulated by the Arkansas Supreme Court in Linder v. Linder?*, 58 ARK. L. REV. 197 (2005) (Arkansas).

Morris Laine Harvey, *The Grandparent Visitation Statute Violates Parents' Due Process Rights*, 94 ILL. B.J. 663 (2006) (Illinois).

Andres Mayor, Note, *Protecting Parents' Fundamental Rights and Children Under New Jersey's Grandparent Visitation Statute: The Need to Establish Harm to the Grandchild by Clear and Convincing Evidence*, 58 RUTGERS L. REV. 275 (2005) (New Jersey).

Suzanne Carey McAllister, *What's Become of Grandma, Grandpa, and the Troxels? An Update on Grandparent Visitation Rights in Kansas*, 75 J. KAN. B.A. 34 (2006) (Kansas).

Jason Miller, *Court Grants Non-Biological, Non-Adoptive Grandparents Visitation*, 8 LAWYERS J., Feb. 17, 2006, at 2 (Pennsylvania).

Stephanie O'Connor, Comment, *Grandma Gets Devoured All Over Again and This Time the Huntsman Is Not Around to Save Her: An Analysis of Michigan's Grandparent Visitation Statute and a Comparison With Statutes of Other Jurisdictions*, 84 U. DET. MERCY L. REV. 383 (2007) (Michigan).

Rebecca J. O'Neill, *Grandparents Raising Grandchildren in Illinois—Establishing the Right to a Continuing Relationship Through Visitation, Custody, and Guardianship in 2007: Where We've Been, Where We Are, and Where We Need to Go*, 38 LOY. U. CHI. L.J. 733 (2007) (Illinois).

Natalie Reed, Note, *Third-Party Visitation Statutes: Why Are Some Families More Equal Than Others?*, 78 S. CAL. L. REV. 1529 (2005) (California).

Tracy C. Schofield, Comment, *All the Better to Eat You With, My Dear: The Need for a Heightened Harm Standard in Utah's Grandparent Visitation Statute*, 2006 BYU L. REV. 1669 (Utah).

Desiree Sierens, Comment, *Protecting the Parent-Child Relationship: The Need for Illinois Courts to Extend Standing to Non-Biological Parents in Relation to Visitation Proceedings*, 25 N. ILL. U. L. REV. 483 (2005) (Illinois).

Child Support

Katharine K. Baker, *Supporting Children, Balancing Lives*, 34 PEPP. L. REV. 359 (2007) (exploring difficulties with child support formulas and how these promote the gendered division of labor).

Sande L. Buhai, *Parental Support of Adult Children With Disabilities*, 91 MINN. L. REV. 710 (2007) (arguing that the law should not impose an unqualified duty on parents to support disabled children who reach adulthood).

Ira Mark Ellman & Tara O'Toole Ellman, *The Theory of Child Support*, 45 HARV. J. ON LEGIS. 107 (2008) (examining the present purposes of child support—including child well-being, the moral obligation to support children, avoiding gross disparities, and allowing people to keep their earnings—and concluding that current support guidelines do not balance appropriately among these competing concerns).

Susan F. Paikin & William L. Reynolds, *Parentage and Child Support: Interstate Litigation and Same-Sex Parents*, 24 DEL. LAW. 26 (Spring 2006) (discussing briefly the interaction of the Full Faith and Credit Clause, the Uniform Interstate Family Support Act, DOMAs and *Lawrence v. Texas* regarding support obligations across state lines when the states have different rules regarding the validity of same-sex unions).

Caroline P. Blair, Note, *It's More Than a One-Night Stand: Why a Promise to Parent Should Obligate a Former Lesbian Partner to Pay Child Support in the Absence of a Statutory Requirement*, 39 SUFFOLK U. L. REV. 465 (2006).

184 *Journal of the American Academy of Matrimonial Lawyers*

Sara R. David, Note, *Turning Parental Rights into Parental Obligations—Holding Same-Sex, Non-Biological Parents Responsible for Child Support*, 39 *NEW ENG. L. REV.* 921 (2005) (Massachusetts).

Family Law—Unmarried Couples—Massachusetts Supreme Judicial Court Holds That a Former Domestic Partner Need Not Fulfill Promises to Support a Child Born After the Relationship Has Dissolved—T.F. v. B.L., 813 *N.E.2d* 1244 (Mass. 2004), 118 *HARV. L. REV.* 1039 (2005) (Massachusetts).

John G. Hall, Note, *Child Support Supported: Policy Trumps Equity in Martin v. Pierce Despite Fraud and a Controversial Amendment to the Paternity Code*, 61 *ARK. L. REV.* 571 (2008) (Arkansas).

Michael L. Hopkins, Comment, “*What Is Sauce for the Gander Is Sauce for the Goose*”: *Enforcing Child Support on Former Same-Sex Partners Who Create a Child Through Artificial Insemination*, 25 *ST. LOUIS U. PUB. L. REV.* 219 (2006) (California).

Clayton P. Kawski, Comment, *Stepping In(Come): Evaluating the Inherent Inconsistency of Illinois’s Trend Toward Consideration of New Spouse Income in Child Support Modification*, 27 *N. ILL. U.L. REV.* 247 (2007) (Illinois).

Karen S. Sendelbach, *Child Support: Making a Molehill Out of a Mountain*, 87 *MICH. B.J.* 24 (June 2008) (Michigan).

Lani P. Shaw, Comment, “*Show Me the Money!*”: *Analyzing an Adult Child’s Standing to Recover Retroactive Child Support Payments*, 48 *HOW. L.J.* 1053 (2005).

Thomas J. Walsh, *The Rise and Fall of an Archetype: Revisions to the “Wisconsin Model” Child Support Guidelines*, 36 *U. MEM. L. REV.* 1013 (2006).

Cohabitation

Cynthia Grant Bowman, *Social Science and Legal Policy: The Case of Heterosexual Cohabitation*, 9 *J.L. & FAM. STUD.* 1 (2007) (covering comprehensively social facts about cohabitants—such as demographic characteristics, average duration of cohabitation,

economic arrangements, and incidence of domestic violence—and concluding that the largest areas of concern for cohabitants are in the areas of economic exploitation and physical vulnerability).

Marsha Garrison, *Is Consent Necessary? An Evaluation of the Emerging Law of Cohabitant Obligation*, 52 UCLA L. REV. 815, 820-21 (2005) (criticizing emerging trends in protecting cohabitant relationships based on status rather than contract, because cohabitation is generally of shorter duration than marriage; and arguing that unrecompensed cohabitation does not exploit women or children).

Lynne Marie Kohm & Karen M. Groen, *Cohabitation and the Future of Marriage*, 17 REGENT U. L. REV. 261 (2004-05) (discussing court awarded rights of cohabitation and the social science literature comparing the effects of cohabitation and marriage on children).

Margaret M. Mahoney, *Forces Shaping the Law of Cohabitation for Opposite Sex Couples*, 7 J. L. FAM. STUD. 135 (2005) (discussing the limited recognition given in some states to unmarried cohabitants through rights and duties).

Emily Sherwin, *Love, Money and Justice: Restitution Between Cohabitants*, 77 U. COLO. L. REV. 711 (2006) (discussing the new Restatement (Third) of Restitution and Unjust Enrichment that would permit former cohabitants to bring claims for unjust enrichment).

Odette Marie Bendeck, *Florida's "Cohabitation" Statute: The Revolution That Wasn't*, 82 FLA. B.J. 95 (June 2008) (Florida).

Alisha M. Carlile, Note, *Like Family: Rights of Nonmarried Cohabitational Partners in Loss of Consortium Actions*, 46 B.C. L. REV. 391 (2005).

Erin Cleary, Note, *New Jersey Domestic Partnership Act in the Aftermath of Lewis v. Harris: Should New Jersey Expand the Act to Include All Unmarried Cohabitants?*, 60 RUTGERS L. REV. 519 (2008) (New Jersey).

186 *Journal of the American Academy of Matrimonial Lawyers*

Peter L. Gladstone & Andrea E. Goldstein, *Codifying Cohabitation as a Ground for Modification or Termination of Alimony—So What’s New?*, 80 FLA. B.J. 45 (Mar. 2006) (Florida).

Helen W. Gunnarsson, *What to Do When There’s No “I Do,”* 94 ILL. B.J. 292 (June 2006) (Illinois).

Elizabeth A. Pope, *Cohabitation: What to Do When Couples Cannot or Do Not Marry*, 20 DCBA BRIEF 22 (Dec. 2007) (Illinois).

R.J. Probert, *A Review of Cohabitation: The Financial Consequences of Relationship Breakdown*, Law Com. No. 307 (HMSO 2007), 41 FAM. L.Q. 521 (2007) (England and Wales).

Raymond J. Rafool II, *Legal Effects of Cohabitation*, APF FL-CLE 12-1 (2007) (Florida).

Jared Richards, Note, *Turning a Blind Eye to Unmarried Cohabitants: A Look at How Utah Laws Affect Traditional Protections*, 2007 UTAH L. REV. 215 (Utah).

Blanca Rodríguez Ruiz, *The Logic of Rights vs. the Logic of Representation: The Case of Cohabitation in Spain*, 1 FLA. INT’L U. L. REV. 89 (2006) (Spain).

W.M. Schrama, *The Dutch Approach to Informal Lifestyles: Family Function Over Family Form*, 22 INT’L J.L. POL’Y & FAM. 311 (Dec. 2008) (Holland).

Annie Y. Wang, *Unmarried Cohabitation: What Can We Learn From a Comparison Between the United States and China?*, 41 FAM. L.Q. 197 (2007).

Cohabitation, Prenuptial, and Postnuptial Agreements

Brian Bix, *Domestic Agreements*, 35 HOFSTRA L. REV. 1753 (2007) (examining various agreements regarding parental status and parental rights, including co-parenting, separation, prenuptial and surrogacy agreements).

Vivian Bodey, Comment, *Enforcement of Interspousal Contracts: Out With the “Old Ball and Chain” and in With Marital Equality*

and Freedom, 37 Sw. U. L. REV. 239 (2008) (reviewing courts' historical justifications for failing to enforce contracts between spouses that provide for compensation in exchange for domestic services—they would encourage dissolution, import commodification into marriage, and spouses already owe each other those services—and arguing that such contracts could promote equality and fair dealing between spouses).

Marsha Garrison, *Is Consent Necessary? An Evaluation of the Emerging Law of Cohabitant Obligation*, 52 UCLA L. REV. 815, 820-21 (2005) (criticizing emerging trends in protecting cohabitant relationships based on status rather than contract, because cohabitation is generally of shorter duration than marriage; and arguing that unrecompensed cohabitation does not exploit women or children).

Julia Halloran McLaughlin, *Premarital Agreements and Choice of Law: "One, Two, Three, Baby, You, and Me,"* 72 MO. L. REV. 793 (2007) (revealing the inconsistencies among court decisions interpreting premarital agreements in conflict of laws situations, and covering the Restatement (First) and Restatement (Second) of Conflict of Laws' approaches, as well as contemporary hybrid theories).

Michelle Oberman, *Sex, Lies, and the Duty to Disclose*, 47 ARIZ. L. REV. 871 (2005) (addressing judicial approaches to promises between intimate partners as well as disclosure obligations regarding sexual matters).

Allen M. Parkman, *The Contractual Alternative to Marriage*, 32 N. KY. L. REV. 125 (2005) (discussing the enforceability of cohabitation agreements).

Karen Servidea, Note, *Reviewing Premarital Agreements to Protect the State's Interest in Marriage*, 91 VA. L. REV. 535 (2005) (critiquing courts' use of behavioral decision theory (and attempts to correct for cognitive limits) to review premarital agreements and arguing that courts should not premise their interpretations of premarital agreements on supposed cognitive frailties of the parties entering the agreements).

Jeffrey G. Sherman, *Prenuptial Agreements: A New Reason to Revive an Old Rule*, 53 CLEVELAND L. REV. 359 (2005-06) (argu-

188 *Journal of the American Academy of Matrimonial Lawyers*

ing that premarital agreements should be per se unenforceable because they allow people to make conflicting promises).

Emily Sherwin, *Love, Money and Justice: Restitution Between Cohabitants*, 77 U. COLO. L. REV. 711 (2006) (discussing the new Restatement (Third) of Restitution and Unjust Enrichment that would permit former cohabitants to bring claims for unjust enrichment).

Sean Hannon Williams, *Postnuptial Agreements*, 2007 WIS. L. REV. 827 (offering an overview of the current law of postnuptials, including consideration, fairness concerns, and presumptions of coercion).

Judith T. Younger, *Lovers' Contracts in the Courts: Forsaking the Minimum Decencies*, 13 WM. & MARY J. WOMEN & L. 349 (2007) (surveying comprehensively cases litigated regarding premarital, postmarital, and cohabitation agreements, and the varying standards of review courts use for each).

Elaine M. Bucher, *Relationship Dissolution Planning Part I: Nuptial Agreements*, 80 FLA. B.J. 43 (Nov. 2006) (Florida).

H. Joseph Gitlin, *Premarital Agreements Need Premeditation*, 96 ILL. B.J. 48 (Jan. 2008) (Illinois).

Doreen Inkeles, *The Uniform Premarital Agreement Act: Taking Casto to a New Level for Prenuptial Agreements*, 81 FLA. B.J. 32 (Mar. 2007) (Florida).

Mary H. Schmidt et al., *Marital Agreements*, EPII MA-CLE 12-1 (2007) (Massachusetts).

Mary H. Schmidt, *Pre- and Post-Nuptial Agreement Case Law*, SM022 ALI-ABA 559 (Sept. 7-8, 2006) (Massachusetts).

Alexandra Selfridge, *Challenges for Negotiating and Drafting an Antenuptial Agreement for the Religious Upbringing of Future Children*, 16 J. CONTEMP. LEGAL ISSUES 91 (2007).

Noel Semple, Student Work, *In Sickness and in Health? Spousal Support and Unmarried Cohabitants*, 24 CAN. J. FAM. L. 317 (2008) (Canada).

Tracie Rogalin Siddiqui, *Interpretation of Islamic Marriage Contracts by American Courts*, 41 FAM. L.Q. 639 (2007).

Constance D. Smith et al., *Marital Agreements in Colorado*, 36 COLO. LAW. 53 (Feb. 2007) (Colorado).

Julia Courtney Smith, Comment, *Family Contracts in Oregon*, 43 WILLAMETTE L. REV. 421 (2007) (Oregon).

Emily L. Thompson & F. Soniya Yunus, Comment, *Choice of Laws or Choice of Culture: How Western Nations Treat the Islamic Marriage Contract in Domestic Courts*, 25 WIS. INT'L L.J. 361 (Summer 2007).

Divorce and Dissolution

Gaytri Kachroo, *Mapping Alimony: From Status to Contract and Beyond*, 5 PIERCE L. REV. 163 (2007) (classifying alimony on two spectrums—status to contract, and property to personhood—and arguing that status and property based awards of alimony result in a failure of support, because if the ex-wife (typically) remarries, she loses alimony since her status has changed and she is viewed as the property of a new husband).

Susan Heylman, *Partner in Same-Sex Marriage May Sue for Divorce*, N.Y. COURT SAYS, 44 TRIAL 82 (May 2008) (New York).

Allan L. Karnes, *Terminating Maintenance Payments When an Ex-Spouse Cohabits in Illinois: When Is Enough Enough?*, 41 J. MARSHALL L. REV. 435 (2008) (Illinois).

Mary K. Kisthardt, *Re-Thinking Alimony: The AAML's Considerations for Calculating Alimony, Spousal Support or Maintenance*, 21 J. AM. ACAD. MATRIM. LAW. 61 (2008).

Cynthia Lee Starnes, *One More Time: Alimony, Intuition, and the Remarriage-Termination Rule*, 81 IND. L.J. 971 (2006).

Michelle Adams Thuillier, Comment, *Divorce and Defined Benefit Plans: Retiring Twenty-five Years of Unjust Division in Berry v. Berry*, 49 S. TEX. L. REV. 753 (2008) (Texas).

190 *Journal of the American Academy of Matrimonial Lawyers*

Elizabeth A. Zeldin, *Dissolution of Domestic Partnerships and Same-Sex Marriages*, NTFAM MA-CLE 181 Massachusetts Continuing Legal Education, Inc. (2006) (Massachusetts).

Domestic or Intimate Partner Violence

Ruth Colker, *Marriage Mimicry: The Law of Domestic Violence*, 47 WM. & MARY L. REV. 1841 (2006) (arguing that the law of domestic violence underprotects those who are not in relationships that look like traditional, heterosexual marriages, and maintaining that neither cohabitation nor an intimate relationship should be a prerequisite for a protective order).

Richard J. Gelles, *The Politics of Research: The Use, Abuse, and Misuse of Social Science Data - The Cases of Intimate Partner Violence*, 45 FAM. CT. REV. 42 (2007) (distinguishing factoids about intimate violence that advocates herald from real facts supported by social science research).

Orly Rachmilovitz, *Bringing Down the Bedroom Walls: Emphasizing Substance Over Form in Personalized Abuse*, 14 WM. & MARY J. WOMEN & L. 495 (2008) (arguing that domestic violence laws that require marriage or cohabitation are both under- and overinclusive, and suggesting instead a legal framework that addresses personalized abuse).

Cari Fais, Note, *Denying Access to Justice: The Cost of Applying Chronic Nuisance Laws to Domestic Violence*, 108 COLUM. L. REV. 1181 (2008).

Raquel J. Gabriel, *Minority Groups and Intimate Partner Violence: A Selected Annotated Bibliography*, 19 ST. THOMAS L. REV. 451 (2007).

Leigh Goodmark, *Going Underground: The Ethics of Advising a Battered Woman Fleeing an Abusive Relationship*, 75 UMKC L. REV. 999 (2007).

Peter G. Jaffe et al., *Custody Disputes Involving Allegations of Domestic Violence: Toward a Differentiated Approach to Parenting Plans*, 46 FAM. CT. REV. 500 (2008).

Thomas J. Kasper, *The Impact of Order-of-Protection Remedies on Divorce*, 96 ILL. B.J. 310 (June 2008) (Illinois).

Joan B. Kelly & Michael P. Johnson, *Differentiation Among Types of Intimate Partner Violence: Research Update and Implications for Interventions*, 46 FAM. CT. REV. 476 (2008).

Shannon Little, Note, *Challenging Changing Definitions of Family in Same-Sex Domestic Violence*, 19 HASTINGS WOMEN'S L.J. 259 (2008).

Albert Mayer, Note, *Weighing the Effects on Children of Exposure to Domestic Violence Versus the Effects of Residence in a Same-Sex Household: Why the Mississippi Case of Weigand v. Houghton Was Wrongly Decided*, 6 WHITTIER J. CHILD & FAM. ADVOC. 125 (Fall 2006) (Mississippi).

Pamela Saperstein, *Teen Dating Violence: Eliminating Statutory Barriers to Civil Protection Orders*, 39 FAM. L.Q. 181 (2005).

Judith A. Smith, *Battered Non-wives and Unequal Protection-Order Coverage: A Call for Reform*, 23 YALE L. & POL'Y REV. 93 (2005).

Sharon Stapel, *Falling to Pieces: New York State Civil Legal Remedies Available to Lesbian, Gay, Bisexual and Transgendered Survivors of Domestic Violence*, 52 N.Y.L. SCH. L. REV. 247 (2007-08) (New York).

Nat Stern et al., *Visitation Decisions in Domestic Violence Cases: Seeking Lessons from One State's Experience*, 23 WIS. J.L. GENDER & SOC'Y 113 (2008) (Florida).

Sarah E. Warne, *Rocks, Hard Places, and Unconventional Domestic Violence Victims: Expanding Availability of Civil Orders of Protection in New York*, 52 N.Y.L. SCH. L. REV. 279 (2007-08) (New York).

Domestic Partnerships and Civil Unions

Ben Johnson, Comment, *Putative Partners: Protecting Couples from the Consequences of Technically Invalid Domestic Partnerships*, 95 CAL. L. REV. 2147 (2007) (considering the arguments

192 *Journal of the American Academy of Matrimonial Lawyers*

that the putative spouse doctrine should apply to domestic partnerships as it applies to marriages).

Dara E. Purvis, Note, *The Right to Contract: Use of Domestic Partnership as a Strategic Alternative to the Right to Marry Same-Sex Partners*, 28 WOMEN'S RTS. L. REP. 145 (2007) (discussing avoiding the shoals of the same-sex marriage debate by using a right to contract argument under the Civil Rights Act of 1866 to claim the right to domestic partnerships).

Emily J. Sack, *Civil Unions and the Meaning of the Public Policy Exception at the Boundaries of Domestic Relations Law*, 3 AVE MARIA L. REV. 497 (2005) (concluding that civil unions do not provide a stronger basis for full faith and credit recognition than same-sex marriages).

Vincent J. Samar, *Privacy and the Debate Over Same-Sex Marriage Versus Unions*, 54 DEPAUL L. REV. 783 (2005) (maintaining that civil unions do not have the same social meaning or constitutional status as same-sex marriages).

Dov Berger, Note, *Separating Civil Unions and Religious Marriage—A New Paradigm for Recognizing Same-Sex Relationships*, 6 CARDOZO PUB. L. POL'Y & ETHICS J. 163 (2007).

Allan Carlson, *Deconstruction of Marriage: The Swedish Case*, 44 SAN DIEGO L. REV. 153 (2007).

Carol A. Docan & Richard F. Sperling, *California's Domestic Partnership Law: Incremental Progress or Dramatic Social Change?*, 14 WM. & MARY J. WOMEN & L. 153 (2007) (California).

Misha Isaak, Comment, *"What's in a Name?": Civil Unions and the Constitutional Significance of "Marriage,"* 10 U. PA. J. CONST. L. 607 (2008).

Eric J. Lobsinger, Comment, *A National Model for Reconciling Equal Protection for Same-Sex Couples With State Marriage Amendments: Alaska Civil Liberties Union ex rel. Carter v. Alaska*, 23 ALASKA L. REV. 117 (2006) (Alaska).

John L. McCormack, *Title to Property, Title to Marriage: The Social Foundation of Adverse Possession and Common Law Marriage*, 42 VAL. U. L. REV. 461 (2008).

Enrique A. Monagas, *California's Assembly Bill 205, the Domestic Partner Rights and Responsibilities Act of 2003: Is Domestic Partner Legislation Compromising the Campaign for Marriage Equality?*, 17 HASTINGS WOMEN'S L.J. 39 (2006) (California).

Janine Robben, *New Families, New Laws: Understanding Oregon's Family Fairness Act*, 68 OR. ST. B. BULL. 21 (Dec. 2007) (Oregon).

Terry L. Turnipseed, *How Do I Love Thee, Let Me Count the Days: Deathbed Marriages in America*, 96 KY. L.J. 275 (2008).

Domestic Partner Rights and Benefits

Jennifer A. Drobac & Antony Page, *A Uniform Domestic Partnership Act: Marrying Business Partnership and Family Law*, 41 GA. L. REV. 349 (2007) (proposing a Uniform Domestic Partnership Act based on the Uniform Partnership Act, covering formation of the partnership, rights and duties, and dissolution).

Human Rights Campaign Foundation, *Domestic Partners*, http://www.hrc.org/Template.cfm?Section=domestic_partners1&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=23&ContentID=10326 (last visited May 25, 2007) (identifying addresses for domestic partner registries, and providing a collection of legal documents to protect partners and a list of insurance carriers offering coverage for domestic partners).

Maria O'Brien Hylton et al., *Same Sex Marriage and Its Implications for Employee Benefits: Proceedings of the 2005 Meeting of the American Association of Law Schools Sections on Employee Benefits and Sexual Orientation and Gender Identity Issues*, 9 EMPLOYEE RTS. & EMP. POL'Y J. 499 (2005) (addressing coverage of ERISA benefits, specific state domestic partner benefit laws in California, Massachusetts, New Jersey and Vermont, QDROs, and COBRA).

Lucille M. Ponte & Jennifer L. Gillan, *From Our Family to Yours: Rethinking the "Beneficial Family" and Marriage-Centric*

194 *Journal of the American Academy of Matrimonial Lawyers*

Corporate Benefit Programs, 14 COLUM. J. GENDER & L. 1 (2005) (recommending that corporate benefit programs extend to families that are not based on the marriage or domestic partner model but instead consist of other adult dependents).

Michael B. Snyder, *A Brief Overview of the Pension Protection Act of 2006*, 22 J. COMPENSATION & BENEFITS 7 (Nov./Dec. 2006) (discussing the provisions allowing transfer of retirement benefits to domestic partners).

Erica Bell, *Formation, Protection and Recognition of Domestic Partnerships and Nontraditional Families*, 343 PLI/Est 1253 (Sept. 10-11, 2007).

Greta E. Cowart, *Spousal Rights Alternatives; Domestic Partner Issues, With Emphasis on Health Plans*, SM079 ALI-ABA 943 (Mar. 28-39, 2007).

Ryan M. Deam, Comment, *Creating the Perfect Case: The Constitutionality of Retroactive Application of the Domestic Partner Rights and Responsibilities Act of 2003*, 35 PEPP. L. REV. 733 (2008) (California).

R. Brent Drake, *Status or Contract? A Comparative Analysis of Inheritance Rights Under Equitable Adoption and Domestic Partnership Doctrines*, 39 GA. L. REV. 675 (2005).

Albert Feuer, *Who Is Entitled to Survivor Benefits From ERISA Plans?*, 40 J. MARSHALL L. REV. 919 (2007).

Jeremiah Ho, Comment, *What's Love Got to Do With It? The Corporations Model of Marriage in the Same Sex Marriage Debate*, 28 WHITTIER L. REV. 1239 (2007).

L. Lynn Hogue, *State Choice-of-Law Doctrine and Non-Marital Same-Sex Partner Benefits: How Will States Enforce the Public Policy Exception?*, 3 AVE MARIA L. REV. 549 (2005).

Greg Johnson, *Civil Union, a Reappraisal*, 30 VT. L. REV. 891 (2006).

Nancy J. Knauer, *The September 11 Relief Efforts and Surviving Same-Sex Partners: Reflections on Relationships in the Absence of Uniform Legal Recognition*, 26 WOMEN'S RTS. L. REP. 76 (2005).

Bindu Kolli, Comment, *In Love and Jeopardy: Why Legal Recognition of Same-Sex Unions Does Not End the Need for Domestic Partner Benefit Programs*, 10 U. PA. J. BUS. & EMP. L. 225 (2007).

Angela Lee, *Domestic Partner Benefits Post-Goodridge*, 24 ANN. REV. BANKING & FINANCE L. 80 (2005).

Eric J. Lobsinger, Comment, *A National Model for Reconciling Equal Protection for Same-Sex Couples With State Marriage Amendments: Alaska Civil Liberties Union ex rel. Carter v. Alaska*, 23 ALASKA L. REV. 117 (2006) (Alaska).

Kaiponanea T. Matsumura, Comment, *Reaching Backward While Looking Forward: The Retroactive Effect of California's Domestic Partner Rights and Responsibilities Act*, 54 UCLA L. REV. 185 (2006) (California).

Janice Kay McClendon, *A Small Step Forward in the Last Civil Rights Battle: Extending Benefits Under Federally Regulated Employee Benefit Plans to Same-Sex Couples*, 36 N.M. L. REV. 99 (2006).

Francisco J. Ortega, Comment, *Taking a Closer Step Toward Equality: Domestic Partner Benefits for Same-Sex Couples and the University of Wisconsin System*, 6 WHITTIER J. CHILD & FAM. ADVOC. 463 (2007).

Neal S. Schelberg & Carrie L. Mitnick, *Same-Sex Marriage: The Evolving Landscape for Employee Benefits*, 22 HOFSTRA LAB. & EMP. L.J. 65 (2004).

Richard A. Wilson, *The State of the Law Protecting and Securing the Rights of Same-Sex Partners in Illinois Without Benefit of Statutory Rights Accorded Heterosexual Couples*, 38 LOY. U. CHI. L.J. 323 (2007) (Illinois).

Estate Law and Planning

A. Spencer Bergstedt, *Estate Planning and the Transgender Client*, 30 W. NEW ENG. L. REV. 675 (2008) (addressing unique estate planning and probate needs of transgender people, such as identity documentation, marital status, and avoiding challenges to testamentary capacity).

Aimee Bouchard & Kim Zadworny, *Growing Old Together: Estate Planning Concerns for the Aging Same-Sex Couple*, 30 W. NEW ENG. L. REV. 713 (2008) (discussing the variety of legal structures available to protect the assets of same-sex couples, such as wills, trusts, cohabitation agreements, joint ownership, limited liability partnership, and adult adoption).

Jerry Simon Chasen, *Planning for Nontraditional Families*, SL073 ALI-ABA 345 (Feb. 23-24, 2006) (addressing the creation of family ties through same-sex marriage, civil unions, domestic partnerships, and adult adoption, the portability of benefits to other states, taxes, life insurance, retirement plans, gifts, domestic partnership agreements, and various planning documents such as living trusts, wills, and health care documents).

Patience Crozier, *Nuts and Bolts: Estate Planning and Family Law Considerations for Same-Sex Families*, 30 W. NEW ENG. L. REV. 751 (2008) (covering estate planning basics for same-sex couples, including wills, health care proxies and HIPAA waivers, durable powers of attorney, and joint tenancies).

Wendy S. Goffe, *Estate Planning for the Unmarried Couple/Non-traditional Family*, SK093 ALI-ABA 1285 (June 19-24, 2005) (covering ethical issues of joint representation, income tax consequences of domestic partnership, adult adoption, cohabitation agreements, life insurance, wills, revocable trusts, nonprobate transfers, and other methods to transfer wealth between partners and minimize taxes).

S. Jeanne Hall, *Estate Planning for Domestic Partnerships*, 332 PLI/Est 389 (Mar. 21-22, 2005) (examining benefits available under certain state laws and addressing trusts (including grantor retained annuity trusts, revocable inter vivos trusts, and irrevocable life insurance trusts), partnerships, limited liability companies, and exempt gift transfers).

Michael J. Higdon, *When Informal Adoption Meets Intestate Succession: The Cultural Myopia of the Equitable Adoption Doctrine*, 43 WAKE FOREST L. REV. 223 (2008) (maintaining that the strict requirements of the equitable adoption doctrine—a contract to adopt—have “made it nearly impossible for informally adopted children to qualify as equitably adopted children”).

Timothy P. O’Sullivan, *Family Harmony: An All Too Frequent Casualty of the Estate Planning Process*, 8 MARQ. ELDER’S ADVISOR 253 (Spring 2007) (covering ways to address difficult family dynamics in particular situations, such as blended families, with strategies that include the selection of a third-party financial fiduciary).

Gordon P. Stone, III, *Estate and Tax Planning for Domestic Partners*, 343 PLI/Est 1273 (Sept. 10-11, 2007) (offering suggestions for constructing an estate plan and drafting instruments for domestic partners, including titling of property, transfer on death accounts, reciprocal wills, revocable trusts, life insurance trusts, living wills, health proxies and durable power of attorney forms).

Joshua C. Tate, *Caregiving and the Case for Testamentary Freedom*, 42 U.C. DAVIS L. REV. 129 (2008) (noting econometric studies which show that Americans are inclined to bequeath more property to children who care for them, the article addresses rules that limit testamentary freedom, including undue influence, duress, and fraud).

Shawna S. Baker & Camille M. Quinn, *Essential Estate Planning for the Constitutionally Unrecognized Families in Oklahoma: Same-Sex Couples*, 40 TULSA L. REV. 479 (2005) (Oklahoma).

Alexandra Laboutin Bannon, *Estate Planning for California Domestic Partners*, 27 L.A. LAW. 14 (Feb. 2005) (California).

Erica Bell, *Estate Planning for Domestic Partners and Nontraditional Families*, 347 PLI/Est 879 (Sept. 8-9, 2008) (New York).

Jennifer Berhorst, Note, *Unmarried Cohabiting Couples: A Proposal for Inheritance Rights Under Missouri Law*, 76 UMKC L. REV. 1131 (2008) (Missouri).

198 *Journal of the American Academy of Matrimonial Lawyers*

Jonathan G. Blattmachr, *Reducing Estate and Trust Litigation Through Disclosure, in Terrorem Clauses, Mediation, and Arbitration*, 9 CARDOZO J. CONFLICT RESOL. 237 (Spring 2008).

Ralph C. Brashier, *Consanguinity, Sibling Relationships, and the Default Rules of Inheritance Law: Reshaping Half-Blood Statutes to Reflect the Evolving Family*, 58 SMU L. REV. 137 (2005).

Richard L. Brown, *Disinheriting the "Legal Orphan": Inheritance Rights of Children After Termination of Parental Rights*, 70 MO. L. REV. 125 (2005).

Ronald Z. Domsky, *'Til Death Do Us Part . . . After That, My Dear, You're on Your Own: A Practitioner's Guide to Disinheriting a Spouse in Illinois*, 29 S. ILL. U. L.J. 207 (2004-05) (Illinois).

R. Brent Drake, *Status or Contract? A Comparative Analysis of Inheritance Rights Under Equitable Adoption and Domestic Partnership Doctrines*, 39 GA. L. REV. 675 (2005).

X. Brian Edwards, *True Donative Freedom: Using Mediation to Resolve the Disparate Impact Current Succession Law Has on Committed Same-Gender Loving Couples*, 23 OHIO ST. J. ON DISP. RESOL. 715 (2008).

T. P. Gallanis, *Inheritance Rights for Domestic Partners*, 79 TUL. L. REV. 55 (2004).

Keith A. Herman, *How To Protect Trust Assets From a Beneficiary's Divorce*, 63 J. MO. B. 228 (Sept.-Oct. 2007) (Missouri).

Beth L. Kramer, *Estate Planning for Unmarried Couples*, 335 PLI/Est 939 (2005) (California).

M. Read Moore & Emily V. Karr, *Answers to Your Questions About International Estate Planning*, SM093 ALI-ABA 263 (June 17-22, 2007).

Megan Pendleton, Note, *Intestate Inheritance Claims: Determining a Child's Right to Inherit When Biological and Presumptive Paternity Overlap*, 29 CARDOZO L. REV. 2823 (2008).

Sverre David Roang & Brian T. Larson, *Estate Planning for Unmarried Couples: Life Partners, Legal Strangers*, 79 WIS. LAW. 18 (Nov. 2006) (Wisconsin).

Charles Patrick Schwartz, Comment, *Thy Will Not Be Done: Why States Should Amend Their Probate Codes to Allow an Intestate Share for Unmarried Homosexual Couples*, 7 CONN. PUB. INT. L.J. 289 (2008).

Trusts

Frances H. Foster, *Trust Privacy*, 93 CORNELL L. REV. 555 (2008) (noting the increasing complexity of familial arrangements, the author compares the need for beneficiaries to have access to information regarding trust provisions and trustees' conduct to the settlor's desires to transfer property without publicly disclosing assets, animosities, or infidelities).

Adam J. Hirsch, *Fear Not the Asset Protection Trust*, 27 CARDOZO L. REV. 2685 (2006) (considering, among other things, the asset protection trust as a substitute for a premarital agreement).

Mario A. Mata, *Frequently Asked Questions Regarding Offshore Wealth Preservation Trusts*, SN002 ALI-ABA 775 (July 11-13, 2007).

Richard W. Nenno, *Planning With Domestic Asset-Protection Trusts: Part I*, 40 REAL PROP. PROB. & TR. J. 263 (2005).

Richard W. Nenno, *Planning With Domestic Asset-Protection Trusts: Part II*, 40 REAL PROP. PROB. & TR. J. 477 (2005).

Wills and Intestate Succession

Ralph Calhoun Brashier, *Half-Bloods, Inheritance, and Family*, 37 U. MEM. L. REV. 215 (2007) (reviewing half-blood intestacy statutes, comparing the statutory dictates to survey results that most people would not want to leave property to unknown half-blood relatives, arguing that the traditional rule treating half-blood relatives like whole-blood relatives should change, and proposing alternative outcomes to the current rules).

200 *Journal of the American Academy of Matrimonial Lawyers*

Kristine S. Knaplund, *Grandparents Raising Grandchildren and the Implications for Inheritance*, 48 ARIZ. L. REV. 1 (2006) (examining theories such as equitable adoption and recovery under pretermitted child statutes, as well as gifts under the Uniform Transfers to Minors Act and trust provisions in a will to allow children raised by their grandparents to recover ahead of their living parents).

Carissa R. Trast, Note, *You Can't Choose Your Parents: Why Children Raised by Same-Sex Couples Are Entitled to Inheritance Rights From Both Their Parents*, 35 HOFSTRA L. REV. 857 (2006) (maintaining that denying equal inheritance rights to children of same-sex parents violates equal protection guarantees).

Christine A. Hammerle, Note, *Free Will to Will? A Case for the Recognition of Intestacy Rights for Survivors to a Same-Sex Marriage or Civil Union*, 104 MICH. L. REV. 1763 (2006).

Stephen J. Hyland, *Domestic Partners and the New State Probate Code*, 239 N.J. LAW. 20 (Apr. 2006) (New Jersey).

Yolanda Vorys, Note, *The Best of Both Worlds: The Use of Med-Arb for Resolving Will Disputes*, 22 OHIO ST. J. ON DISP. RESOL. 871 (2007).

Fatherhood and Paternity (See also Adoption)

Nancy E. Dowd, *Multiple Parents/Multiple Fathers*, 9 J. L. & FAM. STUD. 231 (2007) (urging legal recognition of multiple parents and, in particular, multiple fathers, as both a social reality and a legal category with attendant rights and responsibilities).

Nancy E. Dowd, *Parentage at Birth: Birthfathers and Social Fatherhood*, 14 WM. & MARY BILL RTS. J. 909 (2006) (offering a draft revision of the Uniform Parentage Act that would recognize social fatherhood and permit more than one person to be a father).

Jill E. Evans, *In Search of Paternal Equity: A Father's Right to Pursue a Claim of Misrepresentation of Fertility*, 36 LOY. U. CHI. L.J. 1045 (2005) (concluding that misrepresentation of fertility or contraceptive use should not constitute a tort).

Ronald K. Henry, *The Innocent Third Party: Victims of Paternity Fraud*, 40 FAM. L.Q. 51 (2006) (examining the pressure that federal statutes impose on identification of biological fathers and the rise in paternity fraud claims).

Melanie B. Jacobs, *My Two Dads: Disaggregating Biological and Social Paternity*, 38 ARIZ. ST. L.J. 809 (2006) (arguing in favor of recognizing two fathers, one biological and one social).

Diane S. Kaplan, *Immaculate Deception: The Evolving Right of Paternal Renunciation*, 27 WOMEN'S RTS. L. REP. 139 (2006) (examining the varying law in different states on relieving men of paternal obligations when DNA tests show they are not the biological father of children).

Debi McRae, *Evaluating the Effectiveness of the Best Interests Marital Presumption of Paternity: It Is Actually in the Best Interests of Children to Divorce the Current Application of the Best Interests Marital Presumption of Paternity*, 5 WHITTIER J. CHILD & FAM. ADVOC. 345 (2006) (critiquing the current operation of the rule that allows the best interests standard to rebut the marital presumption of paternity).

Laura Oren, *Thwarted Fathers or Pop-up Pops?: How to Determine When Putative Fathers Can Block the Adoption of Their Newborn Children*, 40 FAM. L.Q. 153 (2006) (distinguishing between the legal treatment of fathers who try to maintain relationships with their children and those who simply pop up later in a child's life).

Jeffrey A. Parness, *New Federal Paternity Laws: Securing More Fathers at Birth for the Children of Unwed Mothers*, 45 BRANDEIS L.J. 59 (2006) (reviewing Social Security Act requirements of maternal good faith cooperation to identify fathers and voluntary acknowledgements of paternity).

Jana Singer, *Marriage, Biology, and Paternity: The Case for Revitalizing the Marital Presumption*, 65 MD. L. REV. 246 (2006) (presenting the case for using marriage to determine legal parenthood).

E. Gary Spitko, *The Constitutional Function of Biological Paternity: Evidence of the Biological Mother's Consent to the Biologi-*

202 *Journal of the American Academy of Matrimonial Lawyers*

cal Father's Co-parenting of Her Child, 48 ARIZ. L. REV. 97 (2006) (critiquing constitutional cases regarding an unwed father's right to establish a biological relationship with his child).

Mark Strasser, *The Often Illusory Protections of "Biology Plus": On the Supreme Court's Parental Rights Jurisprudence*, 13 TEX. J. ON C.L. & C.R. 31 (2007) (assessing the Supreme Court's interpretations and varying state standards for protection of unwed fathers' parental rights).

Michele A. Adams, *Framing Contests in Child Custody Disputes: Parental Alienation Syndrome, Child Abuse, Gender, and Father's Rights*, 40 FAM. L.Q. 315 (2006).

Jayna Morse Cacioppo, Note, *Voluntary Acknowledgements of Paternity: Should Biology Play a Role in Determining Who Can Be a Legal Father?*, 38 IND. L. REV. 479 (2005).

Gloria Chan, *Reconceptualizing Fatherhood: The Stakes Involved in Newdow*, 28 HARV. J.L. & GENDER 467 (2005).

Ilene Sherwyn Cooper, *Posthumous Paternity Testing: A Proposal to Amend EPTL 4-1.2(a)(2)(D)*, 69 ALB. L. REV. 947 (2006) (New York).

Robbin Pott Gonzalez, *The Rights of Putative Fathers to Their Infant Children in Contested Adoptions: Strengthening State Laws That Currently Deny Adequate Protection*, 13 MICH. J. GENDER & L. 39 (2006).

Ronald K. Henry, *The Innocent Third Party: Victims of Paternity Fraud*, 40 FAM. L.Q. 51 (2006).

Melanie B. Jacobs, *My Two Dads: Disaggregating Biological and Social Paternity*, 38 ARIZ. ST. L.J. 809 (2006).

Lucie R. Kantrow, Comment, *Presumption Junction: Honey, You Weren't Part of the Function—A Louisiana Mother's New Right to Contest Her Husband's Paternity*, 67 LA. L. REV. 633 (2007) (Louisiana).

Cynthia R. Mabry, *Disappearing Acts: Encouraging Fathers to Reappear for Their Children*, 7 J. L. & FAM. STUD. 111 (2005).

Solangel Maldonado, *Beyond Economic Fatherhood: Encouraging Divorced Fathers to Parent*, 153 U. PA. L. REV. 921 (2005).

Solangel Maldonado, *Deadbeat or Dead Broke: Redefining Child Support for Poor Fathers*, 39 U.C. DAVIS L. REV. 991 (2006).

Laurence C. Nolan, *Preventing Fatherlessness through Adoption While Protecting the Parental Rights of Unwed Fathers: How Effective Are Paternity Registries?*, 4 WHITTIER J. CHILD & FAM. ADVOC. 289 (2005).

Jeffrey A. Parness, *New Federal Paternity Laws: Securing More Fathers at Birth for the Children of Unwed Mothers*, 45 BRANDEIS L.J. 59 (2006).

Jeffrey A. Parness, *No Genetic Ties, No More Fathers: Voluntary Acknowledgment Rescissions and Other Paternity Disestablishments Under Illinois Law*, 39 J. MARSHALL L. REV. 1295 (2006) (Illinois).

Katherine Shaw Spaht, *Who's Your Momma, Who Are Your Daddies? Louisiana's New Law of Filiation*, 67 LA. L. REV. 307 (2007) (Louisiana).

E. Gary Spitko, *From Queer to Paternity: How Primary Gay Fathers Are Changing Fatherhood and Gay Identity*, 24 ST. LOUIS U. PUB. L. REV. 195 (2005).

Filial Support

Allison E. Ross, Note, *Taking Care of Our Caretakers: Using Filial Responsibility Laws to Support the Elderly Beyond the Government's Assistance*, 16 ELDER L.J. 167 (2008) (exploring the primary models of filial responsibility laws, the major exceptions to their application and the reasons why they are underenforced).

Matthew Pakula, *A Federal Filial Responsibility Statute: A Uniform Tool to Help Combat the Wave of Indigent Elderly*, 39 FAM. L.Q. 859 (2005).

Katherine C. Pearson, *Re-Thinking Filial Support Laws in a Time of Medicaid Cutbacks—Effect of Pennsylvania's Recodification of*

204 *Journal of the American Academy of Matrimonial Lawyers*

Colonial-Era Poor Laws, 76 PA. B.A. Q. 162 (Oct. 2005) (Pennsylvania).

International Law

William D. Araiza, *Foreign and International Law in Constitutional Gay Rights Litigation: What Claims, What Use, and Whose Law?*, 32 WM. MITCHELL L. REV. 455 (2006) (identifying foreign law as a source of constitutional law, its importance in having input in constitutional cases, and as empirical evidence that may factor in constitutional analysis).

Elizabeth Kukura, *Finding Family: Considering the Recognition of Same-Sex Families in International Human Rights Law and the European Court of Human Rights*, 13 HUM. RTS. BRIEF 17 (Winter 2006) (surveying European recognition of same-sex unions and same-sex partnership cases before the European Court of Human Rights).

Jena Martin, *The Good, the Bad & the Ugly? A New Way of Looking at the Intercountry Adoption Debate*, 13 U.C. DAVIS J. INT'L L. & POL'Y 173 (2007) (examining both international (the Hague Convention) and domestic (the Indian Child Welfare Act) sources of law for intercountry adoption, and trying to steer a middle ground between arguments that international adoption should be liberalized and that it strips children from their cultures).

Emma Mittelstaedt, Comment, *Safeguarding the Rights of Sexual Minorities: The Incremental and Legal Approaches to Enforcing International Human Rights Obligations*, 9 CHI. J. INT'L L. 353 (2008) (reviewing sources of international law to use in enforcing the rights of sexual minorities).

Pratima Narayan, Note, *Somewhere Over the Rainbow . . . International Human Rights Protections for Sexual Minorities in the New Millennium*, 24 B.U. INT'L L.J. 313 (2006) (exploring sources for international protection of GLBT rights, including the United Nations International Bill of Rights, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights).

Barbara Stark, *When Globalization Hits Home: International Family Law Comes of Age*, 39 VAND. J. TRANSNAT'L L. 1551 (2006) (providing a comprehensive look at the ways globalization is transforming both families and family law, with a specific section on legal changes regarding the definition of families to comport with international human rights norms).

Nicholas Bala, *The Debates About Same-Sex Marriage in Canada and the United States: Controversy Over the Evolution of a Fundamental Social Institution*, 20 BYU J. PUB. L. 195 (2006) (Canada).

Katharina Boele-Woelki, *The Legal Recognition of Same-Sex Relationships Within the European Union*, 82 TUL. L. REV. 1949 (2008).

Irwin Cotler, *Marriage in Canada—Evolution or Revolution?*, 44 FAM. CT. REV. 60 (2006) (Canada).

Jonathan Curci, *The Evolution of the Legal Concepts of “Family” and “Marriage” in the EU Legal System and Its Impact on Society*, 18 ST. THOMAS L. REV. 227 (2005) (European Union).

Christina Davis, Comment, *Domestic Partnerships: What the United States Should Learn From France’s Experience*, 24 PENN. ST. INT'L L. REV. 683 (2006) (France).

Melissa Durand, Note, *From Political Questions to Human Rights: The Global Debate on Same Sex Marriage and Its Implications for U.S. Law*, 5 REGENT J. INT'L 269 (2007).

Lisa Glennon, *Obligations Between Adult Partners: Moving From Form to Function*, 22 INT'L J.L. POL'Y & FAM. 22 (Apr. 2008).

Reg Graycar & Jenni Millbank, *From Functional Families to Spinster Sisters: Australia’s Distinctive Path to Relationship Recognition*, 24 WASH. U. J.L. & POL'Y 121 (2007) (Australia).

Aubry Holland, Comment, *The Modern Family Unit: Toward a More Inclusive Vision of the Family in Immigration Law*, 96 CAL. L. REV. 1049 (2008).

206 *Journal of the American Academy of Matrimonial Lawyers*

Lynne Marie Kohm et al., *An International Examination of Same-Sex Parent Adoption*, 5 REGENT U. INT'L L. 237 (2007).

Renee M. Landers, *A Marriage of Principles: The Relevance of Federal Precedent and International Sources of Law in Analyzing Claims for a Right to Same-Sex Marriage*, 41 NEW ENG. L. REV. 683 (2007).

Matthew S. Pinix, *The Unconstitutionality of DOMA + INA: How Immigration Law Provides a Forum for Attacking DOMA*, 18 GEORGE MASON U. CIV. RTS. L.J. 455 (2008).

Joanna Radbord, *Lesbian Love Stories: How We Won Equal Marriage in Canada*, 17 YALE J.L. & FEMINISM 99 (2005) (Canada).

Jennifer Rellis, "Please Write 'E' in This Box"—*Toward Self-Identification and Recognition of a Third Gender: Approaches in the United States and India*, 14 MICH. J. GENDER & L. 223 (2008) (India).

David M. Smolin, *Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children*, 52 WAYNE L. REV. 113 (2006).

Carl F. Stychin, *Couplings: Civil Partnership in the United Kingdom*, 8 N.Y. CITY L. REV. 543 (2005) (United Kingdom).

Annie Y. Wang, *Unmarried Cohabitation: What Can We Learn From a Comparison Between the United States and China*, 41 FAM. L.Q. 197 (2007) (China).

Michael W. Yarbrough, Comment, *South Africa's Wedding Jitters: Consolidation, Abolition, or Proliferation*, 18 YALE J.L. & FEMINISM 497 (2006) (South Africa).

Ruth Zafran, *More Than One Mother: Determining Maternity for the Biological Child of a Female Same-sex Couple—the Israeli View*, 9 GEO. J. GENDER & L. 115 (2008) (Israel).

Lesbian, Gay, Bisexual, and Transgendered Parents

Susan Frelich Appleton, *Presuming Women: Revisiting the Presumption of Legitimacy in the Same-Sex Couples Era*, 86 B.U. L. REV. 227 (2006) (arguing for an extension of the presumption of legitimacy to lesbian mothers, but not to gay fathers).

Leah C. Battaglioli, Comment, *Modified Best Interest Standard: How States Against Same-Sex Unions Should Adjudicate Child Custody and Visitation Disputes Between Same-Sex Couples*, 54 CATH. U. L. REV. 1235 (2005) (addressing various state approaches to non-adoptive, non-biological parents who seek custody or visitation rights and urging adoption of a best interests of the child standard modified by consideration of who fulfills the roles of psychological parent to the child).

Deborah L. Forman, *Same-Sex Partners: Strangers, Third Parties, or Parents? The Changing Legal Landscape and the Struggle for Parental Equality*, 40 FAM. L.Q. 23 (2006) (evaluating the transformation of same-sex parents from strangers to co-parents or functional parents).

Kris Franklin, *The "Authoritative Moment": Exploring the Boundaries of Interpretation in the Recognition of Queer Families*, 32 WM. MITCHELL L. REV. 655 (2006) (examining how the patchwork of court decisions in such areas as estate law, adoption, and name change petitions are building a mosaic for recognition of LGBT families).

Kathy T. Graham, *Same-Sex Couples: Their Rights as Parents, and Their Children's Rights as Children*, 48 SANTA CLARA L. REV. 999 (2008) (discussing methods of establishing parent's rights for nonbiological parents, recognition of a same-sex partner's parental rights, and arguments regarding children's right to protection of the parent-child relationship).

Gregory M. Herek, *Legal Recognition of Same-Sex Relationships in the United States*, 61 AM. PSYCHOLOGIST 607 (2006) (collecting studies used by the American Psychological Association in amicus briefs about the capabilities of gay and lesbian parents).

208 *Journal of the American Academy of Matrimonial Lawyers*

Laura T. Kessler, *Transgressive Caregiving*, 33 FLA. ST. U. L. REV. 1 (2005) (examining in particular the situations of extended care networks, lesbians and gay men, and heterosexual men who adopt primary caregiving roles, and urging legal reconception of laws regarding adoption, custody and foster care to comport with lived experiences).

Marika E. Kitamura, *Once a Woman, Always a Man? What Happens to the Children of Transsexual Marriages and Divorces?: The Effects of a Transsexual Marriage on Child Custody and Support Proceedings*, 5 WHITTIER J. CHILD & FAM. ADVOC. 227 (2005) (reviewing the case law regarding the validity of transsexual marriages and child custody and support proceedings emanating from them).

Madeline Marzano-Lesnevich & Galit Moskowitz, *In the Interest of Children of Same Sex Couples*, 19 J. AM. ACAD. MATRIM. LAW. 255 (2005) (covering the myriad inequities suffered by children of same-sex couples due to their parents' status).

Jenni Millbank, *The Limits of Functional Family: Lesbian Mother Litigation in the Era of the Eternal Biological Family*, 22 INT'L J.L. POL'Y & FAM. 149 (Aug. 2008) (maintaining that functional family arguments have been misused by birth mothers in their disputes over child custody and visitation with lesbian co-parents and urging courts to emphasize intentionality in defining parental status).

Richard E. Redding, *It's Really About Sex: Same-sex Marriage, Lesbian Parenting, and the Psychology of Disgust*, 15 DUKE J. GENDER L. & POL'Y 127 (2008) (offering updated social science research regarding unfounded concerns that lesbian parenting disadvantages children).

Walter R. Schumm, *Empirical and Theoretical Perspectives From Social Science on Gay Marriage and Child Custody Issues*, 18 ST. THOMAS L. REV. 425 (2005) (sorting through social science research on lesbian parenting and noting various methodological biases).

Lauren Schwartzreich, *Restructuring the Framework for Legal Analysis of Gay Parenting*, 21 HARV. BLACKLETTER L.J. 109

(2005) (examining scientific research supporting the parenting skills of gays and lesbians).

Bradley Berg, *The Three Parent Case: Family Law in the New Millennium*, http://afccnet.org/members/2007FEB-family_law_in_the_new_millennium.asp (last visited Jan. 19, 2009) (AA BB CC, Jan. 2, 2007, Ontario Court of Appeals) (recognizing biological mother's same-sex partner as the third parent).

Stefan H. Black, *A Step Forward: Lesbian Parentage After Elisa B. v. Superior Court*, 17 GEO. MASON U. CIV. RTS. L.J. 237 (2006) (California).

Deborah L. Forman, *Interstate Recognition of Same Sex Parents in the Wake of Gay Marriage, Civil Unions, and Domestic Partnerships*, 46 B.C. L. REV. 1 (2005).

Deborah L. Forman, *Married With Kids and Moving: Achieving Recognition for Same-Sex Parents Under the Uniform Parentage Act*, 4 WHITTIER J. CHILD & FAM. ADVOC. 241 (2005).

Nadine A. Gartner, *Lesbian (M)otherhood: Creating an Alternative Model for Settling Child Custody Disputes*, 16 LAW & SEXUALITY 45 (2007).

Oren Goldhaber, Note, *"I Want My Mommies": The Cry for Mini-DOMAs to Recognize the Best Interests of the Children of Same-Sex Couples*, 45 FAM. CT. REV. 287 (2007).

Stephen J. Hyland, *The Changing and Uncertain Status of Same-Sex Families*, 236 N.J. LAW. 16 (Oct. 2005) (New Jersey).

Courtney G. Joslin, *The Legal Parentage of Children Born to Same-Sex Couples: Developments in the Law*, 39 FAM. L.Q. 683 (2005).

Olga V. Kotlyarevskaya & Sara B. Poster, *Separation Anxiety Among California Courts: Addressing the Confusion Over Same Sex Partners' Parentage Claims*, 10 U.C. DAVIS J. JUV. L. & POL'Y 153 (2006) (California).

210 *Journal of the American Academy of Matrimonial Lawyers*

Benjamin G. Ledsham, Note, *Means to Legitimate Ends: Same-Sex Marriage Through the Lens of Illegitimacy-Based Discrimination*, 28 *CARDOZO L. REV.* 2373 (2007).

Felice T. Londa, *Two Mommies or Two Daddies: Child Custody Issues for Gay and Lesbian Couples*, 239 *N.J. LAW.* 27 (Apr. 2006) (New Jersey).

Maggie Manternach, *Where Is My Other Mommy? Applying the Presumed Father Provision of the Uniform Parentage Act to Recognize the Rights of Lesbian Mothers and Their Children*, 9 *J. GENDER RACE & JUST.* 385 (2005).

Nancy G. Maxwell & Richard Donner, *The Psychological Consequences of Judicially Imposed Closets in Child Custody and Visitation Disputes Involving Gay or Lesbian Parents*, 13 *WM. & MARY J. WOMEN & L.* 305 (2006).

David D. Meyer, *A Privacy Right to Public Recognition of Family Relationships? The Cases of Marriage and Adoption*, 51 *VILL. L. REV.* 891 (2006).

James A. Reed & Michael R. Kohlhaas, *Family Law Issues Concerning Gays, Lesbians, and Their Children Under Indiana Law*, 50 *RES GESTAE* 14 (May 2007) (Indiana).

Kimberly D. Richman, *(When) Are Rights Wrong? Rights Discourses and Indeterminacy in Gay and Lesbian Parents' Custody Cases*, 30 *LAW & SOC. INQUIRY* 137 (2005).

Ellen D. B. Riggle et al., *The Execution of Legal Documents by Sexual Minority Individuals*, 11 *PSYCHOL. PUB. POL'Y & L.* 138 (2005).

Paul Rogers, Student Work, *The Psychological Parent Doctrine: A Solution to South Carolina's Refusal to Provide Rights to Same-Sex Couples?*, 2 *CHARLESTON L. REV.* 911 (2008) (South Carolina).

Jennifer L. Rosato, *Children of Same-Sex Parents Deserve the Security Blanket of the Parentage Presumption*, 44 *FAM. CT. REV.* 74 (2006).

William J. Simmons, Note, *Three's Company for Lesbian Parental Rights and Obligations: A Discussion of Three California Decisions*, 28 WOMEN'S RTS. L. REP. 163 (2007) (California).

Dominick Vetri, *The Gay Codes: Federal and State Laws Excluding Gay and Lesbian Families*, 41 WILLAMETTE L. REV. 881 (2005).

Marriage and Its Varieties (see also Domestic Partnerships and Civil Unions)

Mary Anne Case, *Marriage Licenses*, 89 MINN. L. REV. 1758 (2005) (examining the range of meanings that marriage "licenses" have and comparing licensing requirements for marriage to those for domestic partnerships).

Elizabeth B. Cooper, *Who Needs Marriage? Equality and the Role of the State*, 8 J. L. & FAM. STUD. 325 (2006) (explaining various ways those who cannot legally marry can obtain many of the benefits of marriage and exploring how due process and equal protection challenges to same-sex marriage bans may be handled by courts).

Daniel I. Weiner, *The Uncertain Future of Marriage and the Alternatives*, 16 UCLA WOMEN'S L.J. 97 (2007) (tracing two trends—the growth of nontraditional families and general disinterest in marriage by those who can legally marry—and examining the two strategies toward marriage reform: "equal inclusion" and recognition of a "diversity of forms").

Allen M. Parkman, *The Contractual Alternative to Marriage*, 32 N. KY. L. REV. 125 (2005).

Edward A. Zelinsky, *Deregulating Marriage: The Pro-Marriage Case for Abolishing Civil Marriage*, 27 CARDOZO L. REV. 1161 (2006).

Common Law Marriage

Sonya C. Garza, *Common Law Marriage: A Proposal for the Revival of a Dying Doctrine*, 40 NEW ENG. L. REV. 541 (2006) (exploring the reasons for the decline of common law marriage and

212 *Journal of the American Academy of Matrimonial Lawyers*

proposing a revival of the doctrine in light of increasing cohabitation).

Charlotte K. Goldberg, *The Schemes of Adventuresses: The Abolition and Revival of Common-Law Marriage*, 13 WM. & MARY J. WOMEN & L. 483 (2007) (observing that while states are declining to recognize common law marriages, unmarried couples are establishing similar rights to property through cohabitants' rights cases when the parties have significant economic intertwining and other indicia of a marriage-like relationship).

John L. McCormack, *Title to Property, Title to Marriage: The Social Foundation of Adverse Possession and Common Law Marriage*, 42 VAL. U. L. REV. 461 (2008) (comparing common law marriage to adverse possession and suggesting that although common law marriage has declined, its components actually comport with contemporary social values).

Lisa M. Gunno, Student Work, *De Facto Marriage in West Virginia: If the Court Recognizes the Relationship for Alimony, Why Not for Probate?*, 109 W. VA. L. REV. 867 (2007) (West Virginia).

Ashley Hedgecock, *Untying the Knot: The Propriety of South Carolina's Recognition of Common Law Marriage*, 58 S.C. L. REV. 555 (2007) (South Carolina).

Andrew W. Scott, Note, *Estop in the Name of Love: A Case for Constructive Marriage in Virginia*, 49 WM. & MARY L. REV. 973 (2007) (Virginia).

Covenant Marriage

Katherine Shaw Spaht, *Covenant Marriage Seven Years Later: Its as Yet Unfulfilled Promise*, 65 LA. L. REV. 605 (2005) (drawing on sociologist Steve Nock's research and examining the state of covenant marriage primarily in Louisiana).

Cynthia M. VanSickle, *A Return to the Ant-Feminist Past of Divorce Law: The Implications of the Covenant Marriage Laws as Applied to Women*, 6 J. L. SOCIETY 154 (2005) (noting that although covenant marriage laws have been proposed in 27 states, only Louisiana, Arkansas and Arizona have adopted them, and

examining the ways in which these fault-based divorce systems harm women and denigrate non-covenant marriages).

Nathan Bracken, Note, *Foundational Marriage: A Counteroffer to Covenant Marriage in Utah*, 7 J. L. & FAM. STUD. 427 (2005) (Utah).

Joel A. Nichols, *Multi-Tiered Marriage: Ideas and Influences From New York and Louisiana to the International Community*, 40 VAND. J. TRANSNAT'L L. 135 (Jan. 2007).

John Witte, Jr. & Joel A. Nichols, *More Than a Mere Contract: Marriage as Contract and Covenant in Law and Theology*, 5 U. ST. THOMAS L.J. 595 (2008).

Polygamy

Emily J. Duncan, *The Positive Effects of Legalizing Polygamy: "Love Is a Many Splendored Thing,"* 15 DUKE J. GENDER L. & POL'Y 315 (2008) (arguing that if polygamy were legalized, this would allow better state assistance to women and children who suffer emotional and physical abuse).

Jaime M. Gher, *Polygamy and Same-Sex Marriage—Allies or Adversaries Within the Same-Sex Marriage Movement*, 14 WM. & MARY J. WOMEN & L. 559 (2008) (considering cross-cultural practices and regulation of polygamy and concluding that while same-sex marriage advocates should continue to make distinctions between polygamy and same-sex marriage, they should avoid maligning polygamy).

Shayna M. Sigman, *Everything Lawyers Know About Polygamy Is Wrong*, 16 CORNELL J.L. & PUB. POL'Y 101 (2006) (urging decriminalization of polygamy by comparing the assumptions about polygamous unions with the empirical realities).

Michèle Alexandre, *Big Love: Is Feminist Polygamy an Oxymoron or a True Possibility?* 18 HASTINGS WOMEN'S L.J. 3 (2007).

D. Marisa Black, Note, *Beyond Child Bride Polygamy: Polyamory, Unique Familial Constructions and the Law*, 8 J.L. & FAM. STUD. 497 (2006).

214 *Journal of the American Academy of Matrimonial Lawyers*

Laura Elizabeth Brown, Comment, *Regulating the Marrying Kind: The Constitutionality of Federal Regulation of Polygamy Under the Mann Act*, 39 MCGEORGE L. REV. 267 (2008).

Cheshire Calhoun, *Who's Afraid of Polygamous Marriage? Lessons for Same-Sex Marriage Advocacy from the History of Polygamy*, 42 SAN DIEGO L. REV. 1023 (2005).

Lisa M. Kelly, *Bringing International Human Rights Law Home: An Evaluation of Canada's Family Law Treatment of Polygamy*, 65 U. TORONTO FAC. L. REV. 1 (2007) (Canada).

Elijah L. Milne, *Blaine Amendments and Polygamy Laws: The Constitutionality of Anti-Polygamy Laws Targeting Religion*, 28 W. NEW ENG. L. REV. 257 (2006).

Rosanne Piatt, *Overcorrecting the Purported Problem of Taking Child Brides in Polygamist Marriages: The Texas Legislature Unconstitutionally Voids All Marriages by Texans Younger Than Sixteen and Criminalizes Parental Consent*, 37 ST. MARY'S L.J. 753 (2006) (Texas).

Gregory C. Pingree, *Rhetorical Holy War: Polygamy, Homosexuality, and the Paradox of Community and Autonomy*, 14 AM. U. J. GENDER SOC. POL'Y & L. 313 (2006).

Same-Sex Marriage

Carlos A. Ball, *The Blurring of the Lines: Children and Bans on Interracial Unions and Same-Sex Marriages*, 76 FORDHAM L. REV. 2733 (2008) (offering a theoretical perspective on the ways in which children of same-sex unions effectively undermine a major argument against same-sex marriage).

Mary Bonauto, *Ending Marriage Discrimination: A Work in Progress*, 40 SUFFOLK U. L. REV. 813 (2007) (covering comprehensively the various aspects of discrimination against gays and lesbians—from sodomy laws to military and job discrimination to the denial of parenting and family benefits—and reviewing the history of the marriage rights cases).

Stanley E. Cox, *Nine Questions About Same-Sex Marriage Conflicts*, 40 NEW ENG. L. REV. 361 (2006) (evaluating conflicts of

law principles and arguing that the federal DOMA is unconstitutional).

John C. Eastman, *Full Faith and Republican Guarantees: Gay Marriage, FMPA, and the Courts*, 20 *BYU J. PUB. L.* 243 (2006) (arguing that the Federal Marriage Protection Amendment does not violate the separation of powers).

Chai R. Feldblum, *Gay Is Good: The Moral Case for Marriage Equality and More*, 17 *YALE J.L. & FEMINISM* 139 (2005) (suggesting a move from liberal equality arguments in favor of same-sex marriage to more direct normative arguments that homosexual relationships are morally good).

Julie A. Greenberg, *When Is a Same-Sex Marriage Legal? Full Faith and Credit and Sex Determination*, 38 *CREIGHTON L. REV.* 289 (2005) (exploring cases addressing transgender marriages).

Joseph R. Grodin, *Same-Sex Relationships and State Constitutional Analysis*, 43 *WILLAMETTE L. REV.* 235 (2007) (exploring the possibility for state courts to apply strict scrutiny under state constitutions to claims of the right to same-sex marriage).

Joanna L. Grossman, *Resurrecting Comity: Revisiting the Problem of Non-Uniform Marriage Laws*, 84 *OR. L. REV.* 433 (2005) (examining the history of interstate comity regarding different states' marriage recognition laws and urging a return to that historical tradition in lieu of current DOMAs).

Peter Hay, *Recognition of Same-Sex Legal Relationships in the United States*, 54 *AM. J. COMP. L.* 257 (2006) (considering extra-state recognition of same-sex marriages performed in Massachusetts under conflicts of law principles and state and federal Defense of Marriage Acts).

Kenneth K. Hsu, *Why the Politics of Marriage Matter: Evaluating Legal and Strategic Approaches on Both Sides of the Debate on Same-Sex Marriages*, 20 *BYU J. PUB. L.* 275 (2006) (evaluating political rhetoric).

Nancy Kubasek & Christy M. Glass, *A Case Against the Federal Protection of Marriage Amendment*, 16 *TEX. J. WOMEN & L.* 1

216 *Journal of the American Academy of Matrimonial Lawyers*

(2006) (detailing separation of powers and equal protection problems with the Federal Marriage Protection Amendment).

Vanessa A. Lavelly, Comment, *The Path to Recognition of Same-Sex Marriage: Reconciling the Inconsistencies Between Marriage and Adoption Cases*, 55 *UCLA L. REV.* 247 (2007) (examining the definitional inconsistencies within states that prohibit same-sex marriage but allow same-sex couples to adopt children and urging courts to follow the logic of the same-sex adoption cases).

Richard S. Myers, *The Public Policy Doctrine and Interjurisdictional Recognition of Civil Unions and Domestic Partnerships*, 3 *AVE MARIA L. REV.* 531 (2005) (arguing that states should be free on a public policy basis to refuse to recognize same-sex marriages from other jurisdictions).

R. Stephen Painter, Jr., *Reserving the Right: Does a Constitutional Marriage Amendment Necessarily Trump an Earlier and More General Equal Protection or Privacy Provision?* 36 *SETON HALL L. REV.* 125 (2005) (examining both state and federal constitutional law regarding conflicts between specific anti-same-sex marriage constitutional amendments and general constitutional equal protection and privacy provisions).

Nancy D. Polikoff, *For the Sake of All Children: Opponents and Supporters of Same-Sex Marriage Both Miss the Mark*, 8 *N.Y. CITY L. REV.* 573 (2005) (arguing that opponents of same-sex marriage are ignoring the interests of children of same-sex couples).

William A. Reppy, Jr., *The Framework of Full Faith and Credit and Interstate Recognition of Same-Sex Marriages*, 3 *AVE MARIA L. REV.* 393 (2005) (detailing why the Full Faith and Credit Clause and a long line of constitutional precedent commands recognition of same-sex marriages performed in other jurisdictions).

Michael L. Rosin, *Intersexuality and Universal Marriage*, 14 *LAW & SEXUALITY* 51 (2005) (examining a variety of physical intersex conditions and reviewing five cases in the latter part of the twentieth century addressing the validity of marriages involving these conditions).

Emily J. Sack, *The Retreat from DOMA: The Public Policy of Same-Sex Marriage and a Theory of Congressional Power Under the Full Faith and Credit Clause*, 38 CREIGHTON L. REV. 507 (2005) (arguing that a state could constitutionally use its public policy exceptions to deny recognition to a same-sex marriage performed in another state).

Vincent J. Samar, *Privacy and Same-Sex Marriage: The Case for Treating Same-Sex Marriage as a Human Right*, 68 MONT. L. REV. 335 (2007) (offering universal human rights arguments in favor of same-sex marriage).

Gary J. Simson, *Beyond Interstate Recognition in the Same-Sex Marriage Debate*, 40 U.C. DAVIS L. REV. 313 (2006) (maintaining that interstate recognition of same-sex marriages should not depend on choice of law principles, but on constitutional principles, such as due process, equal protection, and the Establishment Clause).

Mark Strasser, *State Marriage Amendments and Overreaching: On Plain Meaning, Good Public Policy, and Constitutional Limitations*, 25 LAW & INEQ. 59 (2007) (describing the variety of state constitutional amendments that prohibit recognition of same-sex marriage or that preclude conferring the incidents of marriage on unmarried couples, and addressing equal protection and due process challenges to the amendments).

Deborah A. Widiss, et al., *Exposing Sex Stereotypes in Recent Same-Sex Marriage Jurisprudence*, 30 HARV. J.L. & GENDER 461 (2007) (arguing that state high court decisions rejecting same-sex marriage have relied on subtle sex stereotyping).

Robin Fretwell Wilson, *Evaluating Marriage: Does Marriage Matter to the Nurturing of Children?*, 42 SAN DIEGO L. REV. 847 (2005) (critiquing traditional studies of family structure and arguing that given the studies' limitations, they should not be used to promote an agenda against same-sex marriage).

M.V. Lee Badgett et al., *Supporting Families, Saving Funds: An Economic Analysis of Equality for Same-Sex Couples in New Jersey*, 4 RUTGERS J.L. & PUB. POL'Y 8 (2006) (New Jersey).

218 *Journal of the American Academy of Matrimonial Lawyers*

Joshua K. Baker, *Status, Substance, and Structure: An Interpretive Framework for Understanding the State Marriage Amendments*, 17 REGENT U. L. REV. 221 (2004-05).

S.J. Barrett, Note, *For the Sake of the Children: A New Approach to Securing Same-sex Marriage Rights?*, 73 BROOK. L. REV. 695 (2008).

Joan Catherine Bohl, *Gay Marriage in Rhode Island: a Big Issue in a Small State*, 12 ROGER WILLIAMS U. L. REV. 291 (2007) (Rhode Island).

Brodie M. Butland, Note, *The Categorical Imperative: Romer as the Groundwork for Challenging State "Defense of Marriage" Amendments*, 68 OHIO ST. L.J. 1419 (2007).

Richard Cook, Comment, *Kansas's Defense of Marriage Amendment: The Problematic Consequences of a Blanket Nonrecognition Rule on Kansas Law*, 54 U. KAN. L. REV. 1165 (2006) (Kansas).

Brenda Cossman, *Betwixt and Between Recognition: Migrating Same-Sex Marriages and the Turn Toward the Private*, 71 LAW & CONTEMP. PROBS. 153 (Summer 2008).

John G. Culhane, *Beyond Rights and Morality: the Overlooked Public Health Argument for Same-sex Marriage*, 17 LAW & SEXUALITY 7 (2008).

Derek B. Dorn, *Same-Sex Marriage Under New York Law: Advising Clients in a State of Uncertainty*, 78 N.Y. ST. B.J. 40 (Jan. 2006) (New York).

Donald A. Dripps, *Three Tensions, and One Omission, in the Case for the Federal Marriage Amendment*, 42 SAN DIEGO L. REV. 935 (2005).

Dwight G. Duncan, *Is the Massachusetts Law on Marriage of Non-Residents a Barrier to the Spread of Same-Sex Marriages?* 3 AVE MARIA L. REV. 483 (2005).

Suzanne B. Goldberg, *A Historical Guide to the Future of Marriage for Same-Sex Couples*, 15 COLUM. J. GENDER & L. 249 (2006) (New York).

L. Lynn Hogue, *Romer Revisited or "The Devil in the Details:" Is Georgia's Marriage Amendment Constitutionally Defective?*, 7 FLA. COASTAL L. REV. 255 (2005) (Georgia).

Tonja Jacobi, *How Massachusetts Got Gay Marriage: The Intersection of Popular Opinion, Legislative Action, and Judicial Power*, 15 J. CONTEMP. LEGAL ISSUES 219 (2006) (Massachusetts).

Nancy J. Knauer, *Same-Sex Marriage and Federalism*, 17 TEMP. POL. & CIV. RTS. L. REV. 421 (2008).

Judith E. Koons, *"Just" Married?: Same-Sex Marriage and a History of Family Plurality*, 12 MICH. J. GENDER & L. 1 (2005).

Andrew Koppelman, *Against Blanket Interstate Nonrecognition of Same-Sex Marriage*, 17 YALE J.L. & FEMINISM 205 (2005).

Jacob Larson, Note, *It's About Time or Is It: Iowa District Court's Invalidation of Iowa's Mini-DOMA*, 12 J. GENDER RACE & JUST. 153 (2008) (Iowa).

R.A. Lenhardt, *Beyond Analogy: Perez v. Sharp, Antimiscegenation Law, and the Fight for Same-Sex Marriage*, 96 CAL. L. REV. 839 (2008).

Toni Lester, *Adam and Steve vs. Adam and Eve: Will the New Supreme Court Grant Gays the Right to Marry?*, 14 AM. U. J. GENDER SOC. POL'Y & L. 253 (2006).

C. Brett Miller, Comment, *Same-Sex Marriage: An Examination of the Issues of Due Process and Equal Protection*, 59 ARK. L. REV. 471 (2006).

Melissa Murray, *Equal Rites and Equal Rights*, 96 CAL. L. REV. 1395 (2008) (In re Marriage Cases).

Marc R. Poirier, *Piecemeal and Wholesale Approaches Towards Marriage Equality in New Jersey: Is Lewis v. Harris a Dead End or Just a Detour?*, 59 RUTGERS L. REV. 291 (2007) (New Jersey).

Mark D. Rosen, *Why the Defense of Marriage Act Is Not (Yet?) Unconstitutional: Lawrence, Full Faith and Credit, and the Many*

220 *Journal of the American Academy of Matrimonial Lawyers*

Societal Actors that Determine What the Constitution Requires, 90 MINN. L. REV. 915 (2006).

Gennaro Savastano, Comment, *Comity of Errors: Foreign Same-Sex Marriages in New York*, 24 TOURO L. REV. 199 (2008) (New York).

Mark Strasser, *An Amendment to Protect Marriage: Bad in Theory, Likely Worse in Practice*, 20 BYU J. PUB. L. 387 (2006).

Mark P. Strasser, "Defending" *Marriage in Light of the Moreno-Cleburne-Romer-Lawrence Jurisprudence: Why DOMA Cannot Pass Muster after Lawrence*, 38 CREIGHTON L. REV. 421 (2005).

Yvonne A. Tamayo, "I Just Can't Handle It": *The Case of Hernandez v. Robles*, 28 WOMEN'S RTS. L. REP. 61 (Spring/Summer 2007) (New York).

Lynn D. Wardle, *Nonrecognition of Same-Sex Marriage Judgments Under DOMA and the Constitution*, 38 CREIGHTON L. REV. 365 (2005).

Laura L. Williams, Note, *The Unheard Victims of the Refusal to Legalize Same-Sex Marriage: The Reluctance to Recognize Parents as Partners Instead of Strangers*, 9 J. GENDER RACE & JUST. 419 (2005).

Anthony S. Winer, *How a Marriage Discrimination Amendment Would Disrespect Democracy in Minnesota*, 33 WM. MITCHELL L. REV. 1059 (2007) (Minnesota).

Miscellaneous

Maxine Eichner, *Marriage and the Elephant: The Liberal Democratic State's Regulation of Intimate Relationships Between Adults*, 30 HARV. J.L. & GENDER 25 (Winter 2007) (evaluating theoretical justifications for the state to regulate marriages and considering the ostensible purposes theorists offer for the institution of marriage, such as to promote autonomy and respectability, to support children, to protect women; and offering a theory that the state should act in a supportive capacity).

Robert C. Ellickson, *Unpacking the Household: Informal Property Rights Around the Hearth*, 116 YALE L.J. 226 (2006) (offer-

ing an economic theory of the household in terms of capital, labor, and production value).

Note, *Inbred Obscurity: Improving Incest Laws in the Shadow of the "Sexual Family,"* 119 HARV. L. REV. 2464 (2006) (urging greater attention to differences between consensual and nonconsensual incest).

Laura A. Rosenbury, *Friends with Benefits?*, 106 MICH. L. REV. 189 (2007) (urging legal recognition of certain types of committed friendship relationships as familial).

Stephen D. Sugarman, *What Is a "Family?" Conflicting Messages From Our Public Programs*, 42 FAM. L.Q. 231 (2008) (addressing coverage of various family arrangements by welfare, food stamps, Social Security, tax, and public housing programs).

Amy L. Wax, *Engines of Inequality: Class, Race and Family Structure*, 41 FAM. L.Q. 567 (2007) (observing that patterns of marriage, divorce and childbearing vary dramatically by sociodemographic characteristics, and asking how law should respond).

Paris R. Baldacci, *Protecting Gay and Lesbian Families From Eviction From Their Homes: The Quest for Equality for Gay and Lesbian Families in Braschi v. Stahl Associates*, 13 TEX. WESLEYAN L. REV. 619 (2007) (*Braschi v. Stahl Associates*).

Barbara Fedders, *Coming Out for Kids: Recognizing, Respecting, and Representing LGBTQ Youth*, 6 NEV. L.J. 774 (2006).

James Allon Garland, *Sex as a Form of Gender and Expression After Lawrence v. Texas*, 15 COLUM. J. GENDER & L. 297 (2006).

Rebecca K. Glatzer, Note, *Equality at the End: Amending State Surrogacy Statutes to Honor Same Sex Couples' End of Life Decisions*, 13 ELDER L.J. 255 (2005).

Julie A. Greenberg & Marybeth Herald, *You Can't Take It With You: Constitutional Consequences of Interstate Gender-Identity Rulings*, 80 WASH. L. REV. 819 (2005).

222 *Journal of the American Academy of Matrimonial Lawyers*

Madeline Howard, *Subsidized Housing Policy: Defining the Family*, 22 BERKELEY J. GENDER L. & JUST. 97 (2007).

Amanda Kennedy, *Because We Say So: The Unfortunate Denial of Rights to Transgender Minors Regarding Transition*, 19 HASTINGS WOMEN'S L.J. 281 (2008).

Adam Lubow, Student Writing, ". . . *Not Related by Blood, Marriage or Adoption*": *A History of the Definition of "Family" in Zoning Law*, 16 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 144 (Winter 2007).

Rachel Alyson Meltzer, *Creating Family-Sensitive Schools*, 15 KAN. J.L. & PUB. POL'Y 87 (Fall 2005).

Sarah E. Valentine, *Queer Kids: A Comprehensive Annotated Legal Bibliography on Lesbian, Gay, Bisexual, Transgender, and Questioning Youth*, 19 YALE J.L. & FEMINISM 449 (2008).

Property

Elijah L. Milne, *Recharacterizing Separate Property at Divorce*, 84 U. DET. MERCY L. REV. 307 (2007) (discussing section 4.12 of *The Principles of the Law of Family Dissolution: Analysis and Recommendations*).

David E. Missirian, *Separate But Equal? Same Sex Couples in New England*, 35 REAL EST. L. J. 558 (2007) (reviewing tenancies to real property in Massachusetts, New Jersey, and Vermont).

Harry M. Hipler, *Partitioning Real Property in Dissolution of Marriage Actions and Suits Between Unmarried Cotenants: Credits, Setoffs, Ouster, Division, and Sale*, 82 FLA. B.J. 58 (Feb. 2008) (Florida).

Damaris Rosich-Schwartz, *Tenancy by the Entirety: The Traditional Version of the Tenancy Is the Best Alternative for Married Couples, Common Law Marriages, and Same-Sex Partnerships*, 84 N.D. L. REV. 23 (2008).

Charles W. Willey, *Effect in Montana of Community-Source Property Acquired in Another State (and Its Impact on a Montana*

Marriage Dissolution, Estate Planning, Property Transfers, and Probate, 69 MONT. L. REV. 313 (2008) (Montana).

Tax (see also Estate Law and Planning)

Patricia A. Cain, *Taxing Families Fairly*, 48 SANTA CLARA L. REV. 805 (2008) (evaluating the differences between federal and state tax systems for the ten states that allow civil unions, domestic partnerships or same-sex marriages).

John R. Dorocak, *Same-Sex Couples and the Tax Law: Tax Filing Status for Lesbians and Others*, 33 OHIO N.U. L. REV. 19 (2007). (investigating cases decided regarding head of household tax filing status and dependents to see if those provisions can be used by same-sex couples).

Anthony C. Infanti, *Tax Equity*, 55 BUFF. L. REV. 1191 (2008) (reviewing sociological data, critical theory and tax rules to demonstrate various inequalities that tax policies impose on vulnerable groups).

Shari Motro, *A New "I Do": Towards a Marriage-Neutral Income Tax*, 91 IOWA L. REV. 1509 (2006) (proposing that joint filing should be allowed only for couples who share their income, irrespective of marital status).

Frank S. Berall, *Tax Consequences of Unmarried Cohabitation*, 23 QUINNIPIAC L. REV. 395 (2004).

Catherine Martin Christopher, Note, *Will Filing Status Be Portable? Tax Implications of Interstate Recognition of Same-Sex Marriage*, 4 PITT. TAX REV. 137 (2007).

Wendy Richards, Comment, *An Analysis of Recent Tax Reforms From a Marital Bias Perspective: It Is Time to Oust Marriage From the Tax Code*, 2008 WIS. L. REV. 611.

Anthony Rickey, *Loving Couples, Split Interests: Tax Planning in the Fight to Recognize Same-Sex Marriage*, 23 BERKELEY J. GENDER L. & JUST. 145 (2008).

224 *Journal of the American Academy of Matrimonial Lawyers*

Keeva Terry, *Separate and Still Unequal? Taxing California Registered Domestic Partners*, 39 U. TOL. L. REV. 633 (2008) (California).

Michael Waggoner, *IRC § 71 May Impoverish Children, Endanger Ex-Wives, and Disrupt Federalism*, 46 FAM. CT. REV. 574 (2008).

Torts

Andrew McClurg, *Kiss and Tell: Protecting Intimate Relationship Privacy Through Implied Contracts of Confidentiality*, 74 U. CIN. L. REV. 887 (2006) (considering the gaps in privacy protection through the tort of public disclosure and developing instead the contract theory that intimate relationships are confidential and carry implied obligations not to harm or humiliate a partner).

Matthew D. Barrett, *Representing Children in Cases Involving Wrongful Death of a Parent*, 52 RES GESTAE 17 (July/Aug. 2008).

Alisha M. Carlile, Note, *Like Family: Rights of Nonmarried Cohabital Partners in Loss of Consortium Actions*, 46 B.C. L. REV. 391 (2005).

Sarah M. Love, Comment, *Extending Loss of Consortium to Reciprocal Beneficiaries: Breaking the Illogical Boundary Between Severe Injury and Death in Hawai'i Tort Law*, 28 U. HAW. L. REV. 429 (2006) (Hawaii).

Ralph D. Mawdsley, Commentary, *Parent Liability for the Intentional Acts of Their Children Under Common Law Negligence Theories and Parental Responsibility Statutes*, 230 ED. LAW REP. 469 (May 29, 2008).

Jeniffer Viscarra, Note, *Langan v. St. Vincent Hospital: A Fearful Court or a Properly Measured Response?*, 13 CARDOZO J.L. & GENDER 439 (2007) (New York).

Trial Issues

Katherine M. Forbes, Note, *Time for a New Privilege: Allowing Unmarried Cohabiting Couples to Claim the Spousal Testimony Privilege*, 40 SUFFOLK U. L. REV. 887 (2007) (noting that while

Massachusetts and Vermont allow same-sex couples in marriages or civil unions to claim the spousal testimony privilege, courts routinely deny the privilege to unmarried cohabitating couples).

Elizabeth Kimberly (Kyhm) Penfil, *In the Light of Reason and Experience: Should Federal Evidence Law Protect Confidential Communications Between Same-Sex Partners?*, 88 MARQ. L. REV. 815 (2005).

