**ESSEX COUNTY COLLEGE**

**Social Sciences Division**

**PLS 220 *–* Family Law**

**Course Outline**

**Course Number & Name:**  PLS 220Family Law

**Credit Hours:**  3.0 **Contact Hours:**  3.0 **Lecture:**  3.0 **Lab:** N/A **Other:**  N/A

**Pre- or Co-requisites**:  Grade of “C” or better in PLS 101

**Concurrent Courses:** None

**Course Outline Revision Date:**  Fall 2010

**Course Description**: This course examines substantive and procedural laws and rules pertaining to marriage, dissolution of marriage [civil unions](http://en.wikipedia.org/wiki/Civil_union), annulment, alimony, [domestic partnerships](http://en.wikipedia.org/wiki/Domestic_partnership), [spousal abuse](http://en.wikipedia.org/wiki/Spousal_abuse), [legitimacy](http://en.wikipedia.org/wiki/Legitimacy_(law)), [adoption](http://en.wikipedia.org/wiki/Adoption), [surrogacy](http://en.wikipedia.org/wiki/Surrogacy), [child abuse](http://en.wikipedia.org/wiki/Child_abuse), [child abduction](http://en.wikipedia.org/wiki/Child_abduction), child support, visitation and custody, separation agreements, surrogate motherhood, and custody issues. The course examines in detail the Code of Professional Ethics and other related standards of proper conduct.

**Course Goals:** Upon successful completion of this course, students should be able to do the following:

1. discuss and examine codes of professional conduct;
2. identify, describe, and explain the legality of marriage from common law to present;
3. identify, describe, and explain the substantive and procedural requirements of premarital agreements;
4. identify, describe, and explain the legal consequences and remedies of domestic violence;
5. identify, describe, and analyze the legal ground for divorce, annulment, and legal separation;
6. identify, describe, and explain the legal grounds and standards for child custody;
7. identify, define, and analyze the legal requirements, measurements, and calculation of child support;
8. identify, describe, and explain spousal support;
9. identify, describe, and explain marital property distribution in terms of equitable and community property states;
10. identify, describe, and analyze issues of jurisdiction;
11. identify, describe, and analyze the legal, procedural and practical consideration of the divorce process;
12. identify and describe paternity issues;
13. identify, define, describe, and explain legal and procedural elements of child abuse and neglect; and
14. identify and explain the law of adoption.

**Measurable Course Performance Objectives (MPOs)**: Upon successful completion of this course, students should specifically be able to do the following:

1. Discuss and examine codes of professional conduct:

1.1 *discuss and examine judicial conduct;*

1.2 *discuss and examine attorney ethical standards;* and

1.3 *discuss and examine paralegal professionalism*

2. Identify, describe, and explain the legality of marriage from common law to present:

2.1 *define and explain the legal formalities of marriage;*

2.2 *define and distinguish common law marriage from present law marriage;*

2.3 *explain legal recognition of non-marital couples;* and

2.4 *explain adult adoption*

3. Identify, describe, and explain the substantive and procedural requirements of premarital agreements:

3.1 *explain the traditional approach to premarital agreements;*

3.2 *discuss the growing acceptance of premarital agreements;*

3.3 *identify and explain the substantive and procedural legal requirements of premarital agreements;* and

3.4 *analyze sample agreements with explanatory notes and drafting considerations*

4. Identify, describe, and explain the legal consequences and remedies of domestic violence:

4.1 *explain early reform impulses related to domestic violence*;

4.2 *explain the present legal approach to domestic violence;*

4.3 *explain the process of obtaining civil orders of protection under abuse prevention;* and

4.4 *explain the process of obtaining a protective order*

5. Identify, describe, and analyze the legal ground for divorce, annulment, and legal separation:

5.1 *describe the history of the law of divorce, annulment, and legal separation*;

5.2 *identify and explain fault divorce including common grounds and defenses*;

5.3 *explain no-fault divorce;*

5.4 *explain annulment;* and

5.5 *explain legal separation*

6. Identify, describe, and explain the legal grounds and standards for child custody:

6.1 *identify, describe, and explain evolving legal standards of child custody;*

6.2 *identify, describe, and explain custody and visitation arrangements;*

6.3 *identify, describe, and explain post-divorce custody and visitation disputes;* and

6.4 *identify, describe, and explain the custodial and visitation rights of ‘nonparents’*

**Measurable Course Performance Objectives (MPOs)** (continued):

7. Identify, define, and analyze the legal requirements, measurements, and calculation of child support:

7.1 *describe the history of child support;*

7.2 *identify the administrative framework for the establishment and enforcement of child support orders;*

7.3 *identify and explain child support guidelines;*

7.4 *identify and explain the process of enforcing the child support obligation;*

7.5 *identify and explain the modification and adjustment of support awards;*

7.6 *identify and explain the duration of the parental support obligation;* and

7.7 *identify and explain tax implications of child support awards*

8. Identify, describe, and explain spousal support:

8.1 *describe the history of spousal support;*

8.2 *identify and explain the impact of no-fault reform;*

8.3 *identify and explain support determinations;*

8.4 *identify and explain medical insurance;*

8.5 *identify and explain the post-divorce modification and termination of support;*

8.6 *identify and explain the enforcement of support awards;*

8.7 *identify and explain the effect of bankruptcy on the support obligation;* and

8.8 *identify and explain the tax consequences of spousal support*

9. Identify, describe, and explain marital property distribution in terms of equitable and community property states:

9.1 *summarize the two marital property systems*;

9.2 *identify and explain the property distribution process*;

9.3 *identify, describe, and classify property*;

9.4 *identify, describe, and explain valuation;*

9.5 *identify, describe, and explain distribution*;and

9.6 *identify and explain the tax consequences of a property distribution*

10. Identify, describe, and analyze issues of jurisdiction:

10.1 *describe and explain subject matter and personal jurisdiction;* and

10.2 *identify and explain jurisdiction in divorce action*

11. Identify, describe, and analyze the legal, procedural and practical consideration of the divorce process:

11.1 *describe the initial client interview;*

11.2 *identify, describe, and discuss the initial steps and discovery in a divorce action;*

11.3 *identify, describe, and discuss the steps involved in moving toward resolution or trial in a divorce action;*

11.4 *identify and describe the divorce hearing;* and

11.5 *identify and explain post-divorce proceedings*

**Measurable Course Performance Objectives (MPOs)** (continued):

12. Identify and describe paternity issues:

12.1 *discuss the emerging legal status of children of unmarried parents;*

12.2 *discuss the process of establishing paternity;*

12.3 *discuss paternity disestablishment;* and

12.4 *discuss the situation where the genetic ‘father’ is a sperm donor*

13. Identify, define, describe, and explain legal and procedural elements of child abuse and neglect:

13.1 *describe the history of child abuse;* and

13.2 *identify, describe, and explain the child protective system*

14. Identify and explain the law of adoption:

14.1 *describe the history of adoption;*

14.2 *identify and examine the distinction between agency and independent adoptions;*

14.3 *explain the adoption process;*

14.4 *discuss the process of making adoption more open;*

14.5 *explain adoption in specific situations;* and

14.6 *explain adoption abrogation and the tort of wrongful adoption*

**Methods of Instruction**: Instruction will consist of a combination of any of the following instructional methods: legal case reviews, lectures, group activities, role play, oral presentations, document drafting, essays, research assignments, films, cable, news, websites, television programs, field trips, and community outreach projects.

**Outcomes Assessment:** Quiz and exam questions (if applicable) are blueprinted to course objectives. Checklist rubrics are used to evaluate non-test type assessment instruments (e.g., reaction papers, oral/written presentations, debates, and projects), for the presence of course objectives. Data collected will be analyzed to provide direction for the improvement of program instruction, viability of class assignments, relevancy of assigned course materials, and evaluation of instructional time spent on specific topics.

**Course Requirements:** All students are required to:

1. Maintain regular and prompt attendance to all class sessions.
2. Complete homework assignments and quizzes (if applicable).
3. Complete all written and oral exercises (scored grading) inside and outside of class as assigned.
4. Complete the Midterm and Final Assessment Activities (e.g., paper, presentation, and/or project).
5. Voluntarily participate in class discussions, class exercises, and group projects.
6. Complete all assessment activities as scheduled.
7. Follow any specific class requirements mandated by the instructor.

**Methods of Evaluation:** Final course grades will be computed as follows:

**% of**

**Grading Components final course grade**

* Class Attendance/Written Assignments  **15 – 25%**

Attendance points will be computed based on the ratio of the number of days attending the course during a regular semester (i.e., 28 contact days). Written assignments should include drafting at least one legal letter, which is designed to improve students’ written communication skills while engaging them in legal analysis related to course objectives, and drafting at least one matrimonial motion, which students will have to complete from beginning to end and is designed to improve students’ written communication skills and allow them to utilize important form books such as *New Jersey Practice* and *Scoloff and Cutler*.

* **Volunteer Class Participation and Exercises**  15 – 25%

Class activities and exercises should include at least one debate, which is designed to enhance students’ confidence levels, oral communication skills, critical thinking abilities, and professional demeanor. The debate also gives students the opportunity to analyze legal concepts and doctrines and to apply key terms, phrases, terminology, etc. in context.

* Midterm and Topic Sentence Outline of the First Half of the Text **15 – 25%**

The midterm assessment activity may include a paper, presentation, and/or project. Topic sentence outlines are practical exercises designed to enhance students’ reading comprehension and study skills.

* Final and Topic Sentence Outline of the Second Half of the Text **15 – 25%**

The final assessment activity may include a paper, presentation, and/or project. Topic sentence outlines are practical exercises designed to enhance students’ reading comprehension and study skills.

* **Programs, Lectures, Seminars and/or Workshops** 5 – 10%

Internal or external relevant programs, lectures, seminars and workshops, which are related to the course objectives, are informational for the student, who will be required to prepare brief written summary of the event/program. The workshops give students the chance to engage in academic scholarship as well.

**Methods of Evaluation** (continued)**:**

**% of**

**Grading Components final course grade**

* **Extra Credit Opportunities**  5 – 10%
  + Voter registration – The student should provide written evidence of participation in the electoral process.
  + Notary Public – Students are encouraged to research, process, and complete a notary public application for approval to include on their resumes to enhance their marketability.
  + Membership in Paralegal Association of New Jersey (PANJ) – Students are encouraged to join the Paralegal Association of New Jersey to include on their resume to enhance their marketability.

**Note**: The instructor will determine (as appropriate) the specific component(s) appropriate for the course and provide specific weights which lie in the above-given ranges at the beginning of the semester.

**Academic Integrity:** Dishonesty disrupts the search for truth that is inherent in the learning process and so devalues the purpose and the mission of the College. Academic dishonesty includes, but is not limited to, the following:

* plagiarism – the failure to acknowledge another writer’s words or ideas or to give proper credit to sources of information;
* cheating – knowingly obtaining or giving unauthorized information on any test/exam or any other academic assignment;
* interference – any interruption of the academic process that prevents others from the proper engagement in learning or teaching; and
* fraud – any act or instance of willful deceit or trickery.

Violations of academic integrity will be dealt with by imposing appropriate sanctions. Sanctions for acts of academic dishonesty could include the resubmission of an assignment, failure of the test/exam, failure in the course, probation, suspension from the College, and even expulsion from the College.

**Student Code of Conduct:** All students are expected to conduct themselves as responsible and considerate adults who respect the rights of others. Disruptive behavior will not be tolerated. All students are also expected to attend and be on time for all class meetings. No cell phones or similar electronic devices are permitted in class. Please refer to the Essex County College student handbook, *Lifeline*, for more specific information about the College’s Code of Conduct and attendance requirements.

Note: Students shall conduct themselves in a professional manner at all times. See National Federation of Paralegals Associations, Inc. Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.

**Course Content Outline:** based on the text **Family Law for Paralegals**, 4th edition, by J Shoshanna Ehrlich; published by Aspen Publishers.

**Unit Topics to be Covered**

1 Introduction & Course Overview – Marriage: regulating the relationship; entrance into marriage: choosing a spouse; marriage formalities; common law marriage; legal recognition of non-marital couples; adult adoption

2 Premarital Agreements – The traditional approach; the growing acceptance of premarital agreements; legal requirements; sample agreements with explanatory notes and drafting considerations

3 Domestic Violence – The traditional approach; early reform impulses; present legal approaches to domestic violence; obtaining civil orders of protection under abuse prevention laws; obtaining a protective order

4 Law of Divorce Annulment and Legal Separation – Historical overview; fault divorce: common grounds and defenses; no-fault divorce; the law of annulment; legal separation

5 Child Custody – Evolving legal standards; custody and visitation arrangements; post-divorce custody and visitation disputes; the custodial and visitation rights of ‘nonparents’

6 Child Support – Historical overview; the administrative framework for the establishment and enforcement of child support orders; child support guidelines; enforcing the child support obligation; modification and adjustment of support awards; duration of the parental support obligation; tax implications of child support awards

7 Spousal Support – Historical overview; the impact of no-fault reform; support determinations; medical insurance; post-divorce modification and termination of support; enforcement of support awards; bankruptcy and the support obligation; tax consequences

8 Division of Marital Property – Overview of the two marital property systems; the property distribution process; classification of property; valuation; distribution; tax consequences of a property distribution

9 Divorce – The initial client interview; the divorce action: initial steps and discovery; the middle: moving toward resolution or trial; the divorce hearing; post-divorce proceedings

10 Determining Paternity – The emerging legal status of children of unmarried parents; establishing paternity; paternity disestablishment; what if the genetic ‘father’ is a sperm donor?

**Unit Topics to be Covered**

11 Child Abuse and Neglect – Historical overview; the child protective system

12 Adoption – Historical overview; the distinction between agency and independent adoptions; the adoption process; making adoption more open; adoption in specific situations; adoption abrogation and the tort of wrongful adoption

Note**:** In PLS 220, the instructor must cover the 12 units listed above minimally in any reasonable order throughout the duration of the semester/term. In addition, the instructor must provide economic, historic, political, and social context for the relevant aspects of the legal process. Suggested assessment activities to be performed at midterm and at the conclusion of the course are listed below.

Suggested Midterm Assessment Activities – Prepare topic sentence outlines of each chapter of the first half of the textbook including answers to questions in each chapter; draft a legal letter; complete a legal concepts and terminology assessment activity

**Suggested Final Assessment Activities** – Prepare topic sentence outlines of each chapter of the second half of the textbook including answers to questions in each chapter; draft a matrimonial motion from inception to end; debate a matrimonial motion; complete a legal concepts and terminology assessment activity