I. **Basic Course Information**

A. Course Title and Number: Family Law LEGL-124

B. New or Modified Course: Modified

C. Date of Proposal: Spring 2011

D. Sponsoring Department: Business & Public Service

E. Semester Credit Hours: 3

F. Weekly Contact Hours: Lecture: 3 Lab: 0

G. Prerequisites: Role of Paralegal LEGL-101
   (This prerequisite is for AAS students only – No prerequisite for Certificate students)

H. Laboratory Fees: None

I. Name/Email of Coordinator: Maria M. DeFilippis, Esq.  
mdefilip@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, support 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**

Attorneys who practice in the area of family law routinely rely on paralegals to assist them in the handling of all matters. This course is designed to provide those students with an interest in practicing in this
legal field with the ability to draft necessary documents such as prenuptial agreements, paternity, support, divorce and adoption complaints, case information statements and separation agreements, as well as an understanding of the delicate, highly confidential nature of this practice and the role of the paralegal in same.

IV. **Place of Course in College Curriculum**

A. The course is an elective in the following programs: Paralegal Studies, AAS Degree and Certificate.

B. This course will transfer to 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.

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. Illegitimacy and Paternity Proceedings
G. Legal Rights of Women
H. Legal Status of Children
I. Adoption

A. **Introduction to Family Law Practice** (3 hours)
   1. Source of Family Law
      a. N.J. statutes
      b. N.J. rules of court
      c. N.J. case law
   2. Overview of Practice
      a. Family case management
      b. Family court
   3. Trial Procedure

B. **Ethics, Scope and Skills of the Family Practitioner** (3 hours)
   1. Legal Ethics
a. Confidentiality
b. Fees and retainer agreements
c. Conflicts of interest
d. Communications with other side
e. Safekeeping property

2. Office Dynamics
   a. Role of office personnel
   b. Assessing biases
   c. Proper attorney supervision

3. Client overview
   a. Use of checklists
   b. Marital and liabilities
   c. Insurance

4. Conducting an Interview

C. Cohabitation Agreements and Prenuptial Agreements (3 hours)
   1. Cohabitation Agreements
      a. Express vs. implied agreements
      b. Requirements of an agreement
      c. Enforceability
   2. Prenuptial Agreements
      a. Requirements
      b. Enforceability
      c. Drafting an agreement
   3. Relevant New Jersey Case Law
   4. Preparation of an Prenuptial Agreement from Hypothetical Fact Situation

D. Marriage (2 hours)
   1. Formation of Marriages
      a. Ceremonial marriages
      b. Common law marriages
   2. Statutory Requirements

E. Annulment and Dissolution of Marriage (3 hours)
   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
         1. fault grounds
2. no fault grounds  
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. **Illegitimacy and Paternity Proceedings** (3 hours)  
   1. Illegitimacy  
      a. Statutory definition  
      b. Parentage and inheritance  
      c. Support obligations  
   2. Paternity Proceedings  
      a. Pleadings and procedure  
      b. Evidence and proofs of paternity  
      c. Acknowledgement of paternity

G. **Legal Rights of Women** (2 hours)  
   1. Common Law Status and Dower  
   2. Statutory Right of Election  
   3. Name Change  
   4. Employment and Credit Rights  
   5. Abortion and Reproductive Rights

H. **Legal Status of Children** (2 hours)  
   1. Age of Majority and Emancipation  
   2. Property, Earnings and Inheritance Rights  
   3. Right to an Education  
   4. Support Rights  
   5. Neglect and Abuse Statutes

I. **Adoption** (3 hours)  
   1. Types of Adoptions  
      a. Agency adoption  
      b. Private placement  
   2. Adoption Procedure  
      a. Jurisdiction and venue  
      b. Petition and filing requirements  
      c. Notice requirements
d. Consent to adoption
3. Involuntary Termination of Parental Rights
   a. Procedure and filing requirements
   b. Statutory test
   c. Effect on child
   d. Possible defenses and challenges
4. Surrogate Motherhood
   a. Status and rights
   b. Relevant N.J. case law
5. Consequences of Adoption
   a. child’s inheritance rights
   b. name change
   c. support rights
   d. rights of natural parent

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. Domestic Violence
F. Discovery
G. Property Settlement Agreements
H. Judgments of Divorce

A. **Pleadings** (3 hours)
   1. Complaints
      a. For divorce
      b. For annulment
   2. Certification of Verification and Non-Collusion
   3. Answer
   4. Counterclaim
   5. Procedures and Filing Requirements
   6. Drafting Documents Using a Hypothetical Fact Situation

B. **Case Information Statements** (2 hours)
   1. Client Interview
   2. Gathering Necessary Data
      a. Marital facts
      b. Employment wages and benefits
c. Assets and their evaluation  
d. Liabilities and their apportionment  
e. Child support guidelines  

3. Proper Methods of Calculation  
4. Prepare and Draft a Case Information Statement Using a Hypothetical Fact Situation  

C. **Child Custody and Support** (3 hours)  
   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  

D. **Pre-Judgment and Post Judgment Motions** (3 hours)  
   1. Pendente Lite Motions  
      a. Types of relief available  
      b. Preparation and filing requirements  
      c. Drafting notice of motion, affidavit and proposed form of order  
      d. Oral argument  
   2. Temporary Custody Motions  
      a. Types of relief available  
      b. Preparation and filing requirements  
      c. Guardian ad litem  
   3. Motions for Modification  
      a. Types of relief available  
      b. Statutory grounds  
      c. Preparation and filing requirements  
   4. Motions for Enforcement  
      a. Types of relief available  
         1. Civil contempt  
         2. Execution and attachment  
         3. Garnishment  
         4. QDRO  
      b. Preparation and filing requirements  
   5. Uniform Reciprocal Enforcements of Support Act  
      a. Relief available  
      b. Statutory requirements
c. Process

E. **Domestic Violence** (2 hours)
   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

F. **Discovery** (2 hours)
   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. Settlement Offers
      a. Valuing and trade-off
      b. Preparation of settlement memorandum

G. **Property Settlement Agreements** (3 hours)
   1. Client Interview
      a. Duress and fraud
      b. Negotiating terms
      c. Use of checklists
   2. Provisions to be Included
      a. Alimony
      b. Property division
         1. real and personal property
         2. pensions
         3. business interests and good will
         4. insurance
         5. debts
         6. taxes
      c. children
1. custody
2. support
3. visitation rights
d. counsel fees
e. miscellaneous provisions
   1. non-molestation
   2. amendment or modification
   3. arbitration or mediation
3. Preparation and Drafting of the Agreement
4. Tax Consequences

H. **Judgments of Divorce** (3 hours)
   1. Early Settlement Panel
      a. Use and purpose
      b. Issues presented
      c. Mandatory appearance
      d. Effect of panel’s decision
      e. Group presentation of ESP memos
   2. Judgment of Divorce
      a. Procedure and filing requirements
      b. Preparation and drafting of Final Judgment of Divorce
      c. Preparation and drafting of default judgments
      d. Enforcement of Judgment

VI. **Educational Goals and Learning Outcomes**

A. **Education Goals**

   Students will:

   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. Use technological tools and specific legal software to create litigation documents. (GE NJ 4)

   4. Analyze and evaluate ethical problems in family law fact patterns. (GE NJ 9)

B. **Learning Outcomes**
Upon 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, palimony and cohabitation and the requirements for a valid marriage.

3. Draft a prenuptial agreement.

4. List the statutory causes of action for annulment and divorce in New Jersey as well as the status of defenses and counterclaims thereto, applying same to hypothetical fact situations.

5. State which court has jurisdiction in divorce actions and how jurisdiction may be acquired in nullity proceedings including service of process and residency requirements.

6. Assess the validity of the final judgment, its effects and the methods of appeal from same.

7. Analyze the various considerations regarding alimony, maintenance, custody and support of children, and equitable distribution of property.

8. 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 Default, Final Judgment of Divorce, using standard legal forms and/or legally specific software and given hypothetical fact situations.

9. 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.

10. Assess the importance of property settlement agreements and the various considerations which routinely go into drafting same, as well as drafting of same from a hypothetical fact situation.

11. List the various New Jersey statutory procedures regarding adoption and paternity actions.
12. Draft pleadings and motions for adoption matters and paternity actions using hypothetical fact situations.

13. List the grounds for and requirements of obtaining restraining orders for relief from physical abuse.

14. Explain the uniform enforcement of support and custody law.

15. Identify ethical considerations in handling family law matters, and the proper ethical role of the paralegal in family practice.

VII. **Modes of Teaching and Learning**

This course will employ the following methods of teaching:

A. lecture/discussion  
B. student collaboration in small groups  
C. computer based and software specific assignments  
D. document preparation by students based on fact patterns

VIII. **Papers, Examinations, and other Assessment Instruments**

This course will employ the following methods of assessment:

A. Examinations  
B. Small group projects  
C. Document and pleadings preparation assignments based on fact patterns

IX. **Grade Determinants**

Written exams, small group presentations and written assignments requiring the preparation of various family law documents from fact patterns will be used to assess the students according to the general education goals and learning outcomes listed above.

X. **Text and Materials**

B. other computer-based and software-specific legal sources

XI. **Resources**

The course will require the use of a CATT room to demonstrate specific legal software and other legal web sources for preparation of appropriate family law pleadings and documents.