



Family Law Program Overview

BCI's Family Law Advanced Paralegal Course uses historical overviews, examples taken from actual cases, as well as recent Supreme Court Cases to describe the principles and practice of family law. The accompanying e-textbook, *Family Law for Paralegals* presents how to assist attorneys as they draft premarital agreements, help clients start or end their marriages, set up mutually agreeable child custody arrangements, clarify paternity, adopt a child, and more. Family Law includes comprehensive coverage of traditional family law topics, explores the developing law concerning nontraditional families and gay and lesbian parents' rights, describes technological innovations such as virtual visitation, and presents other high-profile topics currently under debate.

Objectives

After completing this course, students should have a better understanding of:

- The paralegal's role in a family law firm
- How to help draft a premarital agreement
- How to help draft a cohabitation agreement
- What legal issues come up prior to marriage
- How to determine if someone is married
- The different types of marriages
- The issue of same-sex marriage
- The grounds for an annulment
- Conflict of law issues related to annulments
- Consequences of an annulment decree
- No-fault grounds for divorce
- Fault grounds for divorce
- How a judicial separation works
- Jurisdictional issues involved in divorces
- Pre-trial and trial matters in a divorce case
- Alternative dispute resolution
- Enforcement of divorce judgments
- How to help draft a separation agreement

Objectives

After completing this course, students should have a better understanding of:

- How alimony is determined
- How property division is determined
- How separation agreements are modified
- How child custody and visitation rights are determined
- What to expect from a parent v. parent custody case
- What to expect from other types of custody cases
- The laws prohibiting child snatching
- How child support is determined
- How child support is enforced
- The tax consequences of separation and divorce
- The legal rights of women, including employment rights and reproductive rights
- Illegitimacy rights
- How to help with a paternity proceeding
- The legal status of children, especially those who have been abused or neglected
- The different kinds of adoption
- How to help with an adoption procedure
- The new science of motherhood, including frozen embryos
- The surrogate controversy
- Intrafamily torts
- Vicarious liability

Program Outline

Lesson 1: Marriage and Premarital Agreements

Chapter 1: Marriage

Chapter 2: Premarital Agreements

Lesson 2: Domestic Violence and the Law of Divorce, Annulment and Legal Separation

Chapter 3: Domestic Violence

Chapter 4: The Law of Divorce, Annulment, and Legal Separation

Lesson 3: Child Custody and Child Support

Chapter 5: Child Custody

Chapter 6: Child Support

Lesson 4: Spousal Support and Division of Marital Property

Chapter 7: Spousal Support

Chapter 8: Division of Marital Property

Lesson 5: Jurisdiction and the Divorce Process

Chapter 9: Jurisdiction

Chapter 10: The Divorce Process

Lesson 6: Paternity, Child Abuse and Neglect, and Adoption

Chapter 11: Determining Paternity

Chapter 12: Child Abuse and Neglect

Chapter 13: Adoption



Lesson 1

Marriage and Premarital Agreements

Chapter 1: Summarizes the common law origins of marriage, as well as the civil law tradition; explains the transition from a highly gendered vision of the marital relationship, where marital roles were assigned by law, to a more equal relationship; examines the restrictions on entry into marriage and marriage formalities; discusses the formation requirements and consequences of common law marriage and the legal recognition of nonmarital

Chapter 2: Covers premarital agreements, the changing notions about marriage and divorce, and the changing status of women that led to the acceptance of premarital agreements. Presents the legal requirements to make a premarital agreement enforceable and the fairness requirement. Describes the common types of provisions that many couples include in their premarital agreements.



Lesson 2

Domestic Violence and the Law of Divorce, Annulment and Legal Separation

Chapter 3: Examines the topic of domestic violence, including how the law has viewed intimate partner violence and the effects of the women's rights movement on domestic violence. Presents civil orders of protection, including qualifying relationships, the type of conduct that is covered by a protective order, and the procedure for obtaining an order. Explains how protective orders are enforced.

Chapter 4: Introduces the law of divorce, as well as annulments and legal separation. Reviews the debate on no-fault divorce from the side of both critics and supporters. Explores the practice of annulment and discusses legal separation as a remedy for an unhappy marriage.



Lesson 3

Child Custody and Child Support

Chapter 5: Explains various issues involved with child custody and visitation disputes; describes critiques of and alternative approaches to the best interest standard of determining custody; examines custody and visitation arrangements, including joint custody and the legal status of the noncustodial parent; examines post-divorce custody and visitation disputes, as well as those involving "nonparents," such as grandparents and co-parents.

Chapter 6: Discusses child support and the issues surrounding enforcement of child support obligations, including income withholding and liens, as well as interstate cases and the use of for-profit child support collection agencies. Covers how and when a support award may be modified or adjusted and how long a noncustodial parent is obligated to support his or her child. Also explores the tax implications of child support awards.



Lesson 4

Spousal Support and Division of Marital Property

Chapter 7: Discusses spousal support, starting with an historical overview of spousal support laws; presents the different approaches to structuring spousal support, including permanent alimony and lump-sum support, also introducing the concept of post-divorce modification and termination of support; covers the enforcement of support awards and tax implications for both the payor and the recipient spouse.

Chapter 8: Covers the division of marital property; explores the property distribution process, which involves classifying property and valuation of assets prior to distribution; explains the tax consequences of a property distribution.



Lesson 5

Jurisdiction and the Divorce Process

Chapter 9: Begins with an overview of subject matter and personal jurisdiction; discusses jurisdiction and the divorce action, including the jurisdiction to dissolve the marriage, award support, divide property and determine custody; raises questions and the legal difficulties that might be encountered with men and women who enter into civil unions.

Chapter 10: Presents the divorce process, looking at how a divorce case makes its way through the legal system; introduces the paralegal's roles in the preparation of a case and discusses the skills that are needed; describes the initial steps of the process, including drafting and filing the complaint, and discovery; examines alternatives to dispute resolution, such as negotiation, which are commonly used to avoid trial; covers the divorce hearing and post-divorce proceedings.



Lesson 6

Paternity, Child Abuse and Neglect, and Adoption

Chapter 11: Begins with an overview of the emerging legal status of children of unmarried parents; presents when paternity must be established and also the controversial issue of paternity disestablishment; covers determining parentage when the genetic "father" is a sperm donor.

Chapter 12: Provides a definition of child abuse and neglect, although states are responsible for developing their own definitions; discusses the reporting of suspected abuse and neglect, removal of a child from his or her home, and the reasonable efforts that a child protective agency must take to either keep a family together or reunite a child with his or her family.

Chapter 13: Examines adoption; covers approaches to adoption and the adoption process itself; explores how changes to the adoption process are making adoption more open; discusses adoption in specific situations, such as stepparent adoptions and adoption by gay men and lesbians; describes adoption abrogation and the tort of wrongful adoption.

