

# LAW C135: FAMILY LAW

Item	Value
Top Code	140200 - Paralegal
Units	1.5 Total Units
Hours	27 Total Hours (Lecture Hours 27)
Total Outside of Class Hours	0
Course Credit Status	Credit: Degree Applicable (D)
Material Fee	No
Basic Skills	Not Basic Skills (N)
Repeatable	No
Grading Policy	Standard Letter (S), • Pass/No Pass (B)

## Course Description

Topics include organization and jurisdiction of the Family Law Court, marriage, annulment, dissolution, and non-marital property agreements, custody, support, visitation, use of family code and current case law applications, preparation for trial, temporary orders, appeals, and judgment enforcement. ADVISORY: LAW C100 or LAW C127. Transfer Credit: CSU.

## Course Level Student Learning Outcome(s)

1. Evaluate, distinguish between, and compare the legal aspects of the following areas of family law: validity of marriage, property determination, rights of the children, parenting plans, temporary orders and enforcement, mediation, arbitration, and trial.
2. Construct and formulate documents and pleadings required by the family law court as applied to a specific fact situation.

## Course Objectives

- 1. explain jurisdiction and the validity of marriage as set forth in the California Family Law Code.
- 2. describe the duties of a paralegal as they relate to proceedings under the California Family Law Code.
- 3. explain the litigation process in a matter under the California Family Law Code including the choice of actions, initial filing, disclosure requirements, discovery, defaults, contested trials, mediation, marital settlement agreements, and collaborative divorce.
- 4. explain parent and child relationships including paternity, adoption, and termination of parental rights.
- 5. describe custody, the UCCJEA, preliminary and statutory considerations, mediation, and visitation.
- 6. explain the method of determination and basis for child and spousal support.
- 7. describe the process and use of a noticed motion request for order, response, order to show cause, ex-parte orders, and domestic violence restraining order.
- 8. explain the process of property division including the characterization of property, businesses, retirement, debts and liabilities.
- 9. describe the process for enforcement of orders including contempt, earning assignments, abstract of judgment, Uniform Interstate Family Support Act, civil debt collection, and bankruptcy.

- 10. prepare the forms utilized in a family law office as expected of an entry level paralegal.

## Lecture Content

Introduction to Family Law-3 Hours -Jurisdiction -Paralegal duties -The Family Code -Validity of Marriage Litigation Process- 3 Hours -Overview of litigation process -Initial client interview -Choice of Actions (Dissolution, legal separation, nullity, summary dissolution) -The Initial Filings - Disclosure of Assets and Debts -Discovery (Interrogatories, Document Demands, Depositions, Request for Admissions) Finishing a Case- 3 Hours -Default and Uncontested Hearings -Contested Trials -Mediation -Marital Settlement Agreements -Collaborative Divorce Custody and Visitation-3 hours -Introduction -Parent and Child Relationships (Paternity, adoption, termination of parental rights) Custody -Definitions of Legal and Physical, the UCCJEA, Preliminary and Statutory Considerations, Mediation (Family Court Services) Visitation: Time-shares, Visitation Restrictions, Interference with Other Parents Time-Share, Move-Away Cases Non-Parent Visitation: Grandparent, Stepparent -Child Abuse Support- 3 hours -Introduction Child Support -Duty to Provide, Statutory Considerations and Amount of Award -Additional Aspects of Child Support: Health Insurance, Deferred Sale of Home, Child Care, Expedited Orders Spousal Support -Preliminary Considerations, Family Code Factors -Temporary Support -Permanent support (Step-down orders, length of marriage, reservation of jurisdiction, waivers) -Other Issues (Cohabitation, health insurance, life insurance as security) -Modification of Support (Child support-age of majority and spousal support) Issues Before Trial or Settlement - 3 Hours -Introduction -Order to Show Cause (Temporary orders for support, custody, visitation, etc.) -Noticed Motion -Responding to RFO or Noticed Motion -Ex Parte Orders -Domestic Violence (DVPA and DVRO) Property Division- 3 Hours -Introduction -Characterization of Property (Presumptions, tracing, transmutation, commingling personal injury awards, employment benefits, education) -Businesses (Valuation-methods and dates) -Retirement (Plan types, division, Joinder and QDROs) -Debts and Liability Enforcement and Other Issues- 3 hours - Introduction -Contempt -Earning Assignments -Abstract of Judgment, Order for Deposit of Assets and Notice of Delinquency -Uniform Interstate Family Support Act -Registering Intercounty Support Orders and Sister State Money-Judgments -Civil Debt Collection (Writ of Execution, Civil Abstract of Judgment, Appointment of Receiver, Writ of Possession - Bankruptcy -Tax Aspects of Dissolutions Examinations - 3 Hours

## Lab Content

Summons, Petition and service forms - Disclosure forms Interrogatories, Document Demands, Depositions, Request for Admissions Default forms Judgment forms Marital Settlement Agreement form Child support calculations Dissomaster practice Request for Order forms Income and Expense Declaration forms Noticed Motion forms and points and authorities Responding to RFO or Noticed Motion responsive forms Domestic Violence forms for obtaining a DVRO Contempt forms Earning Assignment form Abstract of Judgment, Order for Deposit of Assets and Notice of Delinquency forms Intercounty Support Orders and Sister State Money-Judgment forms

## Method(s) of Instruction

- Lecture (02)
- DE Live Online Lecture (02S)
- DE Online Lecture (02X)

## **Instructional Techniques**

Multiple methods of instruction will be used to enhance student understanding of the paralegal profession. Lectures, discussions, forums, interactive practical activities, and group projects will be utilized to facilitate the learning process. This class includes the use of various methods of audio visuals such as PowerPoint, audio, and video presentations.

## **Reading Assignments**

Students will read from the course textbook as well as any other primary and/or secondary readings assigned by the instructor.

## **Writing Assignments**

Students will be required to complete written homework assignments, write essays on the exams, and prepare a project on a topic as assigned by the instructor.

## **Out-of-class Assignments**

Outside of the classroom, students will complete the required readings; work on assigned papers, reports, and projects; study for tests; conduct research; and communicate with the instructor and/or fellow students through telephone, email, discussion boards, zoom, or virtual chat.

## **Demonstration of Critical Thinking**

Students will analyze and apply the law to a set of facts to determine the appropriate outcome.

## **Required Writing, Problem Solving, Skills Demonstration**

Generate a dissolution from petition through judgment, including corresponding documents, by applying understanding of the family law process based on a hypothetical case assigned by the instructor.

## **Eligible Disciplines**

Law: J.D. or LL.B NOTE: Courses in aspects of law for application to a particular discipline may be classified, for minimum qualifications purposes in the discipline of the application. Masters degree required.

## **Textbooks Resources**

1. Required Marshall W. Waller. California Family Law for Paralegals, 7th ed. Aspen Publisher, 2016 Rationale: - Legacy Textbook Transfer Data: Legacy text

## **Other Resources**

1. Coastline Library 2. Access to current California Family Law Code (electronic or paper-back publication).