

ADMINISTRATION OF JUSTICE

YOU MAKE THE DECISION CASE

The Broken Back and the Broken Marriage

Name: _____ Period: _____ Row: _____ Score: _____

TODAY, JUDGE, YOU are hearing a divorce case. It is an unusual case, because it is the husband who is asking the court for support. Sarah Adams filed the divorce suit against Nick Adams and Nick cross-sued for spousal support. Now she is on the witness stand and her attorney is questioning her.

"You've said, Mrs. Adams, that you were quite happy in your 6-year marriage until seven months ago. What happened then to change it?"

"There was an accident where Nick worked for the past 20 years. A ladder he was on broke causing him to fall breaking his spine. We spent all of his insurance money and what he got for settlement from the company. Workman's compensation is paying him \$200 a week that is nowhere enough to support him. Doctor's have told us that he will remain in a wheelchair the rest of his life. I had to quit my part-time job to take care of him, but now I can't go on doing so. I'm terribly sorry for Nick, but I have my own life to lead and feel this is too much of a burden on me."

"Is there any way he can equal his \$100,000 a year previous income in that wheelchair?"

"He's planning to study accounting and hopefully find a well paying job as an accountant, but it will take at least two years until he can earn enough money to support himself."

"What are you going to do to earn your own living",

"I was a fashion model before our marriage, and I've just made arrangements to go back to the company I was with then." It was not necessary for me to work during our marriage and I only worked part-time at the library for minimum wage for something to do while Nick was at work.

Nick's attorney now cross-examines Sarah. "Mrs. Adams, tell me, please, if you are earning as much money now as you did before you left your company? Or maybe more than before?"

"Yes, I am making a little more than I did when I last worked in fashion modeling."

"So you're earning a very good salary. Is that right?"

"It's enough to get by on."

"And your injured husband has asked you to help support him during this time of need?"

"That's right."

"And you refused to help him is that correct?"

"I told him it was impossible; I had a lot of expenses."

Now each attorney presents his views. Nick's attorney says, "Your honor, this unfortunate man has no income and won't be able to earn anything for quite a long time. In such cases, the law says the wife must help him if she has the ability to do so. Mrs. Adams has a job where she makes good money and should be ordered to help her husband."

Sarah's attorney says, "The law says it is the husband's duty to support his wife, not the other way around. Though it may sound cruel, Sarah does have expenses despite her good salary. She would be seriously inconvenienced to have to make support payments. She gave him devoted care while he recovered from the worst effects of his accident. Now, as she says, she should be free to rebuild her life. She should not have the burden of paying for her husband, too."

You inform the attorney's that you will consider this case and should receive your decision shortly.

* * *

Now you are alone in your judge's chambers. You must find the answers to several questions so that you can decide the case, and be sure your decision is within the law. You must consider all the facts, and then complete your official Opinion and Order.

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Judge's "Case Analysis Sheet"

To make an informed decision in a court dispute you must first examine the facts in issue. FULLY EXPLAIN YOUR ANSWERS.

1. Was Sarah in any way to blame for Nick's injuries? How did the injury occur?

2. What did Sarah do as a wife to help him toward recovery? Could she have done more?

3. How had Nick supported Sarah up to the time of his accident?

4. Was it necessary for Sarah to work during the six years of her marriage? Why or why not?

5. Why is Nick unable to support himself at the present time?

6. How can Sarah support herself at this time?

7. What reason does Sarah give for refusing support payments to Nick?

8. Does the fact she may be "seriously inconvenienced" mean she cannot afford payments?

9. Is Nick in real need of support?

**IN THE SUPERIOR COURT OF THE STATE, IN AND FOR
THE COUNTY OF LOS ANGELES**

SARAH M. ADAMS

Plaintiff and
cross defendant

vs.

NICKOLAS R. ADAMS

Defendant and
cross complainant

Civil Case No. 0254—82

COURT'S OPINION AND ORDER FOR JUDGMENT

The Facts

Here Sarah Adams sued her husband, Nick, for divorce, and Nick cross-complained against Sarah for support money.

Nick was injured in an accident. He is crippled for life and must remain in a wheelchair for life. He is currently studying accountancy, and hopes to make his living that way, as soon as possible. Mean while he _____ income.

needs / does not need

Sarah has a job making good money. She is _____ to give Nick

willing / not willing

any of her money for support. She says this will be "inconvenient." That seems to mean it will be _____ for her to pay anything out of her earnings.

hard / impossible

For many years it has been the duty of a man to support his wife. This is true even if the wife has money of her own.

But it is also the duty a wife to support her husband when he is in need. One state, for example, says that the wife must support the husband when he hasn't abandoned her. This would be when he does not have any money or property, and he would have to be sick, or crippled to the extent that he couldn't work.

So, a sick or crippled man, without money or job, is legally entitled to have his wife support him, if she is capable of doing so.

The laws of our fifty states are not all the same. But most will agree that husbands or wives are supposed to respect each other and help each other in times of crisis. When they are living together, most states still say that the husband is the head of the family. He may decide where and how they live, if what he decides is reasonable.

Here Sarah _____ be ordered to pay support.

should / should not

JUDGE OF THE SUPERIOR COURT