

Course Description

PLA2800 | Family Law | 3.00 credits

This course is an examination of the legal aspects of domestic relations. This course focuses upon dissolution of marriage law with emphasis on pleadings, discovery, and property settlements. Other areas of family law such as adoption and annulment will be reviewed. Courses must be met with a grade of “C” or higher. Prerequisites: ENC1101, PLA2003, 2106C, 2114, 2227, 2931

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 by:

1. Defining the fundamental principles underlying the marital relationship
2. Identifying the requirements and consequences of a valid and legal marriage
3. Finding and interpreting Florida's domestic relations statutes and case law
4. Interpreting the procedural rules that govern domestic relations in the State of Florida
5. Explaining the differences between a contested and uncontested dissolution of marriage proceeding
6. Preparing a divorce complaint for a contested and uncontested matter
7. Preparing an Answer and Counterclaim to plaintiff's petition for dissolution of marriage
8. Preparing a summons, an affidavit of non-military service, and all supporting documentation

Competency 2: The student will demonstrate an understanding of the process of dissolving marriage, from separation to divorce by:

1. Defining the legal and non-legal separation types and their legal consequences
2. Describing separation and post-nuptial agreements
3. Explaining the nature of no-fault and fault-based divorces and their respective legal consequences
4. Utilizing the Family Rules of Procedure in preparation of the legal documentation for the dissolution of a marriage
5. Collecting background information of a client
6. Conducting a client interview
7. Preparing a family law questionnaire
8. Arranging for service of documents
9. Explaining 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 by:

1. Defining the parent/child relationship
2. Explaining the complexities of custody and visitation issues
3. Interpreting and apply custody and visitation statutes in domestic relations cases
4. Identifying the different criteria utilized by the court in awarding custody and visitation
5. Explaining the complex psychological, socio- economic and legal issues surrounding paternity, abortion, adoption and child abuse/neglect and surrogacy
6. Describing the legal consequences of paternity, abortion, adoption, child abuse/ neglect and surrogacy
7. Drafting a child support memorandum of law outlining the statutory criteria applicable in awarding child support
8. Preparing a child support guidelines worksheet
9. Drafting 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 by:

1. Explaining the law about alimony and equitable distribution of property
2. Describing the different criteria the court utilizes in awarding alimony to a spouse in dissolution proceedings and establishing a plan for equitable distribution of property
3. Explaining the concepts of justice and equity in domestic relations court concerning awarding alimony and equitable distribution of property
4. Preparing legal memoranda and other pleadings concerning alimony and equitable distribution
5. Describing the different types of alimony awarded and forms of payment
6. Preparing a financial statement for a spouse listing all marital property, assets, liabilities, and value for equitable distribution purposes
7. Preparing a marital settlement agreement in contested and uncontested dissolution cases
8. Preparing a memorandum of law on the wife's interest in her husband's law firm and whether it is subject to equitable distribution of property
9. Preparing a Motion for attorney's fees
10. Preparing a contested and uncontested divorce judgment with all supporting documentation

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

1. Explaining the history of the treatment of abused women in this country and the development of domestic violence statutes
2. Defining 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
3. Identifying the different law enforcement and social service agencies that provide services to victims of domestic violence
4. Discussing the statutory criteria applicable in domestic violence cases, emphasizing temporary restraining orders and permanent orders of protection
5. Preparing 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
6. Discussing the different agencies and shelters for victims of domestic violence

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

1. Describing the role of the paralegal in family law practice
2. Explaining how to conduct an interview
3. Demonstrating critical thinking skills
4. Explaining how a family law paralegal must be sensitive to a client's distress when he/ she seeks legal help for a family law problem
5. Identifying the jurisdictional issues inherent in family law, including subject matter and personal jurisdiction
6. Identifying 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
7. Explaining the Uniform Child Custody Jurisdiction Act and the Parental Kidnapping Prevention Act
8. Preparing pleadings highlighting jurisdictional issues in custody cases
9. Conducting discovery, including preparing interrogatories, subpoenas, requests for the production of documents, and other discovery tools for use in a litigated family law case
10. Preparing a pre-trial notebook for a family law proceeding with supporting affidavits, pleadings, case law, and other legal documentation
11. Discussing ethical concerns

Learning Outcomes:

- Communicate effectively using listening, speaking, reading, and writing skills
- Use quantitative analytical skills to evaluate and process numerical data
- Solve problems using critical and creative thinking and scientific reasoning
- Formulate strategies to locate, evaluate, and apply information