

**MIAMI-DADE COMMUNITY COLLEGE  
LEGAL ASSISTANT PROGRAM**

**COMPETENCY STATEMENT**

**PLA 2800-Family Law**

**Course Description:**

This course provides students with an understanding of the principles that govern domestic relations law. It examines the rules involved with the formation and dissolution of marriage. It provides a study of criteria that the court utilizes in awarding custody, visitation, child support, alimony and distribution of property. The course also examines such issues as abortion, adoption, surrogacy, paternity, domestic violence and child abuse and neglect. The role of the paralegal in a family law practice is emphasized. It also explains the ethical obligations of attorneys and paralegals involved in this area of practice.

**Credits:** 3

**Prerequisites and co-requisites:**

The student must have completed PLA 2003, Fundamentals of Law; PLA 2104, Legal Research; PLA 2114, Legal Writing and PLA 2203, Trial Preparation.

**Course Competencies:**

*Competency 1: The student will understand the nature, scope, and foundation for domestic relations law including the history and development of the law in the United States.*

The student will be able to:

- A. Define the fundamental principles underlying the marital relationship.
- B. Identify the requirements and consequences of a valid and legal marriage.
- C. Find and interpret the domestic relations statutes and case law in the State of Florida.
- D. Interpret the procedural rules which govern domestic relations in the State of Florida.
- E. Explain the differences between a contested and uncontested dissolution of marriage proceeding.
- F. Prepare a divorce complaint for a contested and uncontested matter.
- G. Prepare an Answer and Counterclaim to plaintiff's petition for dissolution of marriage.

- H. Prepare a summons, an affidavit of non-military service and all supporting documentation.

*Competency 2: The student will demonstrate an understanding of the process of the dissolution of marriage from separation to divorce.*

The student will be able to:

- A. Define the types of legal and non-legal separation and their legal consequences.
- B. Describe separation and post-nuptial agreements.
- C. Explain the nature of no-fault and fault based divorces and their respective legal consequences.
- D. Utilize the Family Rules of Procedure in preparation of the legal documentation for the dissolution of a marriage.
- E. Collect background information of a client.
- F. Conduct a client interview.
- G. Prepare a family law questionnaire.
- H. Arrange for service of documents.
- I. Explain the role of the certified family court mediator.

*Competency 3: The student will develop an understanding of the legal, socio-economic and psychological aspects of issues involving children in domestic relations disputes including, child support, custody, visitation, child abuse and neglect and paternity.*

The student will be able to:

- A. Define the parent/child relationship.
- B. Explain the complexities of custody and visitation issues.
- C. Interpret and apply custody and visitation statutes in domestic relations cases.
- D. Identify the different criteria utilized by the court in awarding custody and visitation.
- E. Explain the complex psychological, socio-economic and legal issues surrounding paternity, abortion, adoption and child abuse/neglect and surrogacy.
- F. Describe the legal consequences of paternity, abortion, adoption, child abuse/ neglect and surrogacy.
- G. Draft a child support memorandum of law outlining the statutory criteria applicable in awarding child support.
- H. Preparation of a child support guidelines worksheet.
- I. Draft visitation motions and accompanying affidavits.

*Competency 4: The student will understand the different types of alimony and the legal consequences associated with them, as well as, the distribution of all marital property in a dissolution proceeding.*

The student will be able to:

- A. Explain the law with regard to alimony and equitable distribution of property.
- B. Describe the different criteria utilized by the court in awarding alimony to a spouse in dissolution proceeding and establishing a plan for equitable distribution of property.
- C. Explain the concepts of justice and equity in domestic relations court with respect to awarding alimony and equitable distribution of property.
- D. Prepare a legal memoranda and other pleadings with respect to alimony and equitable distribution.
- E. Describe the different types of alimony awarded and forms of payment.
- F. Prepare a financial statement for a spouse listing all marital property, assets, liabilities and value for equitable distribution purposes.
- G. Prepare a marital settlement agreement in contested and uncontested dissolution cases.
- H. Prepare a memorandum of law on wife's interest in husband's law firm and whether it is subject to equitable distribution of property.
- I. Prepare a Motion for attorney's fees.
- J. Prepare a contested and uncontested divorce judgment with all supporting documentation.

*Competency 5: The student will understand the nature of domestic violence law.*

The student will be able to:

- A. Explain the history of the treatment of abused women in this country and the development of domestic violence statutes.
- B. Define the concept of violence towards women and children including the cycle of violence, battered women's syndrome and statistical data documenting abuse in domestic relations.
- C. Identify the different law enforcement and social service agencies that provide services to victims of domestic violence.
- D. Discuss the statutory criteria applicable in domestic violence cases with an emphasis on the temporary restraining orders and permanent orders of protection.
- E. Prepare motions for a temporary restraining order outlining the relief sought including temporary possession of the home, temporary alimony, temporary child support, temporary custody and other equitable relief.
- F. Discuss the different agencies and shelters for victim's of domestic violence.

*Competency 6: The student will understand the role of the family law paralegal.*

The student will be able to:

- A. Describe the role of the paralegal in family law practice.
- B. Explain how to conduct an interview.
- C. Demonstrate critical thinking skills.
- D. Explain how a family law paralegal must be sensitive to a client's distress when he/she seeks legal help for a family law problem.
- E. Identify the different jurisdictional issues inherent in family law including subject matter jurisdiction and personal jurisdiction.
- F. Identify the different types of relief available when a child has been kidnapped or where a non-custodial parent has illegally retained custody of a child.
- G. Explain the Uniform Child Custody Jurisdiction Act and the Parental Kidnapping Prevention Act.
- H. Prepare pleadings highlighting jurisdictional issues in custody cases.
- I. Conduct discovery including the preparation of interrogatories, subpoena, request for production of documents and other discovery tools for use in a litigated family law case.
- J. Prepare a pre-trial notebook for a family law proceeding with supporting affidavits, pleadings, case law and other legal documentation.
- K. Discuss ethical concerns.

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