

SYLLABUS

FAMILY LAW 140
Spring Semester, 2012

Instructor: Raymond F. Zeason

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Office Hours: By appointment OR before and after class

COURSE OBJECTIVES

General Objectives: To provide students with a working knowledge of the substantive law and procedural aspects of divorce, annulment, and separation. Substantive discussions on divorce, annulment and separation will emphasize jurisdiction, child custody, child support, visitation rights, alimony, and division of property. Procedural discussions will focus on familiarization with Family Court forms and rules, and the distinctions between uncontested and contested divorce procedures, as well as post decree matters.

Additionally, the course will introduce the student to the substantive law and procedural aspects of child abuse and neglect, spouse abuse, particularly as related to divorce, as well as the ADR methods of mediation.

Specific Objectives:

1. To learn to find and interpret the domestic relations statutes and case law in Hawaii;
2. To understand the fundamental principles underlying the marital relationship;
3. To develop an understanding of the parent/child relationship, as well as the law of child support and custody;
4. To develop powers of reasoning and problem solving;
5. To develop interviewing skills;
6. To develop drafting skills in the domestic relations field;
7. To learn the procedural steps involved in a domestic relations case;
8. To explore the court and social systems that administer Hawaii's statutes concerning the family;
9. To further develop research and library skills;
10. To understand how paralegals fit into the family law practice; and,
11. To become more sensitive to the client's distress when s/he seeks legal help for a family problem;
12. To understand how alternative dispute resolution fits into the continuum of resolution of family laws matters.

LEARNING MATERIALS AND SUPPLEMENTS

Materials will include excerpts from the Hawaii Divorce Manual; copies of Hawaii statutes relating to divorce, annulment, separation, child custody, domestic violence, and the Uniform Child Custody Jurisdictional Enforcement Act; Hawaii Family Court Rules; as well as various articles, cases and forms related to special aspects of the material covered in the course. The materials provided are for the purpose of course instruction only and are not intended to be used in the practice of law. Reading assignments will be from the textbook and other relevant materials on Lulima or handed out in class.

INSTRUCTIONAL METHODS

Lectures, case study from reports, basic legal research, writing exercises (case brief, preparing questionnaires, using and drafting forms, drafting petitions), guest speakers, group projects and presentations, and videos. Class participation is strongly encouraged.

CLASSROOM

All classes will be held at the Kapiolani Community College, Kalia #202, from 6:25 p.m. to 9:05 p.m. on Wednesdays.

Attendance at **ALL** class sessions is strongly encouraged. Students must be prepared for class. If it is impossible to attend class, you should make arrangements to receive any assignments and materials and obtain class notes from a fellow student.

Class assignments are generally not graded, but all assignments will be reviewed during the next class (if at all possible) after being turned in. Attendance at all classes, reading of assigned materials prior to class, and completion of all assignments is necessary to prepare you for examinations. Quizzes **WILL BE** given during the course to assess understanding of materials and to prepare you for your midterm and final examinations. The quizzes will count for 25 percent of your final grade for the course.

Classroom Behavior. All students are expected to behave in a respectful and responsible manner so as not to disrupt the learning environment for other students. Questions concerning personal legal issues or situations not directly related to the materials being covered negatively impinge on other students' learning and will be limited at the discretion of the lecturer.

DISABILITY

If you have a disability and have not voluntarily disclosed the nature of your disability and the support you need, you are invited to contact the Special Student Services Office, 734-9552 (V/TTY), Ilima 105, for assistance.

SPECIAL LEARNING STRATEGIES

Sixty percent of class time will be devoted to substantive law, with the balance devoted to practical use of substantive law in day-to-day office activities, such as preparation of documents, as well as Family Court procedural issues and other current and continuing "hot topics," such as civil unions, custody evaluation, "co-parent"

adoptions, alternative dispute resolution, domestic violence, and child abuse and neglect issues. Classroom discussion and questions are encouraged at all times.

COURSE CONTENT

DATE OF SESSION

CONTENT OF LECTURE

January 9	Introduction; Overview of Scope and Content of Course; Marriage and Relationships; Civil Unions;
January 16	Holiday – No Class
January 23	Personal & Psychological Factors; Ethics; and Client Interview
January 30	Substantive Law of Divorce; Jurisdiction; Service; Grounds; Complaint; Summons; MAI; Motion and Affidavit for Pre-Decree Relief
February 6	Child Custody/Visitation; Time-Sharing; Custody Evaluations; Kids First;
February 13	Continue Substantive Law of Divorce; Child Support; Child Support Guidelines Worksheet; Quiz #1
February 20	Holiday – No Class
February 27	Continue Substantive Law of Divorce; Alimony; Property Division
March 5	Continue Property Division; Property Division Chart; Substantive and Procedural Law of Annulment and Separation; Review
March 12	MID-TERM EXAM
March 19	Review Mid-Term Exam; Domestic Violence & TROs
March 26	SPRING BREAK – No Class Special Topics
April 2	Alternative Dispute Resolution: Mediation
April 9	Child Abuse and Neglect
April 16	Uncontested Divorce Procedures; Divorce Decree; Enforcement of Decree; Motion and Affidavit for Post-Decree Relief; Quiz #2

April 23	Overview of contested divorce procedures and Agreement in Contemplation of Divorce
April 30	Review, Q&A, Special Topics
May 7	FINAL EXAM

GRADING

The periodic quizzes will count for a combined total of $\frac{1}{4}$ of your final grade while the midterm will count for $\frac{1}{4}$ and the final for $\frac{1}{2}$ of your final grade for the course. Extra credit graded assignments may be given during the semester.

No late tests or quizzes will be accepted. If you are having a problem with an exam time, **you must discuss your problem with the instructor before the exam date.**

OTHER RESOURCES

Family Law for Paralegals by J. Shoshanna Ehrlich, 5th Edition.

The following texts are specific to Family Law in Hawaii: Hawaii Divorce Manual, Hawaii Adoption Manual, Hawaii Revised Statutes, and Hawaii Family Court Rules.

Family Advocate, American Bar Association, Family Law Section.

Family Law Quarterly, American Bar Association, Family Law Section.

Family Law Reporter, Bureau of National Affairs.

Journal of Family Law, University of Louisville, School of Law.

Family Law and Practice, Matthew Bender.

24 Am. Jur. 2d, Divorce and Separation, Sections 1 – 1147 (1983).

27A C.J.S., Divorce, Sections 1 – 431 (1967).

A.L.R. Digests, Divorce and Separation.

VIDEOS

CASA: One Child at a Time. (8 min.) Free from CASA, Seattle, Washington. Court-Appointed Special Advocate Program.

Kramer vs. Kramer

War of the Roses