

PL-2540: FAMILY LAW

Cuyahoga Community College

Viewing: PL-2540 : Family Law

Board of Trustees:

March 2022

Academic Term:

Fall 2022

Subject Code

PL - Paralegal Studies

Course Number:

2540

Title:

Family Law

Catalog Description:

Basic principles and trends in family law including marriage, annulment, dissolution, divorce, child support, child custody, visitation, paternity, and adoption. Emphasis on ethical issues, drafting of appropriate documents, preparing discovery, court proceedings, computer-assisted calculation, and conducting interviews to obtain sensitive client information. The role of the paralegal in assisting the supervising attorney with practical tasks commonly associated with family law matters is explored.

Credit Hour(s):

3

Lecture Hour(s):

3

Lab Hour(s):

0

Other Hour(s):

0

Requisites

Prerequisite and Corequisite

PL-1300 Civil Procedure.

Outcomes

Course Outcome(s):

Apply research findings to client facts in order to make a legally informed prediction about the potential success (or lack thereof) of a client matter and to present options for next steps.

Essential Learning Outcome Mapping:

Critical/Creative Thinking: Analyze, evaluate, and synthesize information in order to consider problems/ideas and transform them in innovative or imaginative ways.

Objective(s):

1. Utilize computer-assisted legal research tools to obtain relevant statutes and case law needed to draft a legal memorandum that addresses a supervising attorney's questions regarding a Domestic Relations Court proceeding.

Course Outcome(s):

Customize templates and court forms provided by a supervising attorney with client-specific information and draft documents associated with family law matters for a supervising attorney's review.

Essential Learning Outcome Mapping:

Written Communication: Demonstrate effective written communication for an intended audience that follows genre/disciplinary conventions that reflect clarity, organization, and editing skills.

Objective(s):

1. Utilize client facts to customize template language of separation agreements, shared parenting plans, Domestic Relations court forms, prenuptial agreements, and Motions of Show Cause for a supervising attorney's review.
2. Prepare or review complaints, petitions, motions, and interrogatories associated with divorce and dissolution of marriage.
3. Draft an antenuptial agreement.
4. Draft a separation agreement.
5. Prepare adoption forms.

Course Outcome(s):

Analyze and explain the various ways to terminate a marriage under Ohio law and to seek post-decree enforcement of terms of divorce/dissolution.

Essential Learning Outcome Mapping:

Information Literacy: Acquire, evaluate, and use information from credible sources in order to meet information needs for a specific research purpose.

Objective(s):

1. Distinguish between divorce, dissolution, and annulment, including differentiation between the grounds for divorce from grounds for annulment.
2. Explain the legal difference between termination of marriage and legal separation.
3. Describe the legal significance of annulments.
4. Identify client needs that might indicate the use of an "alimony only" action.

Course Outcome(s):

Examine the laws, guidelines, and documents associated with parenting time in Ohio.

Essential Learning Outcome Mapping:

Information Literacy: Acquire, evaluate, and use information from credible sources in order to meet information needs for a specific research purpose.

Objective(s):

1. Identify and utilize the default shared parenting plan/parenting time schedule.
2. Examine the role of the "best interest of the child" in the context of Domestic Relations Court proceedings; abused, neglected, or abandoned children; and paternity and custody or guardianship proceedings.
3. Describe the legal processes used to seek assistance from Domestic Relations Court with enforcement of shared parenting plans.
4. Explain the Ohio court's utilization of guardian ad litem, the mandatory divorce seminar, and court conciliation services.
5. Analyze the state's role in determining guardianship or custody.
6. Identify the essential elements and functions of surrogacy agreements, as well as other "assisted conception" documents.

Course Outcome(s):

Develop proficiency in client interviewing, information gathering, and other practical paralegal tasks related to family law matters.

Essential Learning Outcome Mapping:

Information Literacy: Acquire, evaluate, and use information from credible sources in order to meet information needs for a specific research purpose.

Objective(s):

1. Obtain necessary information from clients to complete basic paralegal responsibilities arising in a domestic relations legal practice.
2. Hold a preliminary interview with the client to identify domestic relations problems.
3. Record information collected during a client interview using a basic fact sheet, checklist, or questionnaire.
4. Develop proficiency in obtaining information needed to create a list of client assets and liabilities.
5. Prepare discovery materials (obtaining records, birth or marriage certificates, real estate documentation, etc.), in order to create a client asset list.

6. Develop proficiency in locating information associated with past and present marriages including dates, jurisdiction, children, support, custody, etc., including the materials needed to determine whether client was validly married.
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Methods of Evaluation:

1. Quizzes
2. Midterm Examination
3. Final Examination
4. Case Brief Assignment
5. Memorandum Assignment
6. Motion to Show Cause Assignment
7. Divorce Assignment
8. Antenuptial Agreement Assignment
9. Separation Agreement Assignment
10. Shared Parenting Plan Assignment

Course Content Outline:

1. Introduction to Family Law Practice and Domestic Relations Court
 - a. Family law and the concept of parens patriae
 - b. Domestic Relations Court
 - i. Role, purpose, and functions
 - ii. Scope of jurisdiction
 - c. Interpersonal skills
 - i. Maintaining objectivity when interacting with clients
 - ii. The role of empathy when carrying out assignments
 - iii. Managing one's own personal beliefs in the family law workplace
 - d. Ethical challenges and constraints in family law
 - i. Multiple party representation, conflicts of interest, and malpractice
 - e. Sources of Family Law
 - i. Statutory law
 - ii. Common law
 - iii. Court rules
2. Family Law Issues Not Associated With Termination of Marriages
 - a. Amatory or heart balm actions
 - i. Breach of promise
 - ii. Criminal conversation
 - iii. Seduction
 - iv. Alienation of affections
 - v. Unjust enrichment
 - b. Conditional gifts
 - i. Wedding gifts
 - ii. Engagement rings
 - c. Contracts restraining marriage
 - d. Cohabitation
 - i. Status of "palimony" under Ohio law
 - ii. Legal rights of unmarried partners
3. Antenuptial Contracts \ Prenuptial Agreements
 - a. Language of agreements
 - b. Full disclosure
 - c. Challenging validity and enforceability
 - i. Unconscionability
 - ii. Fraud
 - iii. Duress

- iv. Illegal provisions
- d. Drafting prenuptial agreements
- 4. Types of Marriage in Ohio
 - a. Ceremonial/statutory
 - b. Common law marriage
 - c. Full faith and credit clause in U.S. Constitution
 - d. Same-sex marriages
- 5. Legal Separation
 - a. Legal significance and effect
 - b. Domestic Relations Court forms associated with legal separation
- 6. Methods of Terminating Marriages in Ohio
 - a. Divorce
 - i. Stages of divorce proceedings
 - ii. Grounds for divorce under Ohio law
 - iii. Information gathering and client interviewing
 - iv. Pleadings and Domestic Relations Court forms
 - v. Discovery
 - vi. Pretrial motions
 - A. Support
 - B. Retraining Orders
 - vii. Effect of children as issue of marriage
 - viii. Divorce hearings
 - ix. Divorce decree
 - b. Dissolution
 - i. Difference between divorce and dissolution
 - ii. Domestic Relations Court forms associated with dissolution
 - iii. Commonly asked questions during dissolution hearings
 - c. Separation Agreements
 - i. Division of assets and property
 - ii. Division of debts and liabilities
 - iii. Spousal support
 - iv. Other matters
 - v. Preparation of a separation agreement
 - vi. Enforcement of separation agreements
 - A. Non-compliance with separation agreements
 - B. Challenging validity of separation agreements
- 7. Family Law Issues Involving Children
 - a. Child Support
 - i. Statutory guidelines
 - ii. Calculating child support
 - b. Custody and Parenting Time
 - i. Statutory guidelines
 - ii. Determining the "best interest" of the child
 - iii. Shared parenting plans
 - iv. Domestic Relations Court resources and programming
 - c. Paternity
 - d. Enforcement of child support orders and shared parenting plans
- 8. Annulments
 - a. Grounds for annulment
 - b. Eligibility for annulment
 - c. Legal significance and effect
 - d. Tax ramifications

9. Tax consequences of legal separation, annulment, and divorce\dissolution

Resources

Ehrlich, J. Shoshanna. *Family Law for Paralegals*. 8th Ed. Wolters Kluwer, 2019.

Wilson, Mary. *Family Law for the Paralegal: Concepts and Applications*. 3rd Ed. Pearson, 2016.

Statsky, William P. *Family Law*. 7th Ed. Cengage Learning, 2020.

Luppino, Grace A.; Miller, Justine FitzGerald. *Family Law and Practice*. 5th Ed. Pearson, 2019.

Howard, Barbara J. *Anderson's Ohio Domestic Relations Practice Manual*. 2021 Ed. Anderson Publishing, 2021.

Sowald, Beatrice K.; Morganstern, Stanley. *Domestic Relations Law (Baldwin's Ohio Practice)*. 2021-2022 Ed. Banks-Baldwin, 2021.

Resources Other

1. Cuyahoga County Domestic Relations Court's Website: <http://domestic.cuyahogacounty.us/>
2. Our Family Wizard: <https://www.ourfamilywizard.com> (<https://www.ourfamilywizard.com/>)
3. The Supreme Court of Ohio's Domestic Relations and Juvenile Standardized Forms Website: <https://www.sconet.state.oh.us/JCS/CFC/DRForms/>
4. "Planning for Parenting Time: Ohio's Guide for Parents Living Apart": <https://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

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