

Family Law I

Course Outcomes

MARRIAGE & DISSOLUTION

Upon completion of the unit on community property, students will have the skills and confidence to discuss the history of Washington State's marriage and dissolution laws, the ability to distinguish between valid, void and voidable marriages, and the capacity to complete forms initializing a dissolution.

In particular, students will be able to:

1. Discuss (in brief) the origins of domestic relations laws in WA.
2. Identify the limits on and requirements of valid marriages. (RCW 26.04)
3. Describe the differences between marriage and registered domestic partnerships.
4. Explain the benefits of marriage (RCW 7.70.065, RCW 26.04)
5. Discuss historical at fault and no fault theory.
6. Complete a petition for dissolution/legal separation. (RCW 26.09.030)
7. Describe the differences between dissolution and legal separation.

CONTESTED PARENTING

Upon completion of the unit on contested parenting, students will have the skills and confidence to discuss the history of presumptions regarding children, the ability to identify the factors considered in establishing a parenting plan, and the capacity to explain the best interest of the child basis.

In particular, students will be able to:

1. Discuss historical presumptions regarding children.
2. Identify the factors the court uses in considering the best interest of the child. (RCW 26.09.002, 26.09.187)
3. Describe the primary goals and objectives of a parenting plan. (RCW 26.09.184)

4. Identify the factors for restrictions on residential time and decision-making. (RCW 26.09.191)
5. Explain how a GAL/CASA may be involved in contested cases.
6. Describe how dispute resolution may be used.

DISCOVERY AND ADR

Upon completion of the unit on discovery and ADR, students will have the skills and confidence to discuss the methods and types of discovery and ADR, the ability to identify when and how to use different discovery and ADR methods, and the capacity to explain the purpose and goals of discovery and ADR.

In particular, students will be able to:

1. Explain the purpose of discovery.
2. Identify court rules governing discovery. (CR 26)
3. Discuss the five methods of discovery and how each is used.
4. Describe depositions and the limits on the LLLTs scope of practice regarding depositions.
5. Identify the types of ADR available in family law matters and the limits on the LLLTs scope of practice regarding ADR.

JURISDICTION & VENUE

Upon completion of the unit on jurisdiction and venue, students will have the skills and confidence to identify when the state has jurisdiction and what is proper venue, the ability to identify when UCCJEA may affect a case, and the capacity to explain cyberstalking and jurisdiction issues.

In particular, students will be able to:

1. Explain how subject matter jurisdiction is determined (RCW 26.12.010)
2. Explain how personal jurisdiction is determined (RCW 4.28.185)
3. Discuss divisible divorce.
4. Describe how personal jurisdiction and division of property intersect.

5. Discuss UCCJEA and jurisdiction over children.
6. Identify the elements of cyberstalking and how jurisdiction applies. (RCW 26.50.240)
7. Define venue and how it is established. (RCW 26.09.010(2))

PROPERTY DIVISION

Upon completion of the unit on property division, students will have the skills and confidence to discuss community versus separate property, the ability to identify the factors considered in characterizing property, and the capacity to characterize property.

In particular, students will be able to:

1. Explain the difference between separate and community property.
2. Describe property classification rules.
3. Identify community and separate property.
4. Discuss distribution of property under RCW 26.09.080.

CHILD SUPPORT

Upon completion of the unit on child support, students will have the skills and confidence to describe the state's interest in supporting children, the ability to identify the factors considered in establishing child support, and the capacity to complete child support worksheets and orders.

In particular, students will be able to:

1. Explain how child support is calculated. (RCW 26.19.020)
2. Discuss the state's interest in parents supporting their children.
3. Describe upper and lower limits on child support. (RCW 26.19.065)
4. Identify the standards for determination of income. (RCW 26.19.071)
5. Identify the standards for deviation from the standard calculation. (RCW 26.19.075)
6. Complete a child support order and worksheet.

MAINTENANCE

Upon completion of the unit on maintenance, students will have the skills and confidence to describe the state's interest in supporting prior spouses, the ability to identify the factors considered in establishing maintenance, and the capacity to explain how other factors impact maintenance.

In particular, students will be able to:

1. Discuss the historical reasons for maintenance and how the no fault model and clean break notion impacts maintenance.
2. Explain how maintenance may or may not impact income.
3. Describe how the length of a marriage impacts maintenance.
4. Identify how professional degrees, medical insurance, and remarriage intersect with maintenance.
5. Discuss modification of maintenance.

DOMESTIC VIOLENCE

Upon completion of the unit on domestic violence, students will have the skills and confidence to describe the statutory definition of domestic violence, the ability to identify the different types of protection orders, and the capacity to explain possible consequences of violating such orders.

In particular, students will be able to:

1. Identify the statutory elements of domestic violence. (RCW 26.50.10)
2. Explain the rationale for protection orders.
3. Discuss protection orders and the applicability of each type of order.
4. Describe the potential consequences for violating a protection order.

DE FACTO PARENTAGE

Upon completion of the unit on de facto parentage, students will have the skills and confidence to describe the steps in adjudicating de facto parentage, the ability to

identify the factors considered in establishing de facto parentage, and the capacity to identify the limits of the LLLT scope in relation to de facto parentage.

In particular, students will be able to:

1. Describe how to adjudicate de facto parentage. (RCW 26.26A.440)
2. Explain the LLLT scope of practice as it relates to de facto parentage.

REFERALISSUES & LLLT SCOPE OF PRACTICE

Upon completion of the unit on referral issues and LLLT scope of practice, students will have the skills and confidence to identify LLLT limitations, the ability to apply how limitations affect the LLLT scope of practice, and the capacity to define the ethical requirements and elements of referrals to other counsel for an LLLT under the LLLT RPCs.

In particular, students will be able to:

1. Discuss APR 28 and the limitations on the LLLT license.
2. Explain how to notify a client of issues outside of an LLLT's scope.
3. Describe the process for referring a client to an attorney and how the rules of confidentiality apply when doing so.
4. Identify relevant RPCs relating to the referral of clients to other counsel.
5. Describe a reciprocal referral agreement and whether an LLLT may receive payment for making referrals to other legal professionals.

FORMS

Upon completion of the unit on Washington Family Law Forms students will have the skills and confidence to identify Washington Family Law Forms, the ability to obtain the forms, and the capacity to correctly use the forms.

In particular, students will be able to:

1. Demonstrate how to obtain the Washington Family Law pattern forms.
2. Explain the difference between mandatory and optional forms.
3. Identify which form to use for a particular issue.

4. Demonstrate the ability to correctly fill out pattern forms.