

Religious Divide

1. There is no point in California to drafting a prenuptial clause concerning the religious upbringing of children.
 True False
2. In general, courts are committed to judicial neutrality towards both parents' religious viewpoints.
 True False
3. A court might encroach on a parent's authority in matters of religious upbringing on a showing of substantial mental or physical harm to the child.
 True False
4. A majority of courts in the country have refused to uphold prenuptial agreements about religious upbringing.
 True False
5. Pennsylvania, California, and Massachusetts are states that routinely uphold prenuptial agreements about religious upbringing.
 True False
6. New York frequently upholds prenuptial agreements about religious upbringing.
 True False
7. The emotional stress of being exposed to conflicting religions may justify judicial intervention on behalf of a child.
 True False
8. There is a presumption in California that exposure to conflicting religions is bad and requires judicial intervention.
 True False
9. A California court might restrict a parent's right to expose children to his or her religion in the face of persuasive evidence of substantial harm.
 True False
10. Some courts say that it is constitutionally impermissible for a parent to bargain away his or her right to change religious beliefs and, by extension, which religion to teach a child.
 True False
11. A court will never restrict a parent's right to share his or her religion with his or her child.
 True False
12. One court making custody decisions said it avoided impermissible entanglement in religion by looking only at the emotional or physical harm to the children.
 True False
13. The California Supreme Court has shown itself to be willing to uphold prenuptial agreements in general.
 True False
14. Californians may only make prenuptial agreements on specified topics.
 True False
15. The person challenging a premarital agreement has the burden of showing that it is defective.
 True False
16. A premarital provision waiving spousal support is unenforceable per se unless the party against whom enforcement is sought had independent counsel.
 True False
17. A premarital provision waiving spousal support is always enforceable if the party who wants spousal support had independent counsel.
 True False
18. Spousal support waivers can never be enforced in California.
 True False
19. New prenuptial agreements must be executed with a seven-day waiting period.
 True False
20. U.S. Supreme Court cases support the primacy of a parent's decisions regarding children's upbringing.
 True False

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