

Review Question Answer Sheet - Equal Protection and Due Process Issues
Child Custody Case - 40 points

Due Process - nature of the right - is it fundamental or nonfundamental?-identify issue--(1) _____
Fund'l-rt to live together as a family - precedent - Moore (extended family)------(3) _____
nonfund'l rt-precedent-Michael H.-not trad'l family unit-formed after death of parents--(3) _____
history/tradition-extended family-grandparents/grandch, include uncles & nephews?------(3) _____
right at core of personal identity - decision to raise children/form a family unit------(2) _____
standard of rev-strict-application to facts-compelling int & least restrictive means, alts--(3) _____
standard of review-minimum and application to facts-legit int & rational relationship-----(3) _____
Equal Protection - classification in judge's comments, but not in statute (Palmore)------(1) _____
nature of classification - physical handicap or quadriplegic vs. nonhandicapped------(1) _____
suspect criteria - hist. of disc.; immutable; unrelated to ability; label as inferior; pol.
powerlessness and application of criteria to trait of physical handicap (quadriplegic)------(8) _____
analogy to Cleburne and reasons why Court rejected suspect class status there and whether or not
same analysis should be used in this case------(3) _____
standard of rev-intermediate scrutiny-app to facts-imp obj? classif substantially related?-(3) _____
standard of rev-minimum scrutiny and application to facts-reinforce societal prejudice?--(3) _____
Miscellaneous _____ (3) _____