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LEG 285.01: Family Law

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**THE UNIVERSITY OF MONTANA - MISSOULA COLLEGE
BUSINESS TECHNOLOGY DEPARTMENT PARALEGAL STUDIES
LEG 285 COURSE SYLLABUS FAMILY LAW**

REVISED: Spring 2016

CREDITS: 3

PREREQUISITES: Legal Research and Writing II

FACULTY: Thomas Stanton, J.D. Tom.Stanton@umontana.edu office hours by appointment

COURSE DESCRIPTION:

This course emphasizes Montana law as it relates to marriage, husbands and wives, reconciliation, parents and children, minors, termination of marriage (dissolution), parenting plans, custody arrangements and modifications, child support guidelines, the Montana Family Policy Act, and post dissolution issues. It will include the preparation of standard family law documents. See also the College of Technology Course catalog: <http://www.umt.edu/catalog/cat/cot/bustech.html>

Upon completion of this course, the student will:

- Understand the legal definition of marriage under Montana law;
- Recognize jurisdictional issues that are pertinent to legal questions involving family law (e.g. marriage, dissolution of marriage, parenting, the separation of marital property) in Montana;
- Recognize ethical issues when they arise in Montana family law situations;
- Describe relevant sources of law relating to Montana family law cases;
- Interpret how different areas of the law apply to different transactions between spouses and parents and children;
- Prepare and format documents for a Montana Dissolution of Marriage including documents relating to: Service of Process by Publication, Mail, and Personal Service; Child and Medical Support; a Parenting Plan; the division of Marital Property and Debts; Temporary Orders; and Post Dissolution issues;
- Demonstrate skill in writing: clear, direct, well organized sentences and paragraphs in the active voice; legal citations as specified by the ALWD Manual; and using correct grammar, punctuation, and spelling.

STUDENT PERFORMANCE ASSESSMENT METHODS AND GRADING PROCEDURES:

The final grade in this course will be determined from points earned through document preparation and a final examination.

Each assignment and exam will be graded in an objective manner through use of a point allocation system and weight factoring formula.

Assignments will be announced in class. Attendance is required. Some announcements, documents, and links may be posted to Moodle. Outside class, communications with students will primarily be through e-mail to the student's university mail address as provided by the University. Students are expected to check their university mail accounts regularly. Assignments must be submitted in class. Instructor will neither accept nor open e-mail attachments.

GRADE SCALE:

A: 100-93%

B: 85-92%

C: 77-84%

D: 69-76%

F: below 69%

Attendance: 30%; Writing Assignments: 70% of final grade. Grades will be provided when written assignments

are handed back to students throughout the semester. It is the student's responsibility to contact the instructor with any questions regarding grades. Written assignments will only be accepted on the due date as specified by the instructor.

If any student requires special consideration for any reason, it is the responsibility of the student to contact faculty to discuss the matter prior to any situation which might give rise to the special consideration requested.

REQUIRED TEXT: **Family Law and Practice**, by Grace Luppino and Justine FitzGerald Miller, Pearson, Fourth Edition, 2015. Montana Code Annotated Titles 40, 41, and 42.

SUGGESTED REFERENCE MATERIALS:

The Annotations to Montana Code Annotated Titles 40, 41, and 42 (available on-line and in the Missoula College library). The Montana Family Law Handbook (available in the Missoula library). Other references and case law as announced and/or distributed by faculty.

Nature of Course:

Many different family topics are discussed to provide the greatest overview of this area of Montana law. As a result, classes consist of a lectures and document preparation. This leads the student through the Montana statutes regarding family law, with an emphasis on preparing legal documents commonly used in family law situations.

Topics Covered:

- Marriage
- Husband and Wife
- Reconciliation
- Dissolution of Marriage
- Family Law Mediation
- Child Custody
- Child and Medical Support
- Enforcement of Support
- Parent and Child
- Child Custody Jurisdiction and Enforcement
- Grandparent-Grandchild relationships
- Partner and Family Member Assault and Stalking
- The Montana Family Policy Act

Course Outline: (rough estimations)

1. Introduction and discussion of the definition of marriage. - 2 hours
2. Review of the Montana statutes and administrative rules that provide definitions of marriage. – 2 hours
3. Review of statutes, rules, and case law regarding those allowed to marry in the state of Montana. 2 hours
4. Review of Montana case law regarding use and misuse of Marriage Affidavits. – 1.5 hours
5. Review of statutes and Montana case law regarding common law marriage. - 2 hours
6. Review of Montana case law regarding estate litigation and common law marriage. – 2 hours
7. Review of Montana statutes and administrative rules regarding blood testing and other requirements of couples prior to marriage. – 1 hour
8. Introduction and review of statutes regarding Premarital Agreements. – 2 hours
9. Review of various on-line examples of Premarital Agreements and the form provided in the Family Law Handbook. - 1 hour
10. In-class preparation of a Premarital Agreement. – 2 hour
11. Discussion and on-line research regarding commencement of a Family Law proceeding; including Rules of Civil Procedure and local Court rules regarding format, captions, etc. – 3 hours
12. Review of pertinent case law regarding service of process – personal service and service by publication. - 2 hours

13. Forms review – documents necessary for commencement of dissolution action – petition, summons and temporary restraining order, preacipe. In-class preparation of these documents. – 2 hours
14. Review of Affidavit of Service, Affidavit of Publication, and Acknowledgement of Service documents.- 2 hours
15. Review of Montana statutes and case law regarding Declarations of Disclosure. – 2 hours
16. In-class preparation of a Declaration of Disclosure. – 1.5 hours
17. Review of Montana statutes and regarding Parenting Plans. – 2 hour
18. In-class review of case law relating to Parenting Plans – 2 hours
19. In-class preparation of a Parenting Plan. 2 hours
20. In-class review of case law regarding child support – 2 hours
21. Lecture regarding calculation of child support.- 2 hours
22. In-class calculation of Child Support Application, Affidavit, and Authorization - 2 hours
23. Lecture and review of pertinent statutes regarding marriage dissolutions. – 2 hours
- 24.
25. In-class preparation of a Decree of Dissolution – 2 hours
26. Course review sessions final. – 4 hours
27. Final Exam. – 2 hours

DISABILITY ACCOMODATION STATEMENT: If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter and mutually craft a resolution prior to any situation that might give rise to the special consideration requested.

CLASS MEETING TIME AND PLACE:

Meeting Time: 2:00 PM to 3:30 PM, Tuesdays and Thursdays

Meeting Place: Classroom AD 14

Please review the academic honesty requirements:

<http://life.umt.edu/vpsa/documents/StudentConductCode1.pdf>

Computers are provided for on-line legal research; refrain from use your computer or any additional device to access the internet for other purposes during class.

CELL PHONES MUST BE TURNED OFF DURING CLASS.

INSTRUCTOR RESERVES THE RIGHT TO REVISE THIS SYLLABUS