

MIDSTATE COLLEGE
411 W. NORTHMOOR RD.
PEORIA, IL 61614
309.692.4092 800.251.4299
Spring Term 2019

Course number & Name: LEG 107—Family Law

Credit hours: 4 Quarter Hours

Method of Delivery: Traditional (on-campus) Tuesday nights

PLEASE NOTE: Optional On-Campus Component (Writing/Research Lab):

In an effort to provide hands-on assistance/instruction to the research and writing elements of the legal courses, we will have OPTIONAL on campus class meetings in week 2 (Tuesday, March 05), week 3 (Wednesday, March 13), and week 4 (Tuesday, March 19) in the Midstate College Library (Legal Reference Room) from 4:30 PM – 6:00 PM. If you need assistance with the research/writing assignments in weeks 2, 3, and/or 4, these on-campus sessions will provide the support/direction needed to help you complete the legal research and writing assignments. Additional Writing/Research Labs will be scheduled in weeks 5 – 12 based on student need.

Course Description: This course is an overview of the law (with an emphasis on Illinois law) relating to marriage, divorce, annulment, child custody and support, adoption, paternity and other legal matters involving domestic relations. The student will be required to perform research and to draft necessary pleadings relative to the practice of family law.

Prerequisite: Successful completion of LEG 100 (Introduction to Law) or permission of Department Director.

Text(s) & Manual(s): Family Law, 6th Edition (ISBN# 9781435440746)

Author(s): William P. Statsky

Publisher: West Legal Studies / Thompson Learning (2013)

Materials needed for this course: The minimum system requirements to complete an eLearning course at Midstate College.

Topics:

1. The practice of Family Law and Ethics.
2. The Premarital Agreement.

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3. The topics of Marriages and Annulments.
4. The topics of the Divorce, Property Support and Division, and the Separation Agreement.
5. The topics of Child Custody and Support.
6. The Legal Rights of Women.
7. The topic of Paternity and the legal status of children.
8. The topics of Adoption and The New Science of Motherhood.

Learning Objectives: Upon successful completion of this course, the student will be able to:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the premarital process.
4. Identify the required elements of a valid marriage.
5. Demonstrate an understanding of the process of annulment.
6. Demonstrate an understanding of the procedures involved in divorce proceedings.
7. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Midstate Grading Scale:

A = 100% to 90%

B = 89% to 80%

C = 79% to 70%

D = 69% to 60%

F = 59% to 0%

All students must have a 70% or better to pass this course.

Academic Integrity:

Academic integrity is a basic principle of the College's function. Midstate College students are expected to maintain a high level of academic honesty. Contrary actions may result in penalties such as failure of the assignment(s), a lesser grade on assignment(s), failure of the course and/or suspension from the College. The course instructor will review all submitted documents and supporting evidence in connection to the infraction. The course instructor will also review the student's personal file for other notifications of academic dishonesty before determining the level of action to be applied. The course instructor will complete the Academic Dishonesty Report form to document and describe the incident and actions taken, then kept on file. The student may appeal the decision to administration, whose decision will be final.

The following (**plagiarism, cheating, deception, sabotage, computer misuse and copyright infringement**) are included in the actions Midstate College considers behavior contrary to the academic integrity policy; however, the policy is not limited to these examples. Further discussion of consequences regarding academic dishonesty are addressed in the Student Handbook.

Plagiarism:

Plagiarism is using another person's words, either by paraphrase or direct quotation, without giving credit to the author(s). Plagiarism can also consist of cutting and pasting material from electronic sources by submitting all or a portion of work for assignment credit. This includes papers, computer programs, music, sculptures, paintings, photographs, etc. authored by another person without explicitly citing the original source(s). These actions violate the trust and honesty expected in academic work. Plagiarism is

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strictly against the academic policy of Midstate College. Its seriousness requires a measured, forceful response which includes consequences for inappropriate and/or no citation.

In courses containing writing assignments, the College promotes the use of Turnitin which compares the student's writing against previously submitted papers, journals, periodicals, books, and web pages. Students and instructors can use this service to reduce the incidence of plagiarism. This electronic resource has been found to conform to legal requirements for fair use and student confidentiality. It is able to provide a report to the student indicating the parts of the assignment that match.

Student Success and Tutoring:

Contact Student Success: Room 110; (309) 692-4092, ext. 1100;
studentsuccess@midstate.edu;

The Office of Student Success offers help in the following areas:

- Tutoring: Tutoring is encouraged for students who are doing their best to complete assignments yet still are experiencing difficulty in this course. Tutoring may be provided by the instructor outside of scheduled class times or through the office of Student Success.
- Writing assignment assistance: This may include learning how to conduct research; using proofreading tools such as Turnitin; outlining a topic; and applying MLA/APA standards.
- Math, accounting, and computer skills (including file management).
- Test-taking techniques.
- Note-taking skills development.
- Study skills development.
- Time management.

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Assessment Portfolio Reminder: Students (depending on your program major) may be required to prepare an assessment portfolio for graduation. Keep a copy of this syllabus in the portfolio. Use the “Evidence for Success” list from your program portfolio (or consult your Program Director) and instructions from the instructor to determine the assignment(s) that should be placed in the assessment portfolio.

Instructor: Cynthia Volk, Attorney at Law
Adjunct Faculty Professor, Legal Studies
cvolk@midstate.edu

*Office Hours (I will be either in the classroom or in the Midstate College Library Legal Reference Room 1 hour before class, after class as needed, and by appointment.

Assistant Instructor: Mark Wiltse, Legal Studies Director
mwiltse@midstate.edu

Legal Studies Department
Office: 219
Phone: (309) 692-4092, Extension 2190
Fax: (309) 692-3893

Participation Requirements: Each student is expected to participate in research/homework assignments relating to the subject materials for the week. Discussions will take place each week relating to the required weekly research/homework assignments. Attendance is mandatory in this class. Students will be deducted 10 points from participation grade for each course missed. If a student does not attend the entire class (arrives late, leaves early, etc.), partial points (at the instructor’s discretion) will be assessed from the class participation grade. See Instructor’s Final Grade Determination Below. Students that miss 30% or more of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).

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Policies and Procedures:

1. This course is taught from a lecture format with integrated discussion of examples and assignments. The student is encouraged to take an active role in the learning process. Students that miss 30% (or more) of the scheduled classes will not be allowed to successfully complete this course (unless departmental approval is obtained).
2. All assignments in this course must have a professional appearance (submitted in typewritten form, using 12-point Times New Roman font, double spaced, with proper grammar/spelling/structure).
3. In the event you are absent, you will need to email the assignments for the class you miss. In return, I will email the assignments you need to have completed by the following class period. If assignments are not turned-in on their due date, they (if accepted by the instructor) may be assessed a late penalty. Late assignments will only be accepted up to 7 days after their due dates. Any assignment turned in after this 7-day period expires will receive no credit. Please see the Final Grade Determination section below for more information on late assignments.
4. Exams must be taken on the dates scheduled by the instructor. Failure to take an exam on the scheduled date will result in a grade of "F" (0 points). Make-up exams will be given only when special circumstances are approved by the instructor. Make-up exams must be taken in the testing center. It is the student's obligation to make the appropriate arrangements to have a test administered.
5. "Pop-Quizzes" may be given throughout the term. Make-up quizzes will not be given.
6. All work must be completed by week 12 (Tuesday, May 14, 2019 at 8:00 PM).
7. Academic dishonesty (cheating / plagiarism) in any form will not be tolerated in this course and may result in the dismissal / suspension from the course / program / college.
8. Cell phones / beepers are prohibited from use in this course.
9. Extra Credit: Opportunities for extra credit may be provided throughout the term at the instructor's discretion. However, extra

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credit points will only be factored into a student's final grade if all homework assignments have been turned in by the night of the final exam. This policy is to make it clear that extra credit is not available in place of homework assignments, but rather to make up points missed due to absence from class or points missed on exams or completed homework/drafting assignments.

10. This is a tentative syllabus and outline and is subject to change at the discretion of the instructor.

Methods of evaluating student performance: See Instructor's Final Grade Determination Below.

Examination Information:

1. Examination #1 - will consist of 50 points and it will cover chapters 1 – 10. Exam #1 will be given in week 7.
2. Examination #2 (Final) - will consist of 50 points and it will cover chapters 11 – 17. Exam #2 will be given in week 12.

Instructor's Final Grade Determination: Final Grade Based on 960 points:

1. 050 Points = Examination #1
2. 050 Points = Examination #2
3. 150 Points = Vocabulary Quizzes (15 Quizzes worth 10 points each)
4. 290 Points = Homework Assignments/Study Problems (29 homework assignments/study problems worth 10 points each). Points will be deducted if these assignments are submitted late (accepted up to 7 days after their due dates for late credit...50% deduction), contain content/structural errors, or do not include the required information.
5. 100 Points = Weekly Summaries (10 summaries worth 10 points each). You will be required to complete a weekly summary for the following weeks: 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12. Points will be deducted if these assignments are submitted late (accepted up to 7 days after their due dates for late credit...50% deduction),

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- contain content/structural errors, or do not include the required information.
6. 80 Points = Discussion Questions (8 discussion questions worth 10 points each). Points will be deducted if these assignments are submitted late (accepted up to 7 days after their due dates for late credit...50% deduction), contain content/structural errors, or do not include the required information.
 7. 120 Points = Hypothetical Case: 6 Drafting Assignments. Starting in week 5, we will be following a hypothetical case (supplied by the instructor) for the remaining weeks of the course and you will be required to draft common family law documents (frequently used in the field of Family Law). There will be 6 drafting assignments associated with our hypothetical case. Each drafting assignment is worth 20 points. Points will be deducted if these assignments are submitted late (accepted up to 7 days after their due dates for late credit...50% deduction), contain content/structural errors, or do not include the required information.
 8. 120 Points = Class Participation (12 classes x 10 points each).

All students must have a 70% or better to pass this course.

Family Law – LEG 107

Spring Term 2019

Course Outline

Week 1:

Tuesday, February 26:

1. Pretest
2. Introduction to Family Law and Course Goals

Topics Covered in Week 1:

1. The practice of Family Law and Ethics.
2. The Premarital Agreement.

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3. The topics of Marriages and Annulments.
4. The topics of the Divorce, Property Support and Division, and the Separation Agreement.
5. The topics of Child Custody and Support.
6. The Legal Rights of Women.
7. The topic of Paternity and the legal status of children.
8. The topics of Adoption and The New Science of Motherhood.

Objectives Covered in Week 1:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the premarital process.
4. Identify the required elements of a valid marriage.
5. Demonstrate an understanding of the process of annulment.
6. Demonstrate an understanding of the procedures involved in divorce proceedings.
7. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 2:

Tuesday, March 05

1. Chapter 1, Introduction to Family Law and Practice
2. Chapter 2, Ethics in a Family Law Practice

Topics Covered in Week 2:

1. The practice of Family Law and Ethics.

Objectives Covered in Week 2:

8. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.

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9. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.

Week 3:

Tuesday, March 12:

1. Chapter 3, Compiling a Family History
2. Chapter 4, Premarital, Postnuptial, and Cohabitation Agreements
3. Online Court Filing Systems

Topics Covered in Week 3:

Our discussion this week will center around the practice of Family Law and Ethics and the Premarital Agreement.

Objectives Covered in Week 3:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the premarital process.
4. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 4:

Tuesday, March 19:

1. Chapter 5, Traditional Marriage and Alternatives
2. Chapter 6, Annulment

Topics Covered in Week 4:

Our discussion this week will center around the topics of Marriages and Annulments.

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Objectives Covered in Week 4:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Identify the required elements of a valid marriage.
4. Demonstrate an understanding of the process of annulment.
5. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 5:

Tuesday, March 26:

1. Chapter 7, Divorce Grounds and Procedure
2. Chapter 8, Spousal Support, Property Division, and the Separation Agreement

Topics Covered in Week 5:

1. Our discussion this week will center around the topics of the Divorce, Property Support and Division, and the Separation Agreement.

Objectives Covered in Week 5:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the procedures involved in divorce proceedings.
4. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 6:

Tuesday, April 02:

1. Chapter 9, Child Custody
2. Chapter 10, Child Support

Topics Covered in Week 6 Lecture:

1. Our discussion this week will center around the topics of Child Custody and Support.

Objectives Covered in Week 6 Lecture:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the procedures involved in divorce proceedings.
4. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 7:

Tuesday, April 09:

1. Exam #1 / Midterm Examination (covering chapters 1 – 10).

Objectives Covered in Week 7:

Our objective this week is to assess your knowledge of chapters 1 - 10 in Family Law and the Course Objectives covered in weeks 1 – 6.

Week 8:

Tuesday, April 16:

1. Chapter 11, Tax Consequences of Separation and Divorce
2. Chapter 12, The Legal Rights of Women

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Topics Covered in Week 8:

1. Our discussion this week will center around the topics of the Divorce, Property Support and Division, and the Separation Agreement, and the Legal Rights of Women.

Objectives Covered in Week 8:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the procedures involved in divorce proceedings.
4. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 9:

Tuesday, April 23:

1. Chapter 13, Illegitimacy and Paternity
2. Chapter 14, The Legal Status of Children

Topics Covered in Week 9:

1. Our discussion this week will center around the topics of paternity and the legal status of children.

Objectives Covered in Week 9:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the procedures involved in divorce proceedings.

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4. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 10:

Tuesday, April 30:

1. Chapter 15, Adoption
2. Chapter 16, The New Science of Motherhood

Topics Covered in Week 10:

1. Our discussion this week will center around the topics of the practice of Family Law, the Legal Rights of Women, and the legal status of children, adoption and the new science of motherhood.

Objectives Covered in Week 10:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the procedures involved in divorce proceedings.
4. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 11:

Tuesday, May 07:

1. Chapter 17, Torts and Family Law

Topics Covered in Week 11:

1. Our discussion this week will center around the topics of the practice of Family Law, the Legal Rights of Women, and the legal status of children, adoption and the new science of motherhood.

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Objectives Covered in Week 11:

1. Identify the common problems (including the ethical considerations) experienced in a law office with regard to family relationships.
2. Demonstrate an understanding of the information needed to be acquired at the first interview and subsequent relationships between the attorney's office and the clients.
3. Demonstrate an understanding of the procedures involved in divorce proceedings.
4. Demonstrate an understanding of the legal status and rights of the parties (parents, children, and third-parties) involved in family law/relationships.

Week 12:

Tuesday, May 14:

1. Exam #2 / Final Exam, Chapters 11 – 17
2. Post-Test

Objectives Covered in Week 12:

1. Our objective this week is to assess your knowledge in the Course Objectives covered in weeks 1 - 11.