

ITT Technical Institute
PL2520
Fundamentals of Family Law
Onsite Course

SYLLABUS

Credit hours: 4.5

Contact/Instructional hours: 45 (45 Theory Hours)

Prerequisite(s) and/or Corequisite(s):

Prerequisites: PL1310 Introduction to Civil Litigation or equivalent

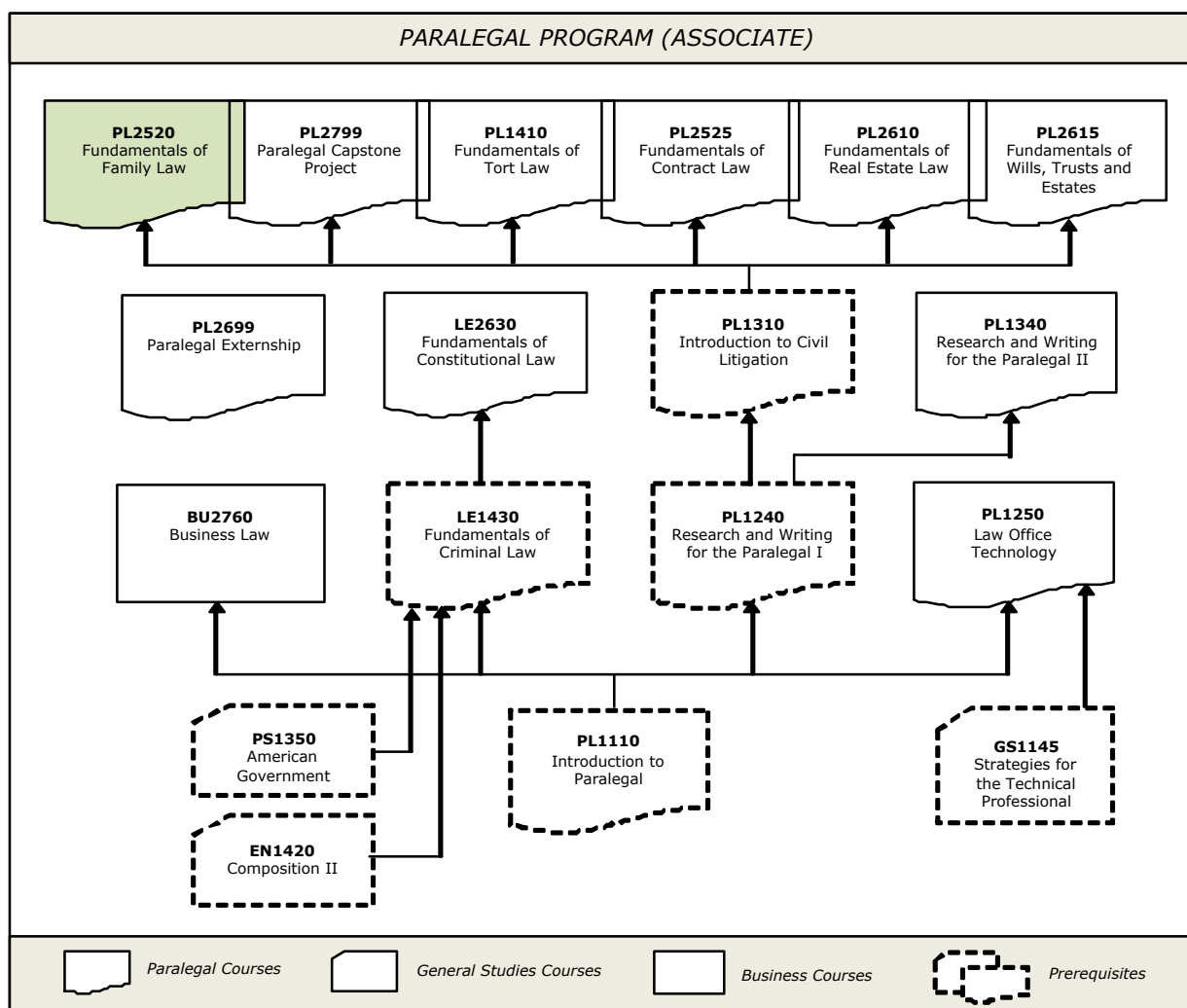
Course Description:

This course is an overview of fundamentals of family law, including prenuptial agreements, marriage, adoption, separation, divorce, property division, spousal support, child custody and support, visitation and paternity actions. Students focus on procedures and legal documents related to family law.

Where Does This Course Belong?

This course is ideally offered in the second year of the paralegal associate degree program. The paralegal degree from ITT Technical Institute helps to prepare students for meaningful careers as paralegals and legal assistants working in civil litigation, family law, criminal, real estate law, and/or probate law.

The following diagram demonstrates how this course fits in the program:



Course Summary

Major Instructional Areas

1. The role of the paralegal in family law matters
2. Agreements, including cohabitation and premarital and separation agreements
3. Marriage
4. Non-marital families
5. Annulment
6. Divorce and legal separation
7. Discovery
8. Parentage including maternity, paternity, and adoption
9. Child custody and visitation schedules
10. Child support
11. Alimony
12. Property division
13. Family violence

Course Objectives

1. Describe the role of a paralegal as a member of a family law team.
2. Describe the nature, purposes, and scope of the most common kinds of agreements executed by parties in the family law context.
3. Identify major legal issues related to marital and nonmarital relationships.
4. Describe the most common methods of gathering information in family law cases.
5. Formulate major issues relating to family violence relevant in a family law context.
6. Assess major legal concepts, issues, and procedures related to alteration of the marital relationship by annulment, legal separation, and divorce.
7. Analyze major legal issues related to parenthood, including establishment of parentage and adoption.
8. Summarize major legal concepts and issues related to child custody and child support.
9. Summarize major legal concepts and issues related to spousal support and property division.
10. Analyze legal issues related to a variety of family law topics.
11. Prepare basic documents common in a family law practice using appropriate formats and terminology.
12. Perform research on issues related to family law cases.
13. Apply rules, procedures, statutes, and case law governing a variety of family law matters in a given jurisdiction.
14. Use the ITT Tech Virtual Library to conduct family law research.

Learning Materials and References

Required Resources

Textbook Package	New to this Course	Carried over from Previous Course(s)	Required for Subsequent Course(s)
Luppino, G. A., & Miller, J. F. (2012). <i>Family law and practice: The paralegal's guide</i> (3 rd ed.). Upper River Saddle, NJ: Prentice Hall.	■		■

Recommended Resources

Internal

- ITT Tech Virtual Library:
<http://myportal.itt-tech.edu/library/Pages/HomePage.aspx>

- School of Study:

You may click on "School of Study" to find the following links.

- School of Criminal Justice> Databases> LexisNexis Academic

This extensive legal database is organized into five categories and provides access to cases and statutes as well as a wide range of legal newspapers, magazines, and journals. Statutes, codes, administrative regulations, court rules, and opinions of relevant jurisdictions are frequently available online in whole or part or through commercial resources such as LexisNexis.

- School of Criminal Justice> Recommended Links> Law> Findlaw

This site provides a comprehensive set of legal resources for professionals, businesses, and individuals. These resources include Web search utilities, cases and codes, legal news, informational articles, and more.

- School of Criminal Justice> Recommended Links> Law> Legal Information Institute

Maintained by Cornell Law School, this site provides information on legal topics and links to state and federal laws and court decisions.

- School of Criminal Justice> Recommended Links> Law> Harvard Law School: Research Guides

This site is prepared and maintained by the Harvard Law School Library and provides guides on a variety of legal topics.

- Professional Associations:
 - American Bar Association: <http://www.americanbar.org> (accessed Sept. 27, 2011)

Other References

Books, Professional Journals

- Am. Jur. 2nd. (West) (Available online through LexisNexis Academic)
- Am Jur Legal Forms 2nd /E (West Group)
- Am Jur Pleading and Practice Forms Annotated (Lawyers Cooperative Publishing), Rochester, NY, 1966
- Matthew Bender's Family Law and Practice
- Family Law Litigation Guide with Forms
- Valuation and Distribution of Marital Property
- Disputed Paternity Proceedings
- Adoption Law and Practice
- Child Custody and Visitation (five-volume)
- Lindey and Parley on Separation Agreements and Antenuptial Contracts 2d (including forms) (Mathew Bender, 2010)
- Garner, Bryan A. Black's Law Dictionary 9/E. Washington, DC: Thomson/West, 2009
- *Journal of the American Academy of Matrimonial Lawyers*
- *Harvard Law Review*
- *Family Law Quarterly*

Government websites

- Administration for Children and Families (ACF): <http://www.acf.hhs.gov>
- Office of Child Support Enforcement: <http://www.acf.hhs.gov/programs/cse>
- U.S. Census Bureau: <http://www.census.gov>
- Child Welfare Information Gateway: <http://www.childwelfare.gov>
- Internal Revenue Service: <http://www.irs.gov>

Topical websites

- Child Support Guidelines: <http://www.supportguidelines.com/main.html>
- Domestic Violence against Women: <http://www.lrcvaw.org>

- National Association of Legal Assistants: Ethics and Responsibilities: <http://www.nala.org/code.aspx>
- National Federation of Paralegal Associations: <http://www.paralegals.org>
- Ethics: ABA Center for Professional Responsibility: <http://www.abanet.org/cpr>
- Legislation: National Conference of State Legislatures: <http://www.ncsl.org>
- Legislation: National Conference of Commissioners on Uniform State Laws: <http://www.nccusl.org>
- Research: Divorce Laws: Child Custody, Support, Visitation: <http://www.divorcelinks.com>

NOTE: All links to Web references are subject to change without prior notice.

Information Search

Use the following keywords to search for additional online resources that may be used for supporting your work on the course assignments:

- - Role of the paralegal
 - Cohabitation
 - Premarital and separation agreements
 - Marriage and nonmarital families
 - Annulment
 - Divorce and legal separation
 - Discovery
 - Parentage, including maternity, paternity, adoption, and child support
 - Alimony
 - Family violence
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Course Plan

Suggested Learning Approach

In this course, you will be studying individually and within a group of your peers. As you work on the course deliverables, you are encouraged to share ideas with your peers and instructor, work collaboratively on projects and team assignments, raise critical questions, and provide constructive feedback.

Use the following advice to receive maximum learning benefits from your participation in this course:

DO	DON'T
<ul style="list-style-type: none">▪ Do take a proactive learning approach.▪ Do share your thoughts on critical issues and potential problem solutions.▪ Do plan your course work in advance.▪ Do explore a variety of learning resources in addition to the textbook.▪ Do offer relevant examples from your experience.▪ Do make an effort to understand different points of view.▪ Do connect concepts explored in this course to real-life professional situations and your own experiences.	<ul style="list-style-type: none">▪ Don't assume there is only one correct answer to a question.▪ Don't be afraid to share your perspective on the issues analyzed in the course.▪ Don't be negative about the points of view that are different from yours.▪ Don't underestimate the impact of collaboration on your learning.▪ Don't limit your course experience to reading the textbook.▪ Don't postpone your work on the course deliverables – work on small assignment components every day.

Course Outline

Unit 1: INTRODUCTION TO FAMILY LAW AND PRACTICE

Out-of-class work:
9 hours

Upon completion of this unit, students are expected to:

- Identify sources of law used to resolve family law matters.
- Describe procedures courts use to address disputed family law issues.
- Describe law firm procedures in handling family law cases.
- Identify the activities that constitute the unauthorized practice of law.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
Luppino, Chapters 1-2	Case Study	Unit 1 Case Study 1: Unauthorized Practice of Law (UPL)	5%

Unit 2: MARRIAGE AND MARRIAGE ALTERNATIVES

Out-of-class work:
9 hours

Upon completion of this unit, students are expected to:

- Identify the requirements for a valid marriage.
- Describe how a common law marriage is created.
- Identify the legal remedies available to cohabitating couples.
- Identify the options available to same-sex couples who wish to formalize their relationships.
- Describe the legal effects of the Federal Defense of Marriage Act on same-sex couples.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
Luppino, Chapter 3	Assignment	Unit 2 Assignment 1: State-Specific Same-Sex Analysis	2%
	Case Study	Unit 2 Case Study 1: Sex Change Not Valid to Constitute Marriage between Man and Woman	5%

Unit 3: DIVORCE, SEPARATION, AND ANNULMENT

**Out-of-class
work:**
9 hours

Upon completion of this unit, students are expected to:

- Distinguish the differences between divorce and annulment.
- Describe the circumstances that favor a legal separation rather than a divorce.
- Analyze the advantages and disadvantages of no-fault divorce.
- Develop a separation agreement.
- Identify the modifiable and non-modifiable portions of a dissolution decree.
- Identify the events that give rise to the changed circumstances needed to modify.
- List the options some states provide to assist a spouse in recovering unpaid alimony or child support payments.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
Luppino, Chapters 4, 15-16	Assignment	Unit 3 Assignment 1: State Enforcement Statutes	2%
	Case Study	Unit 3 Case Study 1: Effects of Annulment	5%
	Project	Unit 3 Project Part 1: Separation Agreement (PORTFOLIO)	4%
	Quiz	Unit 3 Quiz 1 (covers Units 1-3)	3.3%

Unit 4: PREMARITAL AGREEMENTS

**Out-of-class
work:**
9 hours

Upon completion of this unit, students are expected to:

- Define the term "premarital agreement."
- Distinguish the difference between premarital and postnuptial agreement.
- Identify which documents must be reviewed before drafting a premarital agreement.
- Identify the unenforceable provisions of a premarital agreement.
- Discuss issues involving the enforceability of premarital agreements during the dissolution process.

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> • Luppino, Chapter 5 <ul style="list-style-type: none"> ▪ In re Marriage of Bonds, 24 Cal. 4th1, 5 P. 3d 815 (2000) (Accessed at ITT Tech Virtual Library> School of Study> School of Criminal Justice> Databases> LexisNexis Academic) ▪ LUTGERT v. LUTGERT 338 So. 2d 1111 - Unenforceable Premarital Agreement Case. (Accessed at ITT Tech 	Case Study	Unit 4 Case Study 1: Unenforceable Premarital Provisions	5%
		Unit 4 Case Study 2: Celebrity Case Study – Disputed Premarital Agreement	5%

<p>Virtual Library> School of Study> School of Criminal Justice> Databases> LexisNexis Academic)</p> <ul style="list-style-type: none"> “More Couples Are Taking No Chance On Love,” Claudia H. Deutsch, The New York Times, August 13, 1995. Access from: www.nytimes.com/1995/08/13/business/earning-it-more-couples-are-taking-no-chance-on-love.html 		
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Unit 5: PENDENTE LITE RELIEF, PROPERTY, AND DEBT DISTRIBUTION

Upon completion of this unit, students are expected to:

- Define the phrase “cooling-off period” and explain the purpose of a *pendente lite* motion.
- List and define the most frequently used family law motions.
- Analyze the purpose and nature of *ex parte* proceedings.
- Identify the various forms of ownership of real property.
- Distinguish marital property from separate property.
- Describe the concepts of equitable distribution and community property.

Out-of-classwork:
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
Luppino, Chapters 7 & 12	Assignment	Unit 5 Assignment 1: Aspects of <i>Pendente Lite</i> Relief	2%
	Project	Unit 5 Project Part 2: Separation Agreement (PORTFOLIO)	4%
	Case Study	Unit 5 Case Study 1: Court Identifies Separate Property v. Marital Property	5%
	Quiz	Unit 5 Quiz 2 (covers Units 4-5)	3.3%

Unit 6: ALIMONY AND CHILD SUPPORT

Upon completion of this unit, students are expected to:

- Describe the rationale behind implementation of the child support guidelines.
- Identify the basis for modification of child support orders.
- Describe the child support enforcement process.
- Identify the statutory factors for awarding alimony in your jurisdiction.
- Identify the various types of alimony.
- Demonstrate when and how alimony may be modified.

Out-of-classwork:
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
Luppino, Chapters 6 & 9	Assignment	Unit 6 Assignment 1: Identify Statutory Factors for Awarding Alimony in Your Jurisdiction	2%
	Midterm	Midterm Exam (covers Units 1-6)	10%

	Parts 1 & 2	
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Unit 7: CHILD CUSTODY

Upon completion of this unit, students are expected to:

- Identify the factors considered in determining the child's best interest.
- Draft a typical parenting plan.
- Describe the joint legal custody arrangement.
- Discuss the role family relations play in the determination of custody.
- Discuss assisted reproductive technology ethical issues.
- Discuss the legal liability fallout from reproductive technology ethical issues.

**Out-of-class
work:**
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> • Luppino, Chapter 8 • Supplemental reading required: <i>Rapin, K. (2009, September 25). Couple Prepares for Baby from "Mistaken" Embryo. The Toledo Free Press. (Google: "Mistaken" Embryo. The Toledo Free Press.)</i> 	Assignment	Unit 7 Assignment 1: Draft a Parenting Plan	2%
	Project	Unit 7 Project Part 3: Separation Agreement (PORTFOLIO)	4%

Unit 8: CLIENT INTERVIEW AND INITIAL PLEADINGS

Upon completion of this unit, students are expected to:

- Describe the role of the paralegal in the client interview process.
- Identify the importance of referring clients to appropriate support services when necessary.
- List the steps in the client interview.
- Draft a dissolution of marriage.
- Identify the proper geographic venue in which to file the pleadings.
- Distinguish the difference between in rem and in personam jurisdiction.
- Draft an answer to a cross complaint.

**Out-of-class
work:**
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
Luppino, Chapters 10-11	Assignment	Unit 8 Assignment 1: Draft a Dissolution of Marriage	2%
		Unit 8 Assignment 2: Draft an Answer to a Cross Complaint	2%

Unit 9: DISCOVERY AND ALTERNATIVE DISPUTE RESOLUTION

Upon completion of this unit, students are expected to:

- Discuss the role of discovery in a dissolution action.
- Discuss the paralegal's role in facilitating discovery requests.
- Describe how failure to implement effective discovery measures may expose an

**Out-of-class
work:**
9 hours

attorney to a legal malpractice. <ul style="list-style-type: none"> Distinguish the difference between a motion and a request and when they are used in the discovery process. Discuss the paralegal's role in the alternative dispute resolution process. Describe the role of the paralegal in trial preparation. Distinguish between a contested and uncontested hearing. 			
READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
<ul style="list-style-type: none"> Luppino, Chapters 13 & 14 	Assignment	Unit 9 Assignment 1: Essay on Alternative Dispute Resolution	2%
		Unit 9 Assignment 2: Draft a Set of Interrogatories	2%
	Quiz	Unit 9 Quiz 3 (covers Units 7-9)	3.3%

Unit 10: GOVERNMENTAL INTRUSION IN FAMILY MATTERS

Upon completion of this unit, students are expected to:

- Identify situations where the government intrudes into family matters.
- Apply the concept of *parens patriae*.
- Identify methods and processes of adoption.
- Argue the pros and cons of surrogacy agreements.
- Distinguish the difference between the reporting requirements in child abuse and spousal abuse cases.

Out-of-class work:
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
Luppino, Chapter 17	Assignment	Unit 10 Assignment 1: Challenges to the Doctrine of <i>Parens Patriae</i>	2%
	Project	Unit 10 Project Part 4: Preparation of Deliverables (PORTFOLIO)	4%

Unit 11: COURSE REVIEW, FINAL PROJECT PRESENTATIONS, AND FINAL EXAM

Upon completion of this unit, students are expected to:

- Master the final examination.
- Present the final projects.

**Out-of-class
work:**
9 hours

READING ASSIGNMENT	GRADED ACTIVITIES / DELIVERABLES		
	Grading Category	Activity/Deliverable Title	Grade Allocation (% of all graded work)
None	Project	Unit 11 Project Part 5: Presentation of Separation Agreement (PORTFOLIO)	4%
	Final Exam	Final Exam	10%

Note: Your instructor may add a few learning activities that will change the grade allocation for each assignment in a category. The overall category percentages will not change.

Evaluation and Grading

Evaluation Criteria

The graded assignments will be evaluated using the following weighted categories:

Category	Weight
Assignments	20%
Case Studies	30%
Project	20%
Quiz	10%
Midterm	10%
Final Exam	10%
TOTAL	100%

Grade Conversion

The final grades will be calculated from the percentages earned in the course, as follows:

Grade	Percentage	Credit
A	90–100%	4.0
B+	85–89%	3.5
B	80–84%	3.0
C+	75–79%	2.5
C	70–74%	2.0
D+	65–69%	1.5
D	60–64%	1.0
F	<60%	0.0

Academic Integrity

All students must comply with the policies that regulate all forms of academic dishonesty, or academic misconduct, including plagiarism, self-plagiarism, fabrication, deception, cheating, and sabotage. For more information on the academic honesty policies, refer to the Student Handbook and the Course Catalog.

(End of Syllabus)