

Family Law Questions with 100% Correct Answers

What are the restrictions on marriage? Bigamy, Incest, Non-Age, Mental Capacity, 6 Month Rule

Which restrictions are void and which are voidable? Void: Bigamy, Incest, Mental Capacity (if incompetent at the time of the ceremony, may be different if lose mental capacity later), 6 Month Rule
Voidable: Non-Age

Under bigamy, what power does the court have? Because a spouse at the time of a subsequent marriage lacks the capacity

Define "marriage" A personal relationship arising out of a civil contract to which the consent of parties legally competent of contracting and entering into it is necessary as provided by law.

When must you have consent from a parent/legal guardian to be married? When the parties are over the age of 16 but under the age of 18 (43 OS 3)

When can state law interfere with the right to marriage? (Obergefell v. Hodges) Any action by the state that effects the fundamental right to marry must be in support of an (1) important state interest and is (2) closely tailored to effectuate (support) that purpose. Ex: Incest

Courts can create a _____ to provide support to a person in a void marriage.
 quasi-partnership

In a void marriage, what do you call alimony in lieu of property? adjustment(?)

In a non-age marriage, what happens if the child dies before reaching majority? The parties are still considered married (valid). Death does not prevent the other spouse from inheriting in death if action was not brought before death to void the marriage.

In a marriage entered into within 6 month prohibition period, what happens if a spouse dies before 6 months is up? The marriage is terminated and the surviving "spouse" does not inherit upon death.

What happens if a spouse is mentally competent at the time of the marriage, but becomes incompetent after? Still a valid marriage. Only matters that the parties were

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Shasha Hu



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