

## Family Law

Module Status:  Mandatory  Elective

Credit Rating:  7  Credit Level:

<b>Pre-requisite Modules:</b>	<b>Co-requisite Modules:</b>
<b>Introduction to the Legal System</b>	
<b>Civil Litigation, Procedure and Case Management- is this ok?</b>	
<b>Total Contact Hours:</b>	
Lecture: 24 hours	Independent Study: 116hours
<b>Total Student Effort: 140 hours</b>	

### Module Aims

This module aims to:

- Provide students with a sound knowledge of the law regulating the formation, breakdown, and dissolution of the institution of marriage and the family unit.
- Provide students with a basic understanding of the fundamental rights and duties of the State and of individuals in relation to the family and children.
- Familiarise students with the fundamental principles and substantive rules of Irish family law.
- Enable students to apply family law theory to different factual situations.
- Acquaint students with practice and procedures before the Family Courts in Ireland.

- Ensure that students can prepare documents necessary to bring a case to trial before the family courts in Ireland.

## Module Learning Outcomes

On successful completion of this module students should be able to:

- Analyse and review the concept of marriage within the law.
- Identify and appraise the rights and duties that flow from marriage.
- Describe and discuss the grounds for the dissolution of marriage, procedures for making a separation agreement, obtaining a judicial separation or divorce and describe how a nullity may be obtained.
- Appraise the law regarding matrimonial property and in particular its disposal on the breakdown of marriage.
- Critically discuss the key areas of child law, including adoption, guardianship, custody, access, and the exercise by the State of its powers to take the child into care.
- Prepare the appropriate documentation to bring a case before the Irish family courts.

## Indicative Module Content

TOPIC	DESCRIPTION
<b>Introduction</b>	The family in history and society; definition of family; the role of law; the Constitutional implications.
<b>Marriage</b>	The engagement; formalities and capacity to marry; the legal implications of marriage; proposals for reform including the introduction of civil unions
<b>Nullity</b>	Void and voidable marriages; grounds for a decree of nullity; bars to relief; consequences of a decree of nullity.
<b>Judicial Separation and Divorce</b>	Historical background; Separation Agreements; grounds for Judicial Separation; consequences of a decree of Judicial Separation; Judicial Separation and Family Law Reform Act 1989 as amended by The Family Law Act, 1995; grounds for divorce as envisaged under the Constitution and the Family (Law) Divorce Act 1996; effect of a decree of divorce; ancillary relief.
<b>Ancillary Relief</b>	The right to maintenance; maintenance orders after separation and

	divorce; enforcement of orders; property rights during marriage; property rights and orders after separation and divorce; resolution of disputes between spouses; protection of the family home.
<b>Child Law, Guardianship and Custody</b>	Influence of the Constitution; child custody and access disputes; the welfare principle; custody disputes with third parties.
<b>Domestic Violence</b>	Barring order, safety order, interim order; grounds for relief; spousal and other violence; role of Health Services Executive; enforcement of orders.
<b>Procedures Before the Family Law Courts</b>	Jurisdiction of the various courts to deal with family law matters, rules of court dealing with family law issues. The in camera rule. Initiating documents; interlocutory and interim applications. Measures for enforcing judgments.

#### **Teaching / Learning Methodology**

This module will be delivered through a series of lectures; through tutorial-style discussions, group work sessions and exercises; and supplemented by structured web-based resources and reading.

#### **Assessment**

Theoretical knowledge will be assessed at the end of the module by examination (100%). The examination will consist of a mixture of descriptive, analytical and application questions, taking the form of essay style questions, which place emphasis on the students' demonstrating analytical skills; and problem style questions, which assess the student's ability to apply the law to practical factual scenarios.

#### **Required Reading**

Griffith College Manual, *Family Law* (Dublin: Clarus Press, updated annually)

## Secondary Reading

Nestor, Jim (2007) *An Introduction to Irish Family Law, 3<sup>rd</sup> Edition*, Gill & MacMillan

Shatter, Alan (1997) *Family Law in Ireland*, Butterworths

Shannon, Joseph (2007) *Divorce Law and Practice*, Thomson Round Hall

Shannon, Geoffrey (2005) *Child Law*, Thomson Round Hall

