EDITORIAL OFFICES: The BYU Journal of Public Law is published by the students of the J. Reuben Clark Law School, Provo, Utah 84602. All communications should be sent to the editorial offices of the Journal.

The views expressed herein are exclusively those of the respective authors and not of the Journal or Brigham Young University, unless otherwise indicated.

SUBSCRIPTIONS: The BYU Journal of Public Law is published semiannually. The subscription rate is $10.00 for one year, $18.00 for two years, and $25.00 for three years. Single issues are $5.00 per copy. If the subscriber wishes the subscription discontinued at its expiration, notice should be sent to the editorial offices; otherwise, it is assumed that continuation is desired. For back issues, inquire of Fred B. Rothman & Co., 10368 West Centennial Road, Littleton, Colorado 80127.

POSTAGE: Third-class postage paid at Provo, Utah, and at additional mailing offices. Send address changes to the BYU Journal of Public Law, J. Reuben Clark Law School 358-B, Provo, Utah 84602.

MANUSCRIPTS: The BYU Journal of Public Law is pleased to consider unsolicited manuscripts for publication. Manuscripts should be sent to the above address and to the attention of the Articles Editor. Editorial operations of the Journal are conducted with IBM® personal computers and WordPerfect® word processing software. Citations should follow the rules of A Uniform System of Citation (15th ed. 1991). As a matter of policy, the Journal encourages gender-neutral language.

IBM is a registered trademark of International Business Machines Corporation. WordPerfect is a registered trademark of WordPerfect Corporation within the United States and other countries.

Cited as B.Y.U. J. Pub. L.

Copyright: © Brigham Young University 1993
The 1993-94 Journal of Public Law Management Committee would like to thank Professor Lynn D. Wardle and the members of the International Society of Family Law for their help and contributions to this issue.

BOARD OF EDITORS

Editor-in-Chief
Lisa K. Norton

Executive Editors
Reed Andrus
Steve H. Murphy
Barbara W. Sharp

Managing Editors
Kimberly A. Littlefield
Bruce M. MacKay

Note & Comment Editors
Brian J. Kochevar
Gary R. Williams

Lead Editors
Scott E. Hamm
David J. Hancock

Judy Jorgensen

Senior Editors
Valerie Holt

Jeffrey Teichert
Liping Zhang LaVoie

Associate Editors
Laura G. Kennedy
Benton Larsen
Kimberly D. Latimer
M. Wes Mashburn
Laramie D. Merritt
James Patterson
Robert L. Phillips
Jim Phipps

S. Jared Pitts
John C. Steele
Scott S. Thomas
Ivy Voss
Spencer D. Walch
J. Christian Washburn

Faculty Advisor
Ray Jay Davis
BRIGHAM YOUNG UNIVERSITY
J. REUBEN CLARK LAW SCHOOL FACULTY


DAVIS, RAY JAY (1981), Professor of Law. B.S., 1948, Idaho State University; J.D., 1953, Harvard University; LL.M., 1956, Columbia University.

DOMINGUEZ, DAVID (1989), Associate Professor of Law. B.A., 1977, Yale University; J.D., 1980, University of California, Berkeley.


FARMER, LARRY C. (1977), Professor of Law. B.S., 1968, University of Washington; Ph.D., 1975, Brigham Young University.


FLOYD, C. DOUGLAS (1980), Professor of Law. B.S., 1964, Massachusetts Institute of Technology; LL.B., 1967, Stanford University.

GEDICKS, FREDERICK M. (1990), Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of Southern California.

GOLDSMITH, MICHAEL (1985), Professor of Law. B.S., 1972, J.D., 1975, Cornell University.

GORDON, JAMES D., III (1984), Professor of Law. B.A., 1977, Brigham Young University; J.D., 1980, University of California, Berkeley.


HANSEN, H. REESE (1974), Dean and Professor of Law. B.S., 1964, Utah State University; J.D., 1972, University of Utah.

HAWKINS, CARL S. (1973), Emeritus Guy Anderson Professor of Law. A.B., 1948, Brigham Young University; J.D., 1951, Northwestern University.


LEE, REX E. (1973), University President and George Sutherland Professor of Law. B.A., 1960, Brigham Young University; J.D., 1963, University of Chicago.

LUNDBERG, CONSTANCE K. (1982), Associate Dean, Law Librarian, and Professor of Law. B.A., 1968, Arizona State University; J.D., 1972, University of Utah.


PRESTON, CHERYL BAILEY (1989), Associate Professor of Law. B.A., 1975, J.D., 1979, Brigham Young University.


SABINE, JAMES E. (1976), Emeritus Professor of Law. B.A., 1930, University of Utah; J.D., 1937, University of California, Berkeley.


WILLIAMS, GERALD R. (1973), Professor of Law. B.A., 1966, Brigham Young University; J.D., 1969, University of Utah.


WORTHEN, KEVIN J (1987), Professor of Law. B.A., 1979, J.D., 1982, Brigham Young University.

PART-TIME FACULTY

BRIAN, PAT B.
CHRISTIANSEN, STEVEN J.
GUNN, STEVEN H.
HAWKINS, LISA B.
JENSEN, ALLEN R.

KAPLAN, NEIL A.
MABEY, RALPH R.
MIKITA, J. STEPHEN
MOSS, REED L.

MURRAY, KEVIN R.
OWEN, STANFORD B.
WEISS, LOREN E.
WOOD, MARY ANNE Q.
TODD ZENGER
TABLE OF CONTENTS

ARTICLES

Foreword: Family Restructuring at the End of the Twentieth Century—Issues for a New Century

   Lynn D. Wardle

A Legal Definition of the Stepfamily: The Example of Incest Regulation

   Margaret M. Mahoney

Honor Thy Father and Thy Mother: But Court-Ordered Grandparent Visitation in the Intact Family?

   Laurence C. Nolan

From a Tender Years Presumption to a Primary Parent Presumption: Has Anything Really Changed? . . . Should It?

   Phyllis T. Bookspan

Reform of the Divorce Provisions of the Marriage Contract

   Allen M. Parkman

Applications of a Contemporary Partnership Model for Divorce

   Cynthia Starnes

Access to Legal Remedies: The Crisis in Family Law

   Jane C. Murphy

Legal Policy, Technique and Research in Family Law—Some Comparative Aspects

   Anders Agell
NOTES AND COMMENTS

In the Best Interest: The Adoption of F.H., an Indian Child

_Ivy N. Voss_ 151

Fetal Tissue Transplants as Treatment for Parkinsonian Patients: A Miracle Cure or Science Fiction Nightmare?

_Billye D. Baird_ 173

Losing Sticks from the Bundle: Incompatibility of Tenancy by the Entireties and Drug Forfeiture Laws

_Barbara W. Sharp_ 197

Missing Tools in the Federal Prosecution of Child Abuse and Neglect

_F. Chris Austin_ 209