

PLS 67 Course Outline as of Fall 2012**CATALOG INFORMATION**

Dept and Nbr: PLS 67 Title: FAMILY LAW
 Full Title: Family Law
 Last Reviewed: 5/14/2018

| Units | | Course Hours per Week | | Nbr of Weeks | Course Hours Total | |
|---------|------|-----------------------|------|--------------|--------------------|-------|
| Maximum | 3.00 | Lecture Scheduled | 3.00 | 17.5 | Lecture Scheduled | 52.50 |
| Minimum | 3.00 | Lab Scheduled | 0 | 17.5 | Lab Scheduled | 0 |
| | | Contact DHR | 0 | | Contact DHR | 0 |
| | | Contact Total | 3.00 | | Contact Total | 52.50 |
| | | Non-contact DHR | 0 | | Non-contact DHR | 0 |

Total Out of Class Hours: 105.00

Total Student Learning Hours: 157.50

Title 5 Category: AA Degree Applicable

Grading: Grade Only

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly:

Catalog Description:

This course presents fundamental common law and statutory concepts of family law with emphasis on the paralegal's role in this area. Topics include formal and informal marriages, separation, divorce, annulment, marital property, the parent-child relationship, child custody and support, adoption, guardianship, domestic relations court procedures, public records research, and the paralegal's role in alternative dispute resolution/mediation processes. Ethical obligations, family law terminology and emerging computer applications in domestic relations practice are also presented.

Prerequisites/Corequisites:

Course Completion of PLS 50 and PLS 51

Recommended Preparation:

Eligibility for ENGL 100 or ESL 100

Limits on Enrollment:**Schedule of Classes Information:**

Description: This course presents fundamental common law and statutory concepts of family law with emphasis on the paralegal's role in this area. Topics include formal and informal marriages,

separation, divorce, annulment, marital property, the parent-child relationship, child custody and support, adoption, guardianship, domestic relations court procedures, public records research, and the paralegal's role in alternative dispute resolution/mediation processes. Ethical obligations, family law terminology and emerging computer applications in domestic relations practice are also presented. (Grade Only)

Prerequisites/Corequisites: Course Completion of PLS 50 and PLS 51

Recommended: Eligibility for ENGL 100 or ESL 100

Limits on Enrollment:

Transfer Credit: CSU;

Repeatability: Two Repeats if Grade was D, F, NC, or NP

ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:

| | | | |
|----------------------|----------------------|----------------------|-----------|
| AS Degree: | Area | Effective: | Inactive: |
| CSU GE: | Transfer Area | Effective: | Inactive: |
| IGETC: | Transfer Area | Effective: | Inactive: |
| CSU Transfer: | Transferable | Effective: Fall 2012 | Inactive: |
| UC Transfer: | | Effective: | Inactive: |

CID:

Certificate/Major Applicable:

Major Applicable Course

COURSE CONTENT

Outcomes and Objectives:

Upon completion of the course, students will be able to:

1. Demonstrate knowledge of fundamental common law and statutory family law concepts governing marriage (creation and dissolution), parent-child relationships, guardianships, and other matters controlled by the family court.
2. Locate, describe, and analyze print and electronic sources of law relating to family law.
3. Explain the ethical obligations of a paralegal relating to family law.
4. Demonstrate the unique personal communication skills needed to meet the emotional and legal needs of the client.
5. Define the paralegal's role in assisting in Alternative Dispute Resolution / Mediation / Collaborative Law processes.

Topics and Scope:

I. Introduction to Family Law

A. Family Law Practice

1. Scope
2. Adversarial vs. collaborative process

B. Interest of the government

1. Constitutional issues
2. State issues
3. Domestic relations court system

C. Legal research methods in family law

1. Legal sources
 - a. Primary authority
 - b. Secondary authority
2. Non-legal sources

D. Role of paralegal in family law practice

1. Interview work
2. Investigative work
3. Pro bono work

E. Ethical considerations in family law practice

1. Unauthorized practice of law
2. Confidentiality
3. Conflict of interest
4. Attorney's fees
5. Communications with opposite side
6. Professional relationship with client
7. Paralegal's responsibility to client, court and supervising attorney
8. Features of jurisdiction's Code of Professional Responsibility
9. Grievance procedures

II. Marital Relationships

A. Marriage

1. History and definition of marriage
 - a. Ceremonial
 - b. Common law
 - c. Same sex unions/marriages
2. Presumptions and public policy considerations
 - a. Valid
 - b. Void
 - c. Voidable
3. Legal consequences of marriage
 - a. Breach of promise to marry
 - b. Mutual duty to support

B. Premarital and cohabitation agreements

1. Legality and enforceability
2. Client consideration - implications of death and divorce
3. Modification
4. Types

a. Uniform Premarital Agreement Act

- i. Definitions
- ii. Formalities
- iii. Effect of marriage
- iv. Amendment or revocation
- v. Enforcement

b. Marital property agreement

- i. Partition or exchange of community property
- ii. Agreement between spouses concerning income or property from separate

property

- iii. Formalities
- iv. Enforcement

c. Agreement to convert separate property to community property and vice versa

- i. Formalities

- ii. Management of converted property
- iii. Enforcement
- iv. Rights of creditors
- d. Post-nuptial agreements
- e. Cohabitation agreements

III. Breakdown of the Marital Relationship

- A. Termination overview
 - 1. Equity v. law
 - 2. Issues
 - 3. Religious considerations
- B. Annulments
 - 1. Definition
 - 2. Purpose
 - 3. Requirements
 - 4. Procedure
 - 5. Consequences
 - 6. Other forms of relief
 - a. Separation
 - b. Alternative dispute resolution/mediation/collaborative law
- C. Divorce
 - 1. Definition--contested versus uncontested
 - 2. Requirements
 - a. Common law grounds
 - b. Statutory grounds
 - 3. Defenses to fault grounds
 - 4. Property rights
 - 5. Consequences
 - a. Personal issues
 - b. Financial issues
 - c. Tax issues
- D. Trial practice and dissolution of marriage
 - 1. Jurisdictional issues
 - 2. Preparation of pleadings, service of process, discovery documents, temporary orders, divorce decrees, and orders
 - 3. Preliminary hearing for interlocutory relief
 - 4. Special relief matters, bifurcation, litigation fees and costs, collection of arrearages
 - 5. Analysis of equitable distribution and alimony
 - 6. Client considerations - interviewing techniques
 - 7. Modification and appeals of divorce decrees
- E. Ancillary issues - wills, deeds, qualified domestic retainer orders, settlement agreements, decrees

IV. Post Divorce Enforcement

- A. Property issues
 - 1. Classifications
 - a. Marital property
 - i. Community property state
 - ii. Non-community property state
 - b. Homesteads
 - i. Sale
 - ii. Conveyance

- iii. Encumbrances
 - c. Inheritance
 - d. Retirement, pension, employment benefits and other plans
 - e. Insurance rights
- 2. Valuation of property
- 3. Division of liabilities
- B. Child issues
 - 1. Custody
 - a. Purpose - child's best interest
 - b. Kinds
 - i. Parental: joint/sole
 - ii. Non-parental: relative/non-relative
 - c. Agreements
 - i. Uniform Child Custody Act
 - ii. Private agreements
 - d. Litigation
 - i. Procedure
 - a. Suit Affecting the Parent-Child Relationship
 - b. Court Order s
 - ii. Additional parties
 - a. Guardian ad litem
 - b. Attorney ad litem
 - c. Court-appointed special advocate
 - d. Volunteer advocates
 - 2. Indian Child Welfare Act of 1978 (ICWA)
 - a. Statutory authority
 - b. Indian child's best interest and cultural consideration
 - c. Jurisdiction
 - d. Placement preferences
 - 3. Visitation
 - a. Parents
 - b. Step-parents
 - c. Grandparents
 - 4. Termination of parental rights
 - a. Grounds for involuntary termination
 - b. Procedures
 - c. Hearing and order
 - 5. Adoption
 - a. Common Law and statutory basis
 - i. Adoption and Safe Families Act of 1997 (ASFA)
 - ii. Multiethnic Placement Act (MEPA)
 - b. Agency v. non-agency
 - c. Voluntary and involuntary termination
 - d. Artificial reproduction issues
 - e. Adoption of adult
 - 6. Paternity
 - a. Uniform Parentage Act
 - b. Temporary orders
 - c. Conservatorship, support and payments
 - d. Acknowledgment/denial
 - e. Scientific/DNA testing
 - f. Presumptions and burden of proof

7. Support - general and medical

a. Federal guidelines

- i. Uniform Interstate Family Support Act
- ii. Uniform Reciprocal Enforcement of Support Act
- iii. Other interstate, intrastate, and international support laws and procedures

b. State guidelines

c. Enforcement procedures

- i. Liens
- ii. Garnishment of wages
- iii. Suspension of license

d. Modification.

- i. Managing conservatorship
- ii. Possession or access to child
- iii. Financial support

8. Child abuse

a. Child Abuse Central Registry

b. Reports of abuse/neglect

- i. False reports
- ii. Confidentiality

c. Abandoned children

d. Adversary hearing and notice

C. Spousal support issues

1. Alimony and equitable distribution

2. Maintenance

3. Modification

4. Appeals

V. Families in Crisis

A. Domestic violence

1. Legal responses

- a. Protective orders
- b. Criminal prosecution
- c. Termination of divorce and custody rights
- d. Impact on children

B. Battered woman's syndrome

C. Review of placement

VI. Changing Legal Status of Children

A. Child delinquency and dependency

1. Juvenile court proceedings
2. Liability of parents for conduct of child

B. Emancipation

VII. Alternate Family Structures

A. Single parent

B. Step-families/blended families

C. Same-sex parents

D. Foster parents

VIII. Surrogacy

A. Definition

B. State laws

IX. Changing Roles of Women in Society

- A. Civil Rights Act, Title VII
- B. Abortion and reproductive rights
- C. Equal Pay Act
- D. Pregnancy Disability Act
- E. Family Leave Act
- F. Change of name

X. Family Relations Issues

- A. Elder care issues - conservatorship proceedings
- B. Homeless issues
- C. Offenses against the family
 - 1. Bigamy
 - 2. Sale/purchase of child

Assignment:

1. Read textbook and outside sources of approximately 40 pages per week.
2. Weekly homework assignments based on lecture and readings
3. Analysis of fact patterns
4. Participate in weekly group discussions
5. Terminology assignments
6. Portfolio of examples of family law documents
7. 3-5 quizzes, midterm and final exam

Methods of Evaluation/Basis of Grade:

Writing: Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Analysis of fact pattern assignments

Writing
20 - 25%

Problem Solving: Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

Homework and terminology assignments; group work

Problem solving
20 - 25%

Skill Demonstrations: All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

Portfolio

Skill Demonstrations
20 - 25%

Exams: All forms of formal testing, other than skill performance exams.

Quizzes, midterm and final exam: multiple choice, true/false, matching items, listing questions

Exams
30 - 35%

Other: Includes any assessment tools that do not logically fit into the above categories.

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| Attendance and participation |
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| Other Category 5 - 10% |
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Representative Textbooks and Materials:

California Family Law for Paralegals, Fifth Edition by Marshall W. Waller, Aspen Publishers, 2008

Instructor prepared materials