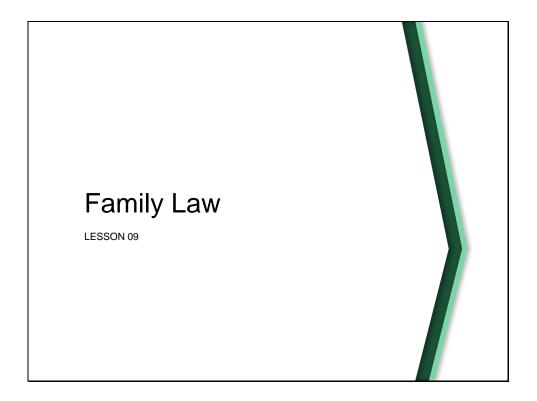
## Effective Legal Office Administration

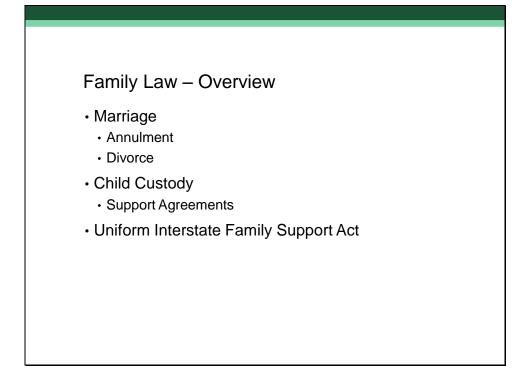
### Lesson 9 – Family Law

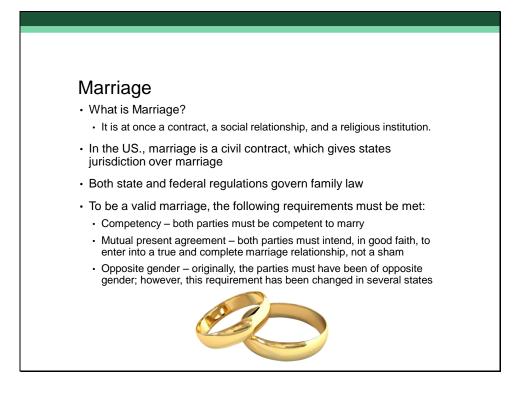


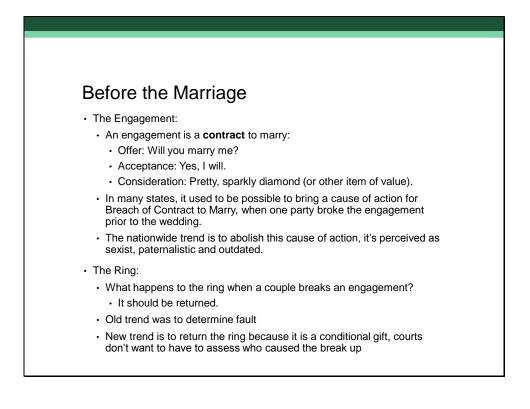


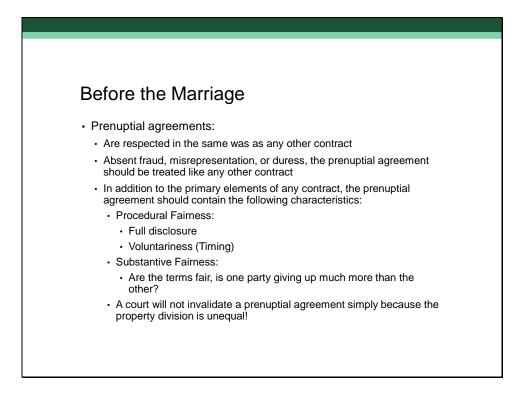


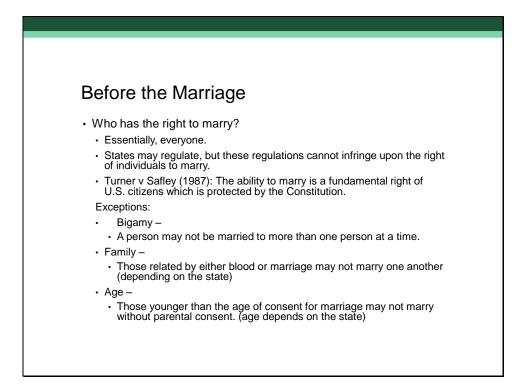


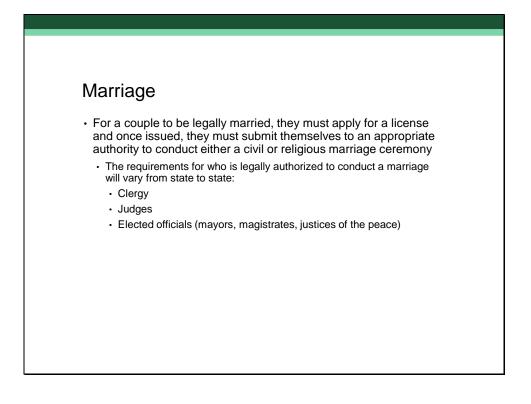


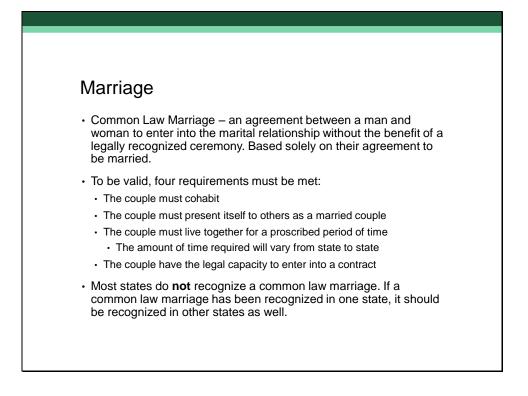


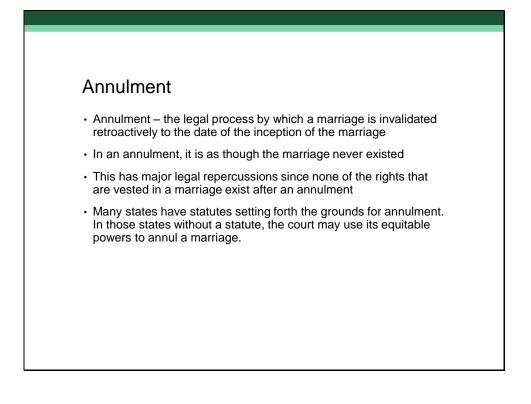


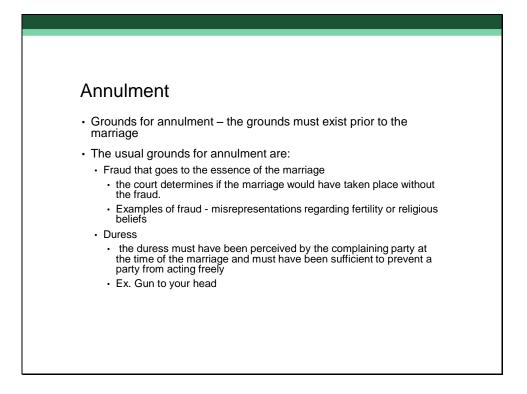




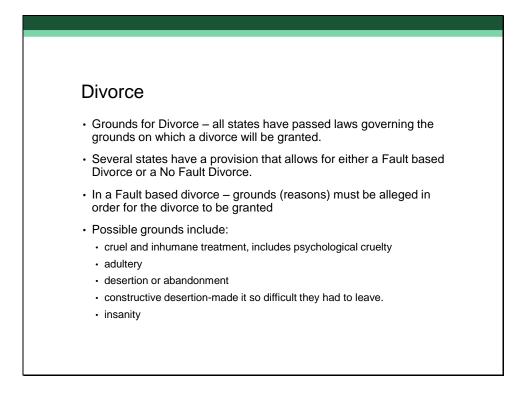


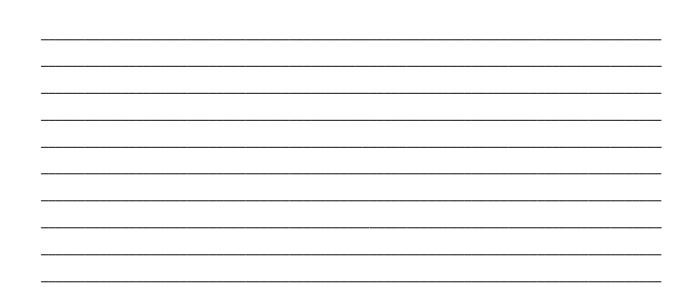


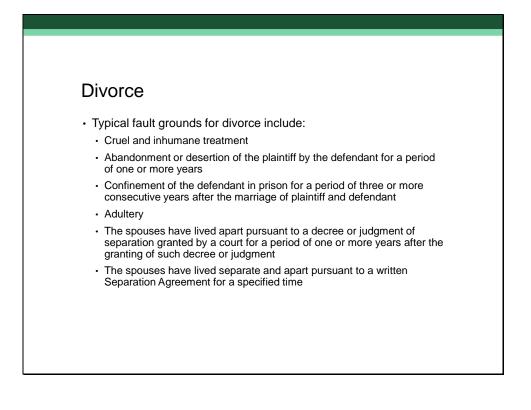


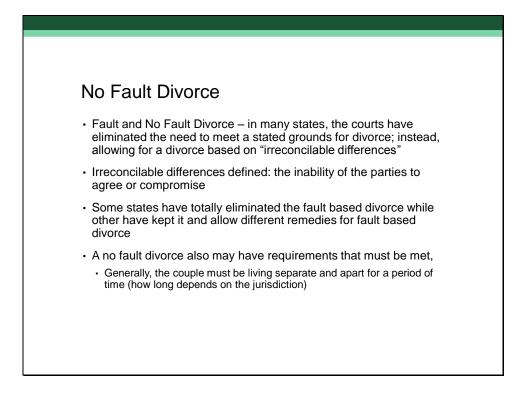


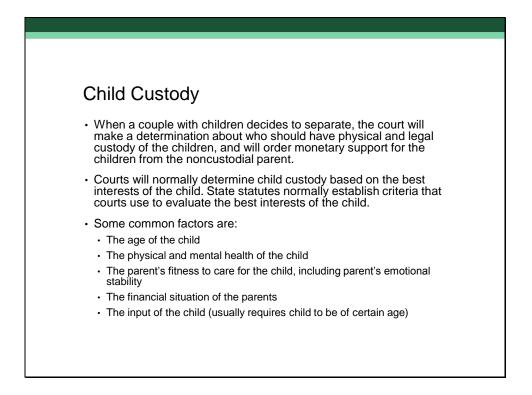


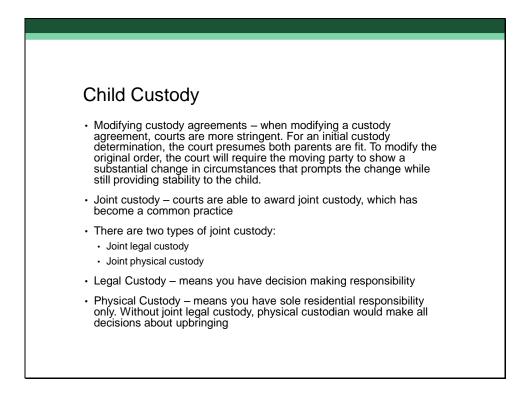


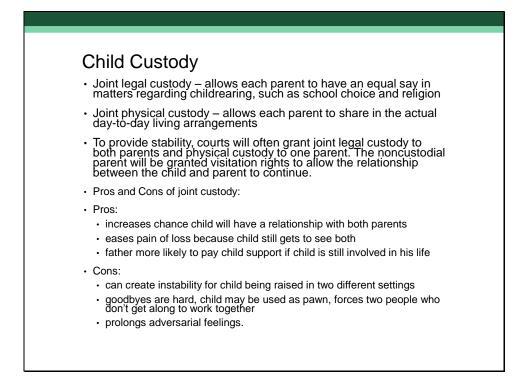


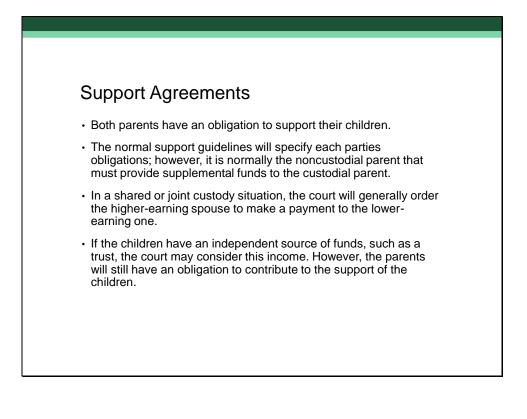


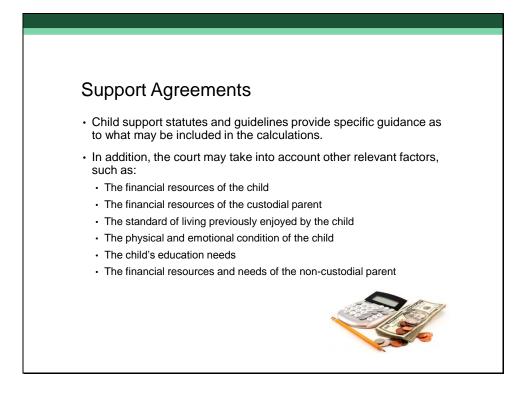


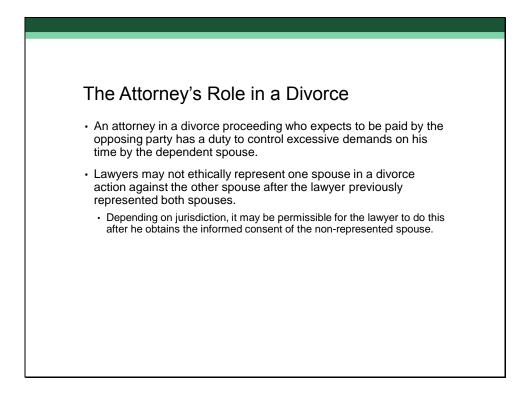


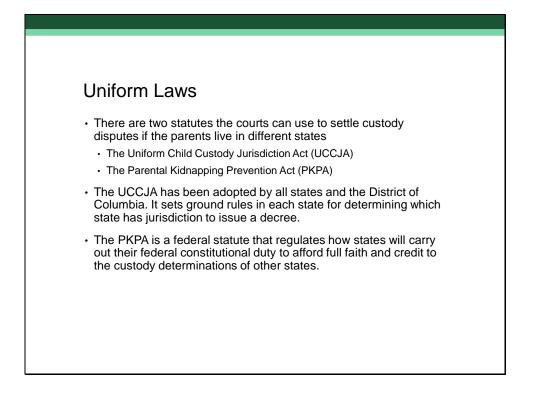


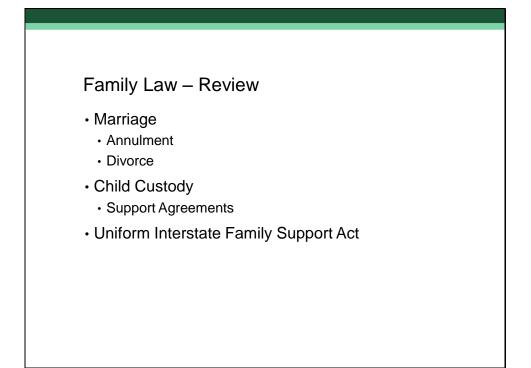












# Questions and Answers

#### **Review Questions:**

- 1. Marriage is a social relationship and a religious institution, but in the U.S., the courts also regard marriage as a:
  - A. Crime
  - B. Tort
  - C. Contract
  - D. Mistake
- 2. True or False: It is possible for a bride to sue her fiancé if he breaks off the engagement.
  - A. True
  - B. False
- 3. What authority determines whether a couple is qualified to get married?
  - A. The State
  - B. The Federal Government
  - C. The Mayor
  - D. The Minister
- 4. If a couple decides to be married, but doesn't want to go through the effort of getting a license and having a ceremony, this is called:
  - A. Civil law marriage
  - B. Criminal marriage
  - C. Conciliatory marriage
  - D. Common law marriage
- 5. True or False: A divorce is the legal termination or end of a marriage, but an annulment is the legal declaration that a marriage never existed.
  - A. True
  - B. False
- 6. The two main types of divorce are:
  - A. Your Fault divorce or My Fault divorce
  - B. His Fault divorce or Her Fault divorce
  - C. Fault divorce or No Fault divorce
  - D. Fault divorce or Accidental divorce

- 7. The court will determine the outcome of a child custody case based on what standard:
  - A. The Best Interests of the Child
  - B. The Tender Years Doctrine
  - C. The Mothers Touch Doctrine
  - D. The No Fault Doctrine
- 8. If you work in a family law office and a client calls you asking for a divorce consultation appointment, but you know that last year, your attorney represented the couple in both the purchase of a house and the sale of their business, how should you respond:
  - A. Refuse to schedule the appointment
  - B. Advise the client to call another attorney and then make a recommendation
  - C. Schedule the appointment, send the attorney a note about the prior representation and pull the files for him to review before the appointment
  - D. Just schedule the appointment, no further action is necessary
- 9. True or False: If two parents live in different states, they are unable to settle a custody dispute until one of the parents moves into the other parent's state.
  - A. True
  - B. False
- 10. True or False: Physical custody and legal custody are the same thing? Answer: False. Physical custody relates to where the child will live and legal custody relates to which parent will have responsibility for making decisions about the child's life (where they go to school, who the pediatrician is, etc.).
  - A. True
  - B. False

#### **Answer Key:**

#### 1. C

Marriage is a social relationship, religious institution and a contract all at the same time. As far as the courts are concerned, marriage is a civil contract which is subject to state laws that are allowed to regulate it to a certain extent.

#### 2. A

True. Like the marriage, the engagement is a contractual agreement between the couple, and if a bride were to suffer damage (for example she has paid a non-refundable deposit on the venue and the dress) she could have a cause of action against her fiancé and sue him for compensatory damages.

#### 3. A

The state has the authority to regulate marriage, and therefore each state has rules determining who may obtain a marriage license and whether a couple is competent to marry.

#### 4. D

Common law marriage, which has been outlawed in most states, occurs when a couple declares themselves to be married by calling each other 'husband' or 'wife' but doesn't have any marriage license and never had an actual marriage ceremony. There are certain criteria that the couple will have to prove in order to have their common law marriage recognized, and these criteria will vary from state to state.

#### 5. A

True. An annulment may be awarded in cases where one of the parties lied about certain things to convince the other party to marry them.

#### 6. C

Fault based divorce is where the party seeking the divorce must explain to the court why they want the divorce and what behavior caused the divorce. A No Fault divorce is available is some states, this is where the couple or one of parties can ask the court to grant the divorce just because they want it, without having to explain the reasons why.

#### 7. A

The courts who handle family law cases and determine child custody will always be motivated to do whatever they believe to be in the Best Interest of the Child or children involved.

#### 8. C

Depending on the state, a lawyer is not permitted to represent one party in a divorce if they have previously represented the couple together. In some states, it's okay for a lawyer to handle the divorce, so long as both parties agree. If you find yourself in this scenario, it would be a good idea for you to schedule the appointment and let the attorney make the determination about whether this is permissible in your state. To help him decide, pull the files so that he can review them and then give you further instructions.

#### 9. B

False. The Uniform Child Custody Jurisdiction Act (UCCJA) and The Parental Kidnapping Prevention Act (PKPA) can be used by the courts to determine the best outcome of a child custody case when parents are living in different states.

#### 10.B

False. Physical custody relates to where the child will live and legal custody relates to which parent will have responsibility for making decisions about the child's life (where they go to school, who the pediatrician is, etc.).