In the

Supreme Court of the United States

THELMA B. STANTON,

Appellant,

v.

JAMES LAWRENCE STANTON, JR.,

Appellee.

No. 73-1461

Washington, D. C.
February 19, 1975

Pages 1 thru 29

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THELMA B. STANTON, Appellant, v. JAMES LAWRENCE STANTON, JR., Appellee.	:	No. 73-1461

Washington, D. C.,

Wednesday, February 19, 1975.

The above-entitled matter came on for argument at 2:22 o'clock, p.m.

BEFORE:

WARREN E. BURGER, Chief Justice of the United States
WILLIAM J. BRENNAN, JR., Associate Justice
POTTER STEWART, Associate Justice
BYRON R. WHITE, Associate Justice
HARRY A. BLACKMUN, Associate Justice
LEWIS F. POWELL, JR., Associate Justice
WILLIAM H. REHNQUIST, Associate Justice

APPEARANCES:

BRYCE E. ROE, ESQ., 340 East Fourth South, Salt Lake City, Utah 84111; on behalf of the Appellant.

J. DENNIS FREDERICK, ESQ., Kipp and Christian, 520 Boston Building, Salt Lake City, Utah 84111; on behalf of the Appellee.

C O N T E N T S

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P R O C E E D I N G S

MR. CHIEF JUSTICE BURGER: We will hear arguments next in No. 73-1461, Stanton against Stanton.

Mr. Roe.

ORAL ARGUMENT OF BRYCE E. ROE, ESQ.,

ON BEHALF OF THE APPELLANT

MR. ROE: Mr. Chief Justice, and may it please the Court:

The State of Utah has a statute on its books and has had since 1852 that females attain their majority at the age of eighteen years and that males attain theirs at the age of twenty-one.

In the case today we're challenging that statute under the Equal Protection Clause of Amendment Fourteen.

The facts out of which the case arose are quite simple. This was a divorce proceeding in which the wife had been awarded custody of two children, and the husband had been ordered to pay support money for the two children.

Some years after the entry of the divorce decree, the wife filed a proceeding in the district court to have some past-due support money reduced to judgment. She contended that the husband was obligated to continue to pay support money for the children, even though the wife, or the daughter had achieved the age of eighteen years.

QUESTION: Is it common in Utah to have a support

provision in a decree fail to identify the precise age to which the support money is to be paid?

MR. ROE: It's not uncommon, Your Honor. It happens both ways, actually. I think more careful counsel nowadays do put some provision in the decree. But there have been frequent cases in which the decree has provided only that they will pay support for the children.

QUESTION: The parties here could have provided for termination at any age, I take it, by agreement?

MR. ROE: By a stipulation, I would see no reason why they could not have done that.

QUESTION: This decree was something that was negotiated and agreed upon between the parties?

MR. ROE: There was a stipulation for the decree, and for the awarding of the divorce to the wife and for the granting of custody to her and to the payment of support for the children. The decree did not say to what age the support would continue.

QUESTION: But it was negotiated against the background of this statute, this long-standing statute of Utah, wasn't it?

MR. ROE: Yes. There were two statutes in effect at that time, however. There was a statute enacted three years before this divorce, in 1957, which was the Uniform Civil Liability For Support Act.

QUESTION: Unh-hunh.

MR. ROE: In that statute, "child" was defined as being a child of either sex under the age of twenty-one.

QUESTION: Unh-hunh.

MR. ROE: So there is some -- this was a statute that had not been in force very long at the time of that decree.

QUESTION: Well, let me ask you about that statute. Was this argued to the lower courts in your State in this case?

MR. ROE: The application of the support statute?

QUESTION: Yes.

MR. ROE: Yes, Your Honor, it was.

QUESTION: Well, would that statute win your case for you?

MR. ROE: It would have won the case for us if the Supreme Court had seen fit to interpret it as establishing the age to which support would continue in a divorce proceeding.

Now, the Supreme Court of Utah did not discuss the statute, even though it was brief to the Court. But -- so we have a situation in which we don't have a support denied to daughters over the age of eighteen, while it's given to sons between eighteen and twenty-one, because the support statute provides that the support will continue for both of them until they're twenty-one. Except that under the support statute the

obligee is the ons or daughter. So that any action to enforce the support, outside of the divorce decree, would have to be brought by the son or daughter --

QUESTION: But the fact remains that in this case, under the State decision, support for the daughter stops.

QUESTION: That's right.

MR. ROE: That is correct, Your Honor.

QUESTION: And it would not have -- and it would not stop for a son.

MR. ROE: Well, it stops in a divorce proceeding.

QUESTION: Yes, but it stops, does it not, because, in effect, this statute 15-2-1, your Supreme Court has read into the divorce decree, hasn't it?

MR. ROE: That's correct. So --

QUESTION: Well now, if that's so, what we in effect have is an ordinary support decree, as if it had been negotiated between the parties, as the Court has construed it; is it not?

MR. ROE: Well, but this construction didn't occur until some time after the Court --

QUESTION: Well, whether it did or didn't, whatever it may have been, isn't that the fact?

MR. ROE: No, I don't think the Court based this on any concept that the parties have stipulated with respect to the ages at which --

QUESTION: Well, no, I didn't suggest that. But as if they had stipulated.

How, otherwise, did this Court read this statute into the divorce decree?

MR. ROE: Well, it said that support money ends at the age of majority. Daughters attain their majority when they're eighteen.

So the support money ends. That was the reasoning of the Utah Supreme Court.

QUESTION: What's the precise language of the stipulation and the decree?

Do you have --

QUESTION: Page 7.

QUESTION: Page 7 of the Appendix?

QUESTION: Appellant's brief.

"Defendant is ordered to pay to plaintiff" -- is that it?

MR. ROE: Yes, Your Honor.

QUESTION: Yet it did leave open, I take it, the Supreme Court of Utah, the possibility that if the decree had provided otherwise, the statute would have played no part?

MR. ROE: I suppose it was left open. The question was not raised or discussed in that --

QUESTION: Then the Court construed the decree as meaning support until they reach the majority? And then, as a

matter of law, under the statute, that meant eighteen for the girl.

MR. ROE: Yes, Your Honor. It was decided on the basis, on the statute and its application to a divorce proceeding.

QUESTION: Mr. Roe, if you prevail here, do you still win or lose then,what is the date under this statute that support ceases, is it eighteen for both boys and girls? Or is it twenty-one?

MR. ROE: Well, I would think that looking -- oh, excuse me, Your Honor?

QUESTION: Or is it twenty-one for both sons and daughters?

MR. ROE: Yes, I would think, looking at the general legislative policy, it would have to be twenty-one. For both.

QUESTION: Well, is that something we can determine here?

Isn't that something -- suppose we strike it down as violative of Equal Protection, isn't that something for the Utah Court to consider?

MR. ROE: Well, there is -- this Court, I think, can decide the effect of the invalidity of the statute.

Now, at common law, of course, the age of majority for both men and women was twenty-one years. One of the possibilities is to apply the common law, without regard to

the statute.

In addition, we have a general declaration of legislative policy that support will contine for children until they're twenty-one years. So we're -- until they're twenty-one years old, both of them.

And then we have the situation in which the excluded group should be given the benefit of the statute.

QUESTION: Well, but if the Supreme Court of Utah were to come out and say, if this Court were to invalidate the distinction, the Supreme Court of Utah would say, All right, from now on it's eighteen for everybody. Then your client would take nothing, you would not benefit at all from this lawsuit.

MR. ROE: That's -- if the Supreme Court of Utah felt it could do that, that is correct. We would have to lose on that question.

QUESTION: You suggest that's a remote prospect, in view of the fact that this Court has said that eighteen is the voting age, which of course doesn't directly bear on this?

MR. ROE: Well, yes, I think you're talking about two different things here. I recognize that there has been a tendency to reduce the age to eighteen in a number of instances. In the Utah statutory scheme, that is correct, too, with respect to a lot of the activities and a lot of the

disabilities that are placed upon children.

But in this application particularly, twenty-one is the age to which support should be given. Because we have a subsequent statute that establishes that; so that what has really happened with the Utah Supreme Court in ruling as it did is to place a different kind of burden on eighteen to twenty-one-year-old daughters than on eighteen to twenty-one-year-old sons, even though they're both entitled to support.

Under the Uniform Civil Liability For Support Act, one of them can obtain this support by the parent going into the divorce proceeding over which the court retains jurisdiction, customarily, and obtaining a support order or use the contempt features and so on.

Whereas a daughter achieving the age of eighteen would be compelled to bring a suit against her father, if she was entitled to support and he was the one who had the money with which to support her.

QUESTION: Mr. Roe, in this case, could the daughter have brought suit under Utah law to enforce this marital settlement agreement?

MR. ROE: She -- I have never found a case in which that has been done. The Supreme Court of Utah has talked in some instances as if the right, at least for current support, belongs to the child, though they talk in terms of past-due support which has been supplied by a parent as being a right

that is in the parent.

In other words, there are limitations upon the extent to which the parties can stipulate away the right of a child to current and future support, but with respect to past support if the money has been, or the support has been provided, then the parent has the right and the child doesn't.

QUESTION: In this case, the support money had been provided by the parent, is that right?

MR. ROE: Yes. There has been no issue about that. She was living with her mother, she had custody of her, and was taking care of her.

QUESTION: Mr. Roe, I think that opinion of your Supreme Court is not a model of clarity, but my questions earlier are prompted by what appears at 10a and 11a of the opinion. "The general rule is that the decree fixes the obligations of the parties."

And over at 11a, "the support money accrued in accordance with its terms."

Now, how are we to read that? If not that the Supreme Court, your Supreme Court, read this decree as incorporating the provisions of that statute.

MR. ROE: Well, it certainly did do that. I don't think it read the stipulation of the parties as doing that, and that's just what we're complaining about; that the decree here incorporates the provisions of a statute which

operates unfairly and invidiously with respect to one class.

Now, if it were a stipulated judgment, --

QUESTION: Well, but the difficulty -- isn't the difficulty with that that the parties did agree to that -- I think you told us earlier, that the consent, the decree was agreed upon by the parties, the divorce decree that is, when entered; wasn't it?

MR. ROE: Well, it was a simple stipulation before decree. The -- I think it's fairly customary that they say: We stipulate that the divorce may be entered if the mother proves grounds, and that she may have custody, and we'll pay so much support money.

Now, where --

QUESTION: But the problem here is not whether the money should be paid to the daughter; rather, it is whether the money shall be paid to the mother.

MR. ROE: That is correct.

QUESTION: Because she's the one who is -- the one under the decree, according to the terms of the decree, is the one to whom the husband pays the money.

MR. ROE: Yes, this is --

QUESTION: And now I'm only suggesting that it seems to me that your Supreme Court is, in effect, reading the decree as limiting the husband's obligation for support for payments to the mother on behalf of the daughter, to the years

before she's eighteen, and for the son until he's twenty-one.

MR. ROE: Well, that's what the Court's doing. I don't -- I didn't read the opinion as if the Court were saying, looking back at 1960 and in view of the statutes then, what the parties did and what the Court did by way of -- by means of interpretation, I should say, they meant to fix this at eighteen instead of twenty-one.

QUESTION: Well, what if the parties -- what if the agreement -- what if the stipulation had said: support until their majority?

MR. ROE: I think we would still have the same question.

QUESTION: Well, I know, but then you wouldn't if they had said -- if, after the daughter's name, they would have said eighteen in parentheses, and --

MR. ROE: No, I think --

QUESTION: -- after the son, twenty-one. They would have agreed to it?

MR. ROE: If the parties agreed to pay support to one of them until she was eighteen and the other until twenty-one, and the court approved it --

QUESTION: If they said "their majority", and the State statute specified what the majority was.

MR. ROE: Well, I'll agree. I take back what I said first. I think we would have a different case --

QUESTION: Well now, it's arguable that the Supreme Court of Utah has equated your situation with that -- with my supposition, in that when you agreed just to provide support, that meant, under State law, until their majority; which in turn meant until eighteen and twenty-one.

MR. ROE: Yes. But this decision was based upon an interpretation of the State law and its application, and not upon the use of the State law to try and interpret what the parties were stipulating to.

QUESTION: How does that square with the proposition that I understood you accepted, that Mr. and Mrs. Stanton could have agreed in that stipulation and decree on age eighteen for both, twenty for both, twenty-one for both, or twenty-five for both?

MR. ROE: Yes.

QUESTION: And they merely incorporated something by reference here. Why isn't it still just a stipulation and not a statutory question?

MR. ROE: But the stipulation did not purport to incorporate anything, did not, in fact, refer to age of majority, it referred only to children. In the context in which this stipulation was entered into, having come three years after a new statute putting the obligation on parents to support their children until they are twenty-one years old, and the possibility of interpretation of that statute, within

the terms of the decree, then I don't think that could be read as having agreed that the age of majority would be the controlling age.

QUESTION: Certainly as one reads the opinion of the Supreme Court of the State of Utah, its rationale doesn't seem to be, at all, as indicated in questions from the bench. Right at the beginning the Court states that the question before it is the constitutionality of Section 15-2-1, Utah Code Annotated 1953, --

MR. ROE: Yes, Your Honor, --

QUESTION: -- and goes on to consider the constitutionality of that statute.

MR. ROE: Yes, and --

QUESTION: It doesn't suggest at all that the parties -- that it's construing the decree as such, and that since it was a negotiated decree it's equivalent to having explicitly said: support the son until he's twenty-one and the daughter until she's eighteen.

That's no part of its rationale, as I read it.

MR. ROE: Well, I could not read that case that way, Your Honor.

QUESTION: I'm talking about this case, the opinion in this case.

MR. ROE: Yes, I mean the Supreme Court's opinion.

QUESTION: Right.

MR. ROE: Well, as Mr. Justice Stewart suggests, I think the Court did do this, or decide this case on constitutional grounds and statutory interpretation. And it's that -- on that basis in which we're challenging the statute and the decision of the Utah Supreme Court.

Of course, the age of majority statute, as such, cuts both ways. I recognize that. It has some effects other than in the support money area, which we're not necessarily concerned with, but which possibly have to be anticipated.

It offers benefits to one and detriments to another, in different kinds of situations.

But this proceeding, of course, is directed solely at the application, or primarily at the application of that statute to the support statutes.

The Utah Supreme Court used some rather traditional rationalizations to uphold the statute. One of them being that it's a man's primary responsibility to provide a home. This was the breadwinner argument which was rejected by the Court, I believe, in the Frontiero case.

They indicated also that the son needs a good education or training. I submit that the daughter also needs one.

Also the classic argument that girls tend to mature earlier than boys, which again is one of the arguments made in some of the previous cases, particularly Reed v. Reed. I

think in that case the Idaho Supreme Court sought to rationalize its statute on the basis that men were more qualified to be personal representatives than women were.

And the fourth rationalization of the Court was that girls tend to marry earlier, which is not a rationalization at all, because you can't tell which is cause and which is effect; whether the fact that they marry earlier comes from the fact that they may be denied the support that is given to the male children.

QUESTION: But the statute wipes that out, anyway, --

QUESTION: Yes.

QUESTION: -- in that when a girl marries, she no longer is subject to the provisions for support; as I read it.

MR. ROE: Yes, that's right. All children reach their majority on marriage under the statute.

QUESTION: Of either sex.

MR. ROE: Yes --

QUESTION: Of either sex.

MR. ROE: Of either sex. Yes, Your Honor.

Now, in trying to find the legislative rationalization for a statute like this is difficult, because the Utah Legislature approached these various things differently, with respect to the ages at which male children and female children reach their majority.

For instance, in other legislation, and in constitu-

tional provisions of Utah, males and females of the same ages have the right to vote and hold office, the right to serve as jurors, the right to practice law, make dispositions of properties by will; they're both subject to Juvenile Court jurisdiction at the same ages; automobile licensing. The general duty of support, as set out in the General Support statute, and to public assistance under the Public Assistance Program.

I point these out primarily to suggest that there is no rational basis in the total legislative scheme that suggests a view on the part of the Legislature that the female children are more competent at a particular age than the males.

QUESTION: How old is this statute, Mr. Roe?

MR. ROE: The original statute?

QUESTION: That's 15-2-1, yes.

QUESTION: 1852.

MR. ROE: 1852.

QUESTION: Way back to Territorial Days?

MR. ROE: Yes, Your Honor.

That was, I think -- the settlement was in 1847, they came into the Valley. So that's maybe five years later.

QUESTION: I notice you cite Frontiero and Reed v. Reed, but you don't mention Shevin v. Kahn.

MR. ROE: Yes, I --

QUESTION: Would that have anything to do with it?

MR. ROE: I did mention Shevin, or Kahn vs. Shevin, but only briefly.

I would like to say this about the cases together. I've tried to find, if I could, a common thread in them, and I think the one common thread I can find is that the surmises and the speculations with respect to legislative intention and some of the deference paid to the judgments of the Legislature has been subjected to a closer look.

But even in the cases which the Court has upheld the sex-based discrimination or the sex-based classification, I should say, it has taken a look at the basis on which the statute is sought to be upheld and has made a careful analysis of what the State is trying to accomplish in the methods by which it is doing it.

I think that would be true of the -- not only of Kahn vs. Shevin, but of the Geduldig vs. Aiello, and also Schlesinger vs. Ballard, in cases where the sex-based classification has been upheld or at least a classification which is contended to be sex-based.

We have in this case, too, as the Court has had before it in a number of others, that we don't have any legislative history that gives any guidance as to what the Legislature had in mind.

There are a couple of points that have been raised in the briefs with respect to the standing, for instance, of

the plaintiff here to bring this action.

A recent Utah case has reaffirmed what I pointed out earlier, and that is that the parent who has paid the support money is the one who -- or has supported the child is the one who has the right to receive the support.

That recent case was decided in October of last year, it's Baggs vs. Anderson, in 528 Pac 2d, 141. That was since the briefs were filed in this case.

Moreover, the Court here has held that the one challenging the statute need not necessarily be a member of the class. The most recent one, I believe, involving the women jurors and their need to request jury service, in Taylor vs. Louisiana.

The question of mootness has been raised, it being contended that the daughter is now over the age of twenty-one years, and so that the question is moot; however, the plaintiff in this case still has a question of her right to $2700 riding on the outcome, which would seem not to make the case moot.

Thank you very much.

MR. CHIEF JUSTICE BURGER: Mr. Frederick.

ORAL ARGUMENT OF J. DENNIS FREDERICK, ESQ.,

ON BEHALF OF THE APPELLEE

MR. FREDERICK: Mr. Chief Justice, and may it please the Court:

The Court has the language of the very statute which is being challenged here, and I might just state briefly the language is that "The period of minority extends in males to the age of twenty-one years and in females to that of eighteen years; but all minors attain their majority by marriage."

I think that there are four critical elements, or four critical problems with the Appellant's case here; a couple of which have been touched on in the questions asked of counsel in his argument.

I think, first, as this Court is well aware, the Appellant here is not in any representative capacity on behalf of her daughter; she is here in her own right, alleging that the statute in fact discriminates against her as a class -- that being the class of mothers of daughters in the eighteen to twenty-one-year age group.

I submit that, at this juncture, she has no standing, as, in fact, not only is she admittedly not a member of the class which the statute is designed to affect, that is, persons attaining majority; but she is indeed not even a member of the class which she claims is being discriminated against as, in fact, the daughter in question here turned twenty-one over a year ago.

The second point, which I believe has a very direct bearing on this --

QUESTION: But she has standing as to her asking for

moneys past due, does she not?

MR. FREDERICK: That is correct, Your Honor. However, my -- I submit to the Court that that's not before us here; that's a claim for moneys paid and not in fact a bearing on the constitutionality of this statute.

QUESTION: Well, isn't that how this whole lawsuit arose?

MR. FREDERICK: That is correct.

QUESTION: And it does involve three years' worth of support payments.

MR. FREDERICK: It does, Your Honor. The record does reflect that the daughter did in fact reside with the mother for most if not all of the time in question here.

QUESTION: Unh-hunh.

MR. FREDERICK: I would, however, submit that even if the Court finds that she has established a right which is in jeopardy here, or has established that she will sustain a substantial injury, that she is estopped now to claim -- make that claim. As the Court and the record establishes, without question, the decree of divorce entered in this matter in November of 1960 was in fact a stipulated decree of divorce, and a consent decree was entered.

Both parties involved in that matter were in fact represented by counsel, and I submit that the Appellant here is charged with either actual or constructive knowledge of

what the law in Utah was at that time, and that in fact was, without question, that the support payments for a daughter terminate at eighteen, under the statute here challenged.

She, the Appellant, may have contracted otherwise, but chose not to do so. And this Court has long recognized the doctrine of equitable estoppel. And I submit that here the Appellant is estopped to assert that argument.

QUESTION: Well, what's involved here in dollars and cents is three years, is it?

MR. FREDERICK: Yes, Your Honor.

QUESTION: This young lady became twenty-one on February 12, nineteen seventy- --

MR. FREDERICK: Seventy-four.

QUESTION: Seventy-four.

MR. FREDERICK: Yes, sir.

QUESTION: So actually there's $3600, is that what --

MR. FREDERICK: $2700, I believe is the figure.

QUESTION: Oh, is that it?

MR. FREDERICK: Yes, sir.

Next, and I believe again this is a fatal --

QUESTION: I take it, even if there were a reversal here, is it -- I mean -- then it would have to go back to the Supreme Court of Utah and, as has been suggested, it might say, no, both cuts off at eighteen?

MR. FREDERICK: Yes, Your Honor. In fact, that

takes from --

QUESTION: You might still win.

MR. FREDERICK: The point that I am here going to raise next, I think there's no substantial federal question here.

The defect, No. 1, of this statute, that is claimed in any event, has long since been cured by, as counsel stated, the adoption by Utah of the Uniform Civil Support Act -- Liability for Support Act.

That was adopted in 1957, and it requires not only fathers but mothers to give support in appropriate circumstances to their children until they arrive at the age of twenty-one.

QUESTION: But this would be quite independent of a divorce decree or any divorce proceeding?

MR. FREDERICK: It is. Yes, sir, it is. It has no relationship to the holdings of the Utah Supreme Court with regard to when support terminates. It's in the nature of, I suppose, what we commonly call pauper statutes. But neither the Appellant here nor the daughter have seen fit to avail themselves of that alternative State remedy.

They've chosen, as a matter of fact, to challenge the statute on which our Supreme Court has determined that support shall end.

A further aspect of this argument is that this is a political question.

QUESTION: Well, let's see, does that mean that between the time she was eighteen and twenty-one the mother, anyway, under this new statute, had an obligation to supply support whether or not the father did?

MR. FREDERICK: Absolutely.

That's absolutely the case under the statute in --

QUESTION: And the mother did in fact supply the support in those three years?

MR. FREDERICK: We don't dispute that. She --

QUESTION: So that if she has any basis to attempt to secure contribution from the husband, how does she go about it?

MR. FREDERICK: She would have the alternative remedy of either through the State Welfare Department or in the daughter's own name, to pursue the father as an obligee for reimbursement.

QUESTION: And then what does he do? Does he pay the -- have to reimburse her for the full amount?

MR. FREDERICK: Well, he would either be determined, I take it, in that proceeding, to owe that support which has been paid for the daughter; he's only co-responsible with the mother for the support of that daughter.

If, however, it were to come through payments by the Utah State Welfare Department, then he would be obligated to reimburse the Welfare Department.

At this particular time, I think it's very appropriate to state that there are currently pending before the Utah State Legislature three separate bills which have a bearing on this issue. One of which is the Equal Rights Amendment; secondarily there is --

QUESTION: I thought I heard this morning they rejected it last night.

MR. FREDERICK: I'm sorry to hear that, Your Honor.

QUESTION: So the radio said.

[Laughter.]

MR. FREDERICK: I had not heard that news.

In any event, there are two other bills pending, which would seek to make the age of majority uniform; one of which would make the age of majority twenty-one uniformly, and the other eighteen.

But, in any event, while these matters are pending before the Utah State Legislature, it seems to me that this acknowledgement of the political nature of this type of question was appropriately referred to by Mr. Justice Powell in his concurring opinion of Frontiero.

The Equal Rights Amendment, which, if adopted, will resolve the substance of this precise question, has been approved by the Congress and submitted for ratification by the States. If the Amendment is duly adopted, it will represent the will of the people, accomplished in the manner prescribed

by the Constitution.

By acting prematurely and unnecessarily, as I view it, the Court has assumed a decisional responsibility at the very time when State Legislatures, functioning within the traditional democratic process, are debating the proposed Amendment.

It seems to me that by reaching out to preempt by judicial action a major political decision, which is currently in process of resolution, does not reflect appropriate respect for the duly prescribed legislative processes.

In addition, I would submit, that the recent, most recent cases by this Court, dealing with the so-called sex-based discrimination matters, would provide that there in fact is a rational basis for the substantiation of this statute here under question, that in fact the Courts in Kahn vs. Shevin, this Court, Geduldig vs. Aiello and the Schlesinger vs. Ballard case has stated that the courts will not or should not substitute their social and economic beliefs for the judgment of the Legislatures.

If there is a fair and substantial relation to the legislative objective to be sought or to be advanced, the statute will stand.

In this particular instance, I submit that the State objective to be established or to be sought is to pinpoint an objectively identifiable point in time when a member of

society is given the responsibilities and benefits of adulthood.

It is to set an age at which the disabilities of infancy are removed. The Utah Legislature has made the determination that certain segments of the society are more capable of coping with these rights and responsibilities, namely married persons and females over the age of eighteen and males over twenty-one, and the view has traditionally been, correct or not, that a woman matures emotionally and physically at an earlier age than men.

This statute is merely the codification of that traditional view. And I submit that it does provide a fair and substantial means to promote a State objective and it is for those reasons I submit that the statute must be sustained.

Thank you.

MR. CHIEF JUSTICE BURGER: Do you have anything further?

REBUTTAL ARGUMENT OF BRYCE E. ROE, ESQ.,

ON BEHALF OF THE APPELLANT

MR. ROE: Just one statement, if the Court please, and that is the estoppel matter.

The decisions just weren't that clear prior to this case, as to whether the support obligation ended at age eighteen, following the enactment of the Support Act.

And there were very -- I did not really find any

decisions even prior to that in which there was a clear holding as to the age at which it ended.

But it was the argument we made to the Utah Supreme Court with respect to that, was that the support money payment ended at majority, at common law, because that's when the duty of a parent to support ended.

And when the Legislature changed that, then it was a rational basis for changing the application to the divorce proceedings.

Thank you.

MR. CHIEF JUSTICE BURGER: Thank you, Mr. Roe.

Thank you, Mr. Frederick.

The case is submitted.

[Whereupon, at 2:58 o'clock, p.m., the case in the above-entitled matter was submitted.]

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