Technical College of the Lowcountry
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Beaufort, SC 29901

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LEG 213
Family Law

Course Description

This course includes an examination of the laws of marriage, divorce, annulment, separation, adoption, custody and the juvenile.

Pre/Co-Requisites: LEG 135 – Introduction to Law and Ethics and ENG 101 – English Composition I or Approval of the Instructor

Course Focus

The course will assist the paralegal in preparing to work with an attorney in the area of family law by covering the basic South Carolina law and approach to issues of marriage, annulment, divorce, custody, support, adoption, and domestic abuse. The changing law related to technology and non-traditional relationships is included. Emphasis is on the role of the paralegal in a family law practice.

Text and References


Course Objectives

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

1. Apply the South Carolina law in relation to the elements of ceremonial marriage, common law marriage requirements contrasted with living together, grounds for divorce and defenses to grounds for divorce, to factual situations common in real life experience.

2. Explain the purpose and requirements of a prenuptial agreement according to South Carolina law, and draft a prenuptial agreement based on a given factual situation.

3. Explain the steps necessary to accomplish a divorce in South Carolina, and discuss the issues involved.

4. Articulate issues a court considers in deciding child custody, child support, alimony, attorney fee payment and equitable division of property.

5. Discuss issues related to establishing paternity.
6. Discuss the process and requirements of adoption in South Carolina.

7. Discuss issues related to child custody and child support and the process for initiating and enforcing support.

8. Explain issues that relate to domestic violence.

9. Describe the importance of alternative dispute resolution in family law cases.

10. Demonstrate in all work an understanding of the ethical aspects of paralegal practice and the aspects of relationships with clients that are reserved to attorneys.

Student Contributions

Each student will spend at least 6 hours per week preparing for class. Attendance is critical in this class.

Preparation for class and participation in discussion
Drafting Assignments may include a Pre-marital agreements, Separation Agreement, Rule to Show Cause, Legal Memo, Legal Case Brief and/or Affidavits

Course Evaluation

The evaluation of your exam and assignment will correlate to a grading scale of: A= 90-100; B= 80-89; C= 70-79; D= 60-69; F=Below 59. The two Tests and Assignment will all count equally toward your final grade.

| Test 1 – | 33.3% of Grade |
| Test 2 - | 33.3% of Grade |
| Assignments – | 33.3% of Grade |

ADA Statement

The Technical College of the Lowcountry provides access, equal opportunity and reasonable accommodation in its services, programs, activities, education and employment for individuals with disabilities. To request disability accommodation, contact the counselor for students with disabilities at (843) 525-8228 during the first ten business days of the academic term.

STATEMENT OF NON-DISCRIMINATION The Technical College of the Lowcountry is committed to a policy of equal opportunity for all qualified applicants for admissions or employment without regard to race, gender, national origin, age, religion, marital status, veteran status, disability, or political affiliation or belief.

ACADEMIC MISCONDUCT
There is no tolerance at TCL for academic dishonesty and misconduct. The College expects all students to conduct themselves with dignity and to maintain high standards of responsible citizenship.

It is the student’s responsibility to address any questions regarding what might constitute academic misconduct to the course instructor for further clarification.
The College adheres to the Student Code for the South Carolina Technical College System. Copies of the Student Code and Grievance Procedure are provided in the TCL Student Handbook, the Division Office, and the Learning Resources Center.

ATTENDANCE
The College’s statement of policy indicates that students must attend ninety percent of total class hours or they will be in violation of the attendance policy.

- Students not physically attending class during the first ten calendar days from the start of the semester must be dropped from the class for NOT ATTENDING.
- Students taking an online/internet class must sign in and communicate with the instructor within the first ten calendar days from the start of the semester to indicate attendance in the class. Students not attending class during the first ten calendar days from the start of the semester must be dropped from the class for NOT ATTENDING.
- Reinstatement requires the signature of the division dean.

In the event it becomes necessary for a student to withdraw from the course OR if a student stops attending class, it is the student’s responsibility to initiate and complete the necessary paperwork. Withdrawing from class may have consequences associated with financial aid and time to completion.

When a student exceeds the allowed absences, the student is in violation of the attendance policy. The instructor MUST withdrawal the student with a grade of “W”, “WP”, or “WF” depending on the date the student exceeded the allowed absences and the student’s progress up to the last date of attendance or under extenuating circumstances and at the discretion of the faculty member teaching the class, allow the student to continue in the class and make-up the work. This exception must be documented at the time the allowed absences are exceeded.

Absences are counted from the first day of class. There are no "excused" absences. All absences are counted, regardless of the reason for the absence.
- A student must take the final exam or be excused from the final exam in order to earn a non-withdrawal grade.

A copy of TCL’s STATEMENT OF POLICY NUMBER: 3-1-307 CLASS ATTENDANCE (WITHDRAWAL) is on file in the Division Office and in the Learning Resources Center.

HAZARDOUS WEATHER
In case weather conditions are so severe that operation of the College may clearly pose a hardship on students and staff traveling to the College, notification of closing will be made through the following radio and television stations: WYKZ 98.7, WGCO 98.3, WGZO 103.1, WFXH 106.1, WWVV 106.9, WLOW 107.9, WGZR 104.9, WFXH 1130 AM, WLHV 101.1, WSOK 1230 AM, WAVE 97.3, WTOC TV, WTGS TV, WJJW TV, and WSAV TV. Students, faculty and staff are highly encouraged to opt in to the Emergency Text Message Alert System. www.tcl.edu/textalert.asp

EXTRA:

Emergency Text Message Alert
Students, faculty and staff are highly encouraged to opt in to the Emergency Text Message Alert System. Participants receive immediate notification of emergency events and weather cancelations via text messaging on their cell phones. Participants can also opt in to receive non-emergency news and announcements. Go to www.tcl.edu. On the homepage, click on “emergency TextAlert at TCL” and fill out the form or go to www.tcl.edu/textalert.asp
<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
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<tbody>
<tr>
<td>1</td>
<td>Review of Syllabus and Orientation</td>
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<td>Introduction to Family Law Practice</td>
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<td>The role of the paralegal</td>
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<td>Legal research in family law</td>
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<td>Jurisdiction and the South Carolina court system</td>
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<td>Ethical issues</td>
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<td><em>Columbus Bar Association v. Thomas</em>, 102 Ohio St. 3d. 89, 846 N.W. 2d 31 (2006)</td>
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<td><strong>Preparation:</strong> Read Chapter One</td>
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<td>2</td>
<td>Cohabitation and Premarital Agreements</td>
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<td>Legal requirements and ethical issues</td>
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<td>Content and expectations for preparation of a cohabitation and a pre-marital agreement</td>
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<td>Forms - Trends Regarding enforcement of Premarital Agreements</td>
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<td>Discuss drafting assignment</td>
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<td><strong>Preparation:</strong> Read Chapter Two</td>
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<td>3</td>
<td>Marriage and Emerging Alternatives</td>
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<td>Legal requirements and ethical issues</td>
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<td>Rights, benefits and obligations- Requirements, Common law marriage, same sex marriage</td>
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<td><strong>Preparation:</strong> Read Chapter 3</td>
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<td>Discuss how to write a legal brief – discuss assignment</td>
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<td>Annulment – differences between annulment and divorce</td>
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<td>Void vs. voidable marriage, Grounds for Annulment, Bigamy, Fraud, Duress</td>
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<td>Grounds, defenses, consequences, the paralegal’s role</td>
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<td><strong>Preparation:</strong> Read Chapter Four</td>
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<td>5</td>
<td>The Divorce Process and alternatives, Separation, Separate Support and Maintenance</td>
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<td>History, Skeletal roadmap of the process, initial issues in divorce</td>
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<td>The Process and dispute resolution; jurisdiction;</td>
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<td>Grounds and No-Fault-Defenses, Service of process, Discovery, Trial and Post-trial</td>
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<td><strong>PRE-MARITAL AGREEMENT DUE; Read Chapter 5</strong></td>
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<td>6</td>
<td>Discovery and Financial Statements (Chapter 6)</td>
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<td>Informal and Formal Discovery – Interrogatories, Depositions, Requests for Admissions, Requests for Production, Requests for Physical or Mental Examination; Objections</td>
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<td>Financial Statements and disclosures</td>
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<td>Hidden Assets and objections to discovery requests, court involvement in discovery, case reviews. Look at the State Rules of Procedure specific to Family Law</td>
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<td><strong>Preparation:</strong> Read Chapter 6</td>
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<td><strong>EXAMINATION - Chapters 1 - 6</strong></td>
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<td>Parenthood (Chapters 7)</td>
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<td>Identifying the Interested parties. Identifying the parents, The child Legal Status,</td>
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<td>Paternity issues, How parentage is established and disestablished;</td>
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<td>Assisted Reproductive Technology, Cryopreserved Embryos – legal and ethical issues</td>
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<td>8</td>
<td>Chapter 8 – Child Custody; jurisdictional issues – UCCJA, UCCJEA, PKPA, Hague Convention; Parental and child rights, Best Interest of the Child, Types of Custody arrangements</td>
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<td>9</td>
<td>Child support – when and to whom awarded; (Chapter 9) differences between child support and alimony, jurisdictional issues</td>
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<td>Spousal Support – History and approaches (Chapter 10)</td>
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<td>Spousal Support – History and approaches (Chapter 10)</td>
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<td>11</td>
<td>Property Division – Separate v. Marital property; valuation; conduct (Chapter 11)</td>
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<td>12</td>
<td>Separation Agreements – Purpose and Characteristics (Chapter 12)</td>
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<td>13</td>
<td>Family Violence- Definition and Scope (Chapter 14)</td>
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Preparation: **Read Chapter 7**

- Read Chapter 7

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Preparation: **Read Chapter 8.**


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Preparation: **Read Chapter 9.**


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Preparation: **Read Chapter 10.**


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Preparation: **Read Chapter 11.**


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Preparation: **Read Chapter 12.**

Stalking and Harassment (South Carolina) 1.75

Victims and Perpetrators – Child Victims and Reporting; Criminal Actions - Types of Abuse and Neglect and remedies  .5


Read Chapter 13

Adoption – Types of Adoption; Rights of biological parents; Unwed mothers v. unwed fathers 1.5

Putative fathers, Open and Closed Adoptions, The Process, 1.0

Termination of parental rights; Home Studies and Petitions .5

In re Doe, 159 Ill. 2d 347, 638 N.E.2d 181 (1994)

Preparation: Read Chapter 14

Final Examination 42

METHOD OF INSTRUCTION:

Lecture and assignments.

PRACTICAL ASSIGNMENTS:

Outline case briefing expectations
Research briefing materials online
Prepare legal brief on assigned case
Outline facts for use in prenuptial agreement
Prepare prenuptial agreement in compliance with SC law
Engage in calculation of child support awards using SC Child Support Guidelines

Course Goals

The following list of course goals will be addressed in the course.

1. address family law jurisdictional issues
2. demonstrate ethical principles
3. provide premarital agreement indications
4. state factors influencing premarital agreement enforcability
5. create a premarital agreement
6. present valid ceremonial marriage requirement
7. discuss South Carolina common law marriage requirements
8. explore same sex marriage issues
9. outline marriage rights, benefits and obligations
10. present cohabitation agreement use and requirements
11. compare annulment and divorce
12. interpret grounds for and defenses to annulment
13. contrast cohabitation and marriage
14. address alternative family legal issues
15. state South Carolina grounds for divorce
16. apply South Carolina defenses to grounds for divorce
17. identify divorce dispute resolution options
18. apply formal and informal discovery methods
19. examine South Carolina child custody common law
20. address child custody and visitation third party rights
21. state methods of enforcing custody and visitation orders
22. contrast child and spousal support requirements
23. examine federal and state child support laws and enforcement
24. explain child support order modification
25. explain child support order enforcement
26. provide child support and alimony tax implications
27. present spousal support request and enforcement processes
28. contrast spousal support and property division
29. differentiate spousal support methods
30. compare separate and marital property
31. define co-mingling
32. compare equitable and community property approaches
33. discuss marital home division
34. identify pension division issues
35. present separation agreement requirements
36. outline court role in approving, modifying and enforcing agreements
37. present means of establishing parentage
38. explore assisted reproductive technology issues
39. describe types of adoption
40. present requirements for termination of parental rights
41. identify parties who must consent to adoption
42. describe victims, perpetrators and family violence types
43. identify child abuse and neglect methods
44. explain abuse reporting
45. contrast stalking and harassment
46. differentiate paralegal practice from law practice
47. draft a legal brief

SAFETY ADDENDUM

Purpose. The purpose of this safety addendum is to provide each student with safety guidelines during an incident, emergency, or disaster at TCL. In addition, it provides students guidelines for lockdown procedures, evacuation procedures, and active shooter.

Definitions An incident is any event, potential or actual, that may impact normal operations but has no immediate health or life threatening consideration or serious effect on the overall functional capacity of the College. An event of this nature should be reported to the Office of the Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

An emergency is any incident, potential or actual, which may endanger life or health or which affects an entire building or buildings, and will disrupt the overall operations of the College. Outside emergency services will probably be required, as well as major efforts from campus support services. Major policy considerations and decisions will usually be required from the college administration during times of crises. An emergency should be reported immediately by directly using 911 if life or health/injury considerations exist and then to the Office of the President or Vice President for Administrative Services as quickly as possible. Also notify the off-site campus administrator if applicable.

A disaster is any event or occurrence that has taken place and has seriously impaired or halted the operations of the College. In some cases, mass personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, an Emergency Control Center will be activated,
and the appropriate support and operational plans will be executed. The disaster should be immediately reported, first by calling 911 and then to the Office of the President or Vice President for Administrative Services. Also notify the off-site campus administrator if applicable.

Types of Emergencies  □ Hurricane  □ Tornado  □ Fire  □ Biochemical or Radiation Spill  □ Explosion/Bomb  □ Downed Aircraft (crash which directly impacts campus operations)  □ Utility Failures  □ Violent or criminal behavior  □ Psychological Crisis

Procedures
Active Shooter

Run/hide/fight

Building Evacuation  1. Building evacuations occur when an alarm sounds and/or upon notification by Security or the Emergency Director.  2. When the building evacuation alarm is activated during an emergency, individuals should exit according to the building evacuation plan and alert others to do the same.  3. Once outside, individuals should proceed to a clear area that is at least 500 feet away from the affected building. Streets, fire lanes, hydrant areas and walkways should be kept clear for emergency vehicles and personnel.  4. Individuals should not return to an evacuated building unless told to do so by Security or the Emergency Director.  5. Individuals should assist persons with disabilities in exiting the building. Elevators are reserved for disabled persons

Campus Evacuation  1. A uniformed Security Guard, the Emergency Director, or an Emergency Resource Team member will announce evacuation of all or part of the campus grounds.  2. All persons (students and staff) are to immediately vacate the campus, or in the case of a partial evacuation relocate to another part of the campus grounds as directed.


Revised Oct19