

LEX 240
FAMILY LAW

COURSE DESCRIPTION:

Prerequisites: None

Corequisites: None

This course covers laws governing domestic relations. Topics include marriage, separation, divorce, child custody, support, property division, adoption, domestic violence, and other related topics. Upon completion, students should be able to interview clients, gather information, and draft documents related to family law. Course Hours Per Week: Class, 3. Semester Hours Credit, 3.

COURSE OBJECTIVES:

Upon the completion of the course, the student should be able to:

- a. Identify the elements of a valid marriage, premarital agreement, separation agreement, divorce, and custody agreement
- b. Interview clients and prepare premarital agreements
- c. Interview clients and prepare separation agreements
- d. Interview clients and prepare divorce legal separation pleadings
- e. Prepare a case for equitable distribution and marshal evidence
- f. Assist attorney in preparation of domestic cases for trial

OUTLINE OF INSTRUCTION:

- I. Acts prior to marriage
 - A. Gifts made prior to, and in contemplation of, marriage
 - B. Premarital agreement and the Uniform Premarital Agreement Act
- II. Marriage
 - A. Elements of a valid marriage in North Carolina
 - 1) Statutory marriage only
 - 2) No common law marriage in North Carolina
 - 3) Innovations in marriage, including gay/lesbian marriage
- III. Separation
 - A. Separation agreements: legal elements
 - B. Negotiating and drafting separation agreements
 - C. Divorce from bed and board: statutory grounds
 - D. Alimony without divorce

IV. Divorce

- A. History of divorce and present statutory grounds for divorce
- B. Equitable distribution of marital property
- C. Alimony and alimony pendente lite
- D. Preparation of case for trial

V. Child custody

- A. Separation agreements and support agreements for child
- B. Standards of determining custody
- C. Review and revision of custody arrangements

VI. Domestic violence

- A. Statutory remedies for victims of domestic violence
- B. Tort remedies for victims of domestic violence

VII. Guardianship and juvenile law

- A. Guardianship petitions and orders
- B. Juvenile proceedings and custody orders

REQUIRED TEXTBOOK:

To be determined

STATEMENT FOR STUDENTS WITH DISABILITIES:

Students who require academic accommodations due to any physical, psychological, or learning disability are encouraged to request assistance from a disability services counselor within the first two weeks of class. Likewise, students who potentially require emergency medical attention due to any chronic health condition are encouraged to disclose this information to a disability services counselor within the first two weeks of class. Counselors can be contacted by calling 686-3652 or by visiting the Student Development Office in the Phail Wynn Jr. Student Services Center, room 1309.