

RARITAN VALLEY COMMUNITY COLLEGE
ACADEMIC COURSE OUTLINE
FAMILY LAW LEGL-124
(REVISED)

I. Basic Course Information

- A. Course Number and Title: LEGL 124 FAMILY LAW
- B. New or Modified Course: Modified
- C. Date of Proposal: Semester: Spring Year: 2021
- D. Effective Term: Fall 2021
- E. Sponsoring Department: Business & Public Service
- F. Semester Credit Hours: 3.0
- G. Weekly Contact Hours: Lecture: 3.0
Laboratory: 0.0
Out of class student work per week: 9.0
- H. Prerequisites/Corequisites: Role of the Paralegal LEGL-101
(This pre-requisite is for AAS students only – No pre-requisite for Certificate students)
- I. Laboratory Fees: None
- J. Name and Telephone Number or E-Mail Address of Department Chair and Divisional Dean at time of approval: Tracy Rimple, Chair Tracy.Rimple@raritanval.edu
Patrice Marks, Dean Patrice.Marks@raritanval.edu

II. Catalog Description

Prerequisite: Role of the Paralegal LEGL-101. This prerequisite is for AAS students only; no prerequisite for Certificate students. This course is an introduction to the substantive and procedural aspects of family law in such areas as divorce, adoption, child custody and support, domestic violence and separation agreements. Interview techniques and the review and drafting of various family law pleadings and other documents will be addressed.

III. Statement of Course Need

- A. This class is an elective course for both the Paralegal Studies A.A.S. Degree and the Paralegal Studies Certificate. It provides students interested in practicing in the family law field with the ability to draft necessary documents such as prenuptial agreements, paternity, support, divorce and adoption complaints, case information statements and property settlement agreements, as well as an understanding of the delicate and highly confidential nature of this practice and the role of the paralegal in same.
- B. This course has no lab component.

- C. This course will transfer into any school with a Paralegal Studies four year degree, which includes Montclair, Thomas Edison, and St. Elizabeth College in New Jersey. It will also transfer to any four-year institution offering an ABA approved paralegal program of study.

IV. Place of Course in College Curriculum

- A. Elective Course.
- B. This course serves as an elective for both the Paralegal Studies AAS Degree and the Paralegal Studies Certificate.
- C. To see course transferability: a) for New Jersey schools, go to the NJ Transfer website, www.njtransfer.org; b) for all other colleges and universities, go to the individual websites.

V. Outline of Course Content

UNIT I

The first portion of the semester will be spent learning basic principles of family law, with special emphasis on New Jersey statutes, court rules and case law. It will include:

- A. Introduction to Family Law Practice
 - B. Ethics, Scope and Skills of the Family Practitioner
 - C. Cohabitation and Prenuptial Agreements
 - D. Marriage
 - E. Annulment and Dissolution of Marriage
 - F. NJ Prevention of Domestic Violence Act
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- A. **Introduction to Family Law Practice**
 - 1. Source of Family Law
 - 2. Overview of Practice
 - 3. Trial Procedure
 - B. **Ethics, Scope and Skills of the Family Practitioner**
 - 1. Legal Ethics
 - 2. Office Dynamics
 - 3. Client overview
 - 4. Conducting an Interview
 - C. **Cohabitation Agreements and Prenuptial Agreements**
 - 1. Prenuptial Agreements
 - a. Requirements
 - b. Enforceability
 - c. Drafting an agreement
 - 2. Relevant New Jersey Case Law
 - D. **Marriage**
 - 1. Formation of Marriages
 - a. Ceremonial marriages
 - b. Common law marriages
 - 2. Statutory Requirements
 - E. **Annulment and Dissolution of Marriage**
 - 1. Annulment
 - a. Definition
 - b. Annulment vs. divorce
 - c. N.J. statutory grounds for annulment
 - d. Court procedures

1. format
2. preparation
3. filing
2. Dissolution of Marriage
 - a. N.J. statutory grounds for divorce
 - b. procedural requirements
 1. venue
 2. jurisdiction
 3. filing requirements
 - c. defenses to divorce
 - d. divorce from bed and board
 - e. actions for separate maintenance
 - f. collateral issues
 1. alimony and support
 2. custody and children
 3. equitable distribution
 4. tax consequences

F. **NJ Prevention of Domestic Violence Act**

1. Types
 - a. Battered wife or child
 - b. Marital rape
 - c. Neglect
2. Statutory Procedures in New Jersey
 - a. Filing charges
 - b. Obtaining temporary restraints
 - c. Hearing
 - d. Final order and its effect

UNIT II

The second portion of the course will concentrate on the practical skills necessary to prepare various documents in family law practice. Particular emphasis will be placed on N.J. court rules and procedures. Topics will include:

- A. Pleadings
- B. Case Information Statements
- C. Child Support and Probation
- D. Pre-Judgment and Post-Judgment Motions
- E. Discovery
- F. Matrimonial Settlement Agreements
- G. Judgments of Divorce
- H. Alternate Dispute Resolution

A. Pleadings

1. Formal Requirements ~~Complaints~~
2. Procedures and Filing ~~Requirements~~
3. Drafting Documents Using a Hypothetical Fact Situation

B. Case Information Statements

1. Client Interview
2. Gathering Necessary Data for CIS
3. Child Support Guidelines & Methods of Calculation
4. Prepare and Draft a Case Information Statement Using a Hypothetical Fact Situation

C. Child Custody and Support

1. Custody
 - a. Rights of parents
 - b. Preference of children

- c. Mandatory court mediation process
- d. Consent order fixing custody
- e. Custody investigation
- f. Custody hearing and final order
- 2. Support
 - a. Considerations in determining support amounts
 - b. Supreme Court guidelines for fixing support
 - c. Support hearing
 - d. Order fixing support
 - e. Emancipating children

D. Pre-Judgment and Post Judgment Motions

- 1. Pendente Lite Motions
- 2. Motions for Enforcement
 - a. Types of relief available
 - b. Preparation and filing requirements
- 3. Prepare & Draft Notice of Motion for Pendente Lite Relief with Proposed Order and Certification ~~Uniform Reciprocal Enforcements of Support Act~~

E. Discovery

- 1. Types of Discovery Available
 - a. Depositions
 - b. Interrogatories
 - c. Production and inspection
 - d. Requests for admission
- 2. Gathering Necessary Information
 - a. By authorization
 - b. By Subpoena duces tecum
 - c. By court motion
- 3. Time limitations and Procedures
- 4. Motions to Compel Discovery
 - a. Notice and filing requirements
 - b. Drafting of motion
- 5. Preparation of Matrimonial & Custody Interrogatories and Notice to Produce from Fact Pattern

F. Matrimonial Settlement Agreements

- 1. Provisions to be Included
 - a. Alimony
 - b. Property division
 - c. children: custody, support & visitation
 - d. counsel fees
 - e. miscellaneous provisions
 - 1. non-molestation
 - 2. amendment or modification
 - 3. arbitration or mediation

G. Judgments of Divorce

- 1. Procedure and filing requirements
- 2. Preparation and drafting of Final Judgment of Divorce
- 3. Enforcement of Judgment

H. Alternate Dispute Resolution

- 1. Mediation in Family Court
- 2. Arbitration
 - a. Early Settlement Panel
 - b. Economic Mediation
 - c. Parenting Time Mediation
- 3. Collaborative Divorce

VI. General Education and Course Learning Outcomes

A. General Education Learning Outcomes:

At the completion of the course, students will be able to:

1. Produce written work that reflects critical and creative thought in analyzing family law matters. (GE-NJ 1)
2. Develop the ability to communicate clearly and logically, utilizing both verbal and written skills, in the researching and preparation of family law documents. (GE- NJ 1)
3. Research, collect and organize information, utilizing technology, the internet and legal research sites to draft litigation and other family law documents. (GE-NJ 4 & GE-NJ IL)
4. Recognize, analyze and evaluate the ethical problems in family law fact patterns. (GE-NJ ER*)

*Embedded Critical Thinking

B. Course Learning Outcomes:

At completion of this course, students will be able to:

1. Analyze various provisions of the New Jersey Divorce and Nullity Statutes as well as relevant case law and procedures governing family law in New Jersey.
2. Identify the basis for and the law governing prenuptial agreements, and the requirements for a valid marriage.
3. List the statutory causes of action for annulment and divorce in New Jersey as well as the defenses and counterclaims thereto.
4. State which court has jurisdiction in divorce actions and how jurisdiction may be acquired in nullity proceedings including service of process and residency requirements.
5. Analyze the various considerations regarding alimony, maintenance, custody and support of children, and equitable distribution of property.
6. Draft pleadings and documents, such as a Complaint for Divorce, a Complaint for Annulment, Certification of Verification and Non-collusion, Answer, Counter-claim, Case Information Statement, Certification and Motion for Pendente Lite Relief, Final Judgment of Divorce, and including all required filing documents, using hypothetical fact situations.
7. Interview clients to gather necessary financial information and facts to complete case information statements as well as preparation of same from a hypothetical fact situation.
8. Assess the importance of matrimonial settlement agreements and the various considerations which routinely go into drafting same, as well as drafting of same from a hypothetical fact situation.

9. List the various New Jersey statutory procedures regarding adoption and paternity actions.
10. Draft and file an action on the Non-dissolution docket with identifying documents.
11. List the grounds for and requirements of obtaining restraining orders for domestic violence actions., and identify the consequences of a final order.
12. Explain the uniform enforcement of support and custody law.
13. Identify ethical considerations in handling family law matters, and the proper ethical role of the paralegal in family practice.
14. Research legal forms online using Lexis and demonstrate an understanding of electronic filing in family law cases.

C. Assessment Instruments

1. Examinations
2. Document & Pleadings Preparation Assignments based on Fact Patterns
3. Legal Research Projects on Family Law Matters

VII. Grade Determinants

- A. Examinations
- B. Drafting of Family Law Pleadings & Other Documents
- C. Legal Research Projects

Methods for teaching and learning:

- A. lecture/discussion
- B. Lexis and web-based legal research instruction
- C. internet and web-based document drafting

VIII. Texts and Materials

- A. Textbook: ICLE, *Family Law: Basic Guide to NJ Divorce* (Current Edition); NJ Institute for Continuing Legal Education
- B. Internet, Lexis and Web-based legal resources
- C. RVCC Library reserve for NJ forms and formbooks

(Please Note: The course outline is intended only as a guide to course content and resources. Do not purchase textbooks based on this outline. The RVCC Bookstore is the sole resource for the most up-to-date information about textbooks.)

IX. Resources

This course will require use of the RVCC library and access to the internet.

