

Mt. San Jacinto College
Integrated Course Outline of Record

Form B

Submitted by:	Scot Stirling	Date:	03/12/2020
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Department	Subject	Course Number	Title
Legal Assistant	Legal Assistant LEG	534	Family Law (formerly LEG-134)

Units/Hours

Each lecture unit requires 1 hour per week of class time, and 2 hours per week of study outside of class.
Each laboratory unit requires 3 hours per week of class time.
Each activity unit requires 2 hours per week of class time and 1 hour per week of study outside of class.

Lecture Units	Total Units
3.00	3.00
Lecture Contact Hours	Total Contact Hours
48.00 - 54.00	48.00 - 54.00
Lecture Homework Hours	
96.00 - 108.00	

Stand Alone:

Program Applicable

AA/AS Degree General Ed Breadth Area(s):

-none-

General Education Justification:

Not seeking General Education status

Maximum Enrollment:	40
Maximum Enrollment Justification:	Justification:
Grading Method:	Letter Grade or P/NP
TOP code:	1402.00*

Can be Taken	1	time(s) for credit (max 4)
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- Visual or Performing Arts course that is required to meet major requirements for UC/CSU
- Intercollegiate athletics course
- Academic/vocational competition course

Catalog Description:

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).
(75 words or less in gray box below).

This course explores fundamental principles and practice issues in California family law. Students will analyze laws and procedures governing marriage, dissolution of marriage, annulment, child custody, guardianship, paternity, child support, adoption and family violence. The course covers the drafting of court forms for court proceedings and issues pertaining to counseling in the family law field and the drafting of agreements, including prenuptial agreements and separation agreements.

Schedule Description:

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).
(25 words or less in gray box below).

This course explores fundamental principles and practice issues in California family law.

Need for the course:

This course is a required course for students pursuing a Legal Assistant certificate and will prepare interested students to work in the ever-expanding field of family law.

Prerequisite(s):

Prerequisites go through a separate approval process. See Forms E1-E6 for details.
(For further clarification, contact the Prerequisite Subcommittee)

-none-

Corequisite(s):

Corequisites go through a separate approval process. See Forms E1-E6 for details.

-none-

Recommend Preparation:

Recommended Preparation goes through a separate approval process. See Forms E1-E6 for details.

-none-

Other Enrollment Criteria:

-none-

Learning Objectives:

(please number each objective and express in behavioral terms)
Upon the completion of the course the student will be able to do the following:

1. Examine and analyze the primary statutory and regulatory sources of family law.

2. Evaluate the functions of the family law courts and the rights and remedies available through the family court.

3. Evaluate and document the property rights of the parties.

4. Assess the validity or invalidity of common law, proxy and same sex marriages, pre-nuptial agreements, ante-nuptial agreements, and marital settlement agreements.

5. Differentiate between dissolution of marriage and annulment, the procedures to obtain each in California and the components of relief granted in judgments of dissolution, including spousal support.
6. Analyze and assess each component of custody, visitation, child support, protective service issues, foster care, minors and taxation, examine the custody issues of non-traditional parenting, document the procedures of establishing and litigating paternity issues, compare and contrast the criteria for adoption and guardianship and the procedures for each.

Course Content:

(please number the outline of main topics and subtopics)

- I. INTRODUCTION TO FAMILY LAW

A. The Approach to Family Law

B. Jurisdiction and Venue

1. Subject Matter Jurisdiction

2. Residence and Domicile

3. Personal Jurisdiction

4. Service of Process

5. Venue

C. Ethics and the Paralegal

D. Sources of Family Law

1. Law of Comity and Constitutional Doctrines

2. The California Family Code

3. Federal Statutes

E. The Validity of Marriage
- II. THE LITIGATION PROCESS

A. Overview

B. Initial Client Interview

C. Choice of Actions

1. Nullity

a. Void versus Voidable Marriages

b. Nullity Based on Void Marriage

c. Nullity Based on Voidable Marriage

d. The Putative Spouse

2. Dissolution and Legal Separation

3. Summary Dissolution

D. The Summons

E. Initial Filing

1. The Petition and Response Court Forms

2. Additional Options for the Respondent

3. Filing and Service Requirements

F. Discovery

1. Interrogatories

2. Demands for Production of Documents

3. Depositions

4. Requests for Admissions

5. Expert Witnesses

G. Default and Uncontested Hearings

H. Contested Trials

I. Conciliation Proceedings

J. Mediation Proceedings

K. Parental Counseling
- III. RESOLVING ISSUES BEFORE TRIAL

A. Preliminary Considerations

B. The Order to Show Cause

1. The Face Sheet

- 2. The Application for Order and Supporting Declarations
 - 3. The Income and Expense Declarations
 - 4. Temporary Orders
 - C. The Noticed Motion
 - 1. The Face Sheet
 - 2. The Application for Order and Supporting Declaration
 - 3. The Income and Expense Declarations
 - 4. The Memorandum of Points and Authorities
 - D. Responding to the Order to Show Cause or the Noticed Motion
 - E. Temporary and Ex Parte Orders
 - F. Domestic Violence Prevention Act
- IV. ENFORCEMENT
 - A. Introduction
 - B. Contempt
 - C. Enforcement of Support Orders
 - 1. Earnings Withholding Order
 - 2. Abstract of Judgment
 - 3. Child Support Security Deposit
 - 4. Order for Deposit of Assets
 - 5. Notice of Delinquency
 - D. Uniform Interstate Family Support Act
 - E. Registration of Intercounty Support Orders
 - F. General Civil Debt Collection Methods
 - 1. Writ of Execution
 - 2. Abstract of Judgment (Civil)
 - 3. Appointment of Receiver
 - 4. Writ of Possession
 - 5. Installation of a Keeper
 - 6. Debtor's Examination
 - 7. Wage Assignment (Civil)
 - G. Sister State Money Judgments Act
- V. PROPERTY RIGHTS AND OBLIGATIONS
 - A. Introduction
 - B. General Concepts
 - C. Property in General
 - D. Characterization of Marital Property
 - 1. Presumptions Concerning Characterization
 - 2. Presumptions Concerning Property Held in Joint Tenancy
 - 3. Tracing
 - 4. Transmutations
 - 5. Personal Injury Awards
 - 6. Earnings, Employment Benefits
 - 7. Gifts and Inheritances
 - 8. Rents, Income and Profits
 - 9. Community Contributions for Education and Training
 - 10. Business Interests
 - a. Valuation
 - b. Valuation Methods
 - c. Valuation Date
 - d. Elements of Business Valuation
 - 11. Retirement Benefits
 - a. Types of Plans
 - b. Division of Retirement Benefits
 - c. Special Issues

- (1) Disability Pay
 - (2) Joinder
 - (3) Qualified Domestic Relations Order
 - E. Disclosure of Assets and Liabilities
 - F. Liability of Marital Property
 - 1. Liability of Community Estate
 - 2. Liability of Separate Property Estate
 - 3. Debt Liability After Division of Property
 - 4. Tort Liability
 - G. Management and Control of Marital Property
 - H. Division of Marital Property
 - 1. Division of Community Estate
 - 2. Division of Retirement Plan Benefits
 - 3. Division of Debts and Liabilities
 - I. Special Issues Regarding Marital Property
 - 1. Tracing and Commingling
 - 2. Apportionment
 - 3. Reimbursement Claims
 - 4. Quasi-Community and Marital Property
- VI. MARITAL AGREEMENTS
 - A. Pre-Nuptial Agreements
 - B. Ante-Nuptial Agreements
 - C. Marital Settlement Agreements
- VII. SPOUSAL SUPPORT
 - A. Preliminary Considerations
 - B. Relevant Factors
 - C. Structure of the Award
 - D. Temporary Support
 - E. Permanent Support
 - 1. Amount
 - 2. Substantive Stepdown
 - 3. Jurisdictional Stepdown
 - 4. Reservation of Jurisdiction
 - 5. Length of Marriage
 - F. Selected Spousal Support Issues
 - 1. Cohabitation
 - 2. Health Insurance
 - 3. Security for Payment of Support
 - G. Modification of Spousal Support
- VIII. PARENTS AND CHILDREN
 - A. Minors
 - 1. Civil Liability Exposure
 - 2. Contracts
 - 3. Medical Treatment
 - 4. Emancipation of Minors
 - B. Parent and Child Relationships
 - 1. Paternity
 - 2. Termination of Parental Rights
 - 3. Adoption
 - 4. Independent Adoptions
 - 5. Adoption of Adults and Unmarried Minors
 - 6. Child Abuse
- IX. CHILD CUSTODY
 - A. Preliminary Considerations

	B.	Jurisdictional Considerations
	C.	The Uniform Child Custody Jurisdiction and Enforcement Act and Related Statutes
	D.	Legal and Physical Custody
	E.	Joint and Sole Custody
	F.	Mediation and Conciliation
	G.	Temporary Custody Awards
	H.	Modification of Custody Awards
X.		CHILD VISITATION
	A.	Visitation Plans
	B.	Visitation Restrictions
	C.	Interference with Custody and Visitation
	D.	Relocation and Controlling Case Law
	E.	Remedies for Frustration of Visitation Rights
	F.	Nonparent Access to Children
	1.	Grandparent Visitation
	2.	Stepparent Visitation
	3.	Other Visitation
XI.		CHILD SUPPORT
	A.	Duty to Provide Support
	B.	Statutory Considerations in Obtaining a Child Support Award
	C.	Amount of the Award
	1.	Historical Perspectives
	2.	Current Child Support Guidelines
	3.	Statutory Add-Ons and Deductions
	4.	Computer-Assisted Support Calculations
	D.	Additional Aspects of Child Support
	1.	Mandatory Health Insurance
	2.	Deferred Sale of Home
	E.	Expedited Child Support Order
	F.	Applicable Case Law
	G.	Modification or Termination of Child Support
	1.	Age of Majority
	2.	Emancipation of Minors
XII.		TAXATION
	A.	During Marriage
	B.	During Separation
	C.	After Dissolution

Methods of Instruction:

Methods of instruction may include, but are not limited to the following:

- **Method:** Lecture and discussions
Integration: Instructors will work to enable students to understand the procedures in California Family Law, as well as underlying social and family policies, lecture and discussion with presentations using visual materials (PowerPoint, on-line resources, or multimedia) to introduce the fundamentals of California family law related to duties of legal assistants.
- **Method:** Analysis of Case Studies
Integration: Cases shall be analyzed that develop and apply the basic concepts of the family law issues and explain the precedential value of the cases.
- **Method:** In-class discussions
Integration: Discussions shall take place of current events in family law, hypothetical case studies and completion of California Judicial Council forms to familiarize students with the procedural requirements and

precedential rulings.

- **Method:** Student analyses and presentation
Integration: Students shall present analysis and reports on hypothetical client interviews and other family law issues to prepare students for hands-on work as a paralegal in a family law firm.
- **Method:** Guest speakers
Integration: Guest speakers shall assist students in understanding the legal, personal and financial issues faced by clients in family law proceedings.

Methods of Evaluation:

A student's grade shall be determined by the instructor using multiple measures of performance related to the course objectives. Methods of evaluation may include but are not limited to the following:

- **Method:** Written analysis and evaluation
Integration: Class shall conduct mock client interview scenarios, with emphasis on relevance of material covered in interviews and whether student has established client rapport and trust.
- **Method:** Quizzes
Integration: Quizzes shall be conducted concerning the procedures applicable to filing for dissolution of marriage, child custody, child visitation, mediation and conciliation, spousal support, division of assets, jurisdiction and other subjects covered in lectures and discussions, with questions designed to elicit student understanding of the law and underlying social policies.
- **Method:** Written analysis and evaluation
Integration: Students shall conduct document preparation, including the court-required forms. These shall be evaluated based on the student having a correct and accurate understanding of the law.
- **Method:** Mid-Term Examination
Integration: The Mid-Term examination shall have questions designed to elicit student understanding of the law and underlying social policies. The exam shall test the accuracy of the students' knowledge of the law.
- **Method:** Final Examination
Integration: The Final examination shall have questions designed to elicit student understanding of the law and underlying social policies. The exam shall test the accuracy of the students' knowledge of the law.

Examples of Assignments:

Students will be expected to understand and critique college level texts or the equivalent. Reading and writing, as well as out of class assignments are required. These assignments may include but are not limited to the following:

1. In order to demonstrate the need to obtain accurate information and establish client trust and rapport, draft client Interview checklist for initial intake
2. For dissemination to a new hypothetical client, draft a summary of the dissolution procedures that will be involved in the client's matter, which will demonstrate the student's grasp of the procedural requirements.
3. Prepare deposition questions for mock deposition of Respondent based on hypothetical case, to demonstrate the student's grasp of the relevant matters at issue in a dissolution.
4. Based on hypothetical case, research the law on a request to move a child out of state and draft a memorandum thereon concerning the statutory and case law to be applied and the relevant facts in the hypothetical case.
5. Based on hypothetical case, draft an Application for an Order to Show Cause for a Temporary, Preliminary and Permanent Restraining Order against the Respondent, including a supporting declaration, in order to demonstrate the student's understanding of the grounds for the order and the constitutional issues involved.
6. **Based on hypothetical case, draft a marital settlement agreement, which will demonstrate the student's understanding of all the issues that must be addressed in a final agreement between the parties to a dissolution proceeding.**

Textbooks:

- Waller, Marshall W. (2016). *California Family Law for Paralegals (7th ed)* Wolters Kluwer, Aspen Publishers,

New York, NY. ISBN: 9781454852247

- L.W. Greenberg, Esq. (2019). *California Family Law 2019 Edition: With the NEW California Rules of Professional Conduct* L.W. Greenberg, Esq.. ISBN: 978-1798599082

Other Resources:

Minimum Qualification

- Law (Masters Required)