

Module 14 Family Law

Stage				1			
Semester				4			
Module Title				Family Law			
Module Number				14			
Module Status				Elective			
Module ECTS Credits				5			
Module NFQ level				Level 7			
Pre-Requisite Module Titles				n/a			
Co-Requisite Module Titles				n/a			
Capstone Module?				No			
List of Module Teaching Personnel				Nick Reilly			
Contact Hours				Non-contact Hours			Total Effort (hours)
21				79			100
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent Work	
15		6				79	100
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Examination	Total		
Percentage Contribution		40		60	100		

Intended Module Learning Outcomes

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

1. Discuss and review the concept of marriage within the law.
2. Identify and appraise the rights and duties that flow from marriage.
3. 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.
4. Examine the law regarding matrimonial property and in particular its disposal on the breakdown of marriage.
5. Describe and examine the role of mediation in the area of family law
6. 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.
7. Prepare the appropriate documentation to bring a case before the Irish family courts.

Module Objectives

This module aims to;

- Provide learners with a sound knowledge of the law regulating the formation, breakdown, and dissolution of the institution of marriage and the family unit.
- Provide learners with an understanding of the fundamental rights and duties of the State and of individuals in relation to the family and children.
- Familiarise learners with the fundamental principles and substantive rules of Irish family law.
- Enable learners to apply family law theory to different factual situations.
- Acquaint learners with practice and procedures before the Family Courts in Ireland.
- Acquaint learners with the increasing importance of mediation in resolution of disputes in the area of family law.
- Ensure that learners can prepare documents necessary to bring a case to trial before the family courts in Ireland.

Module Curriculum

TOPIC	DESCRIPTION
Introduction	The family in history and society; definition of family; the role of law; the Constitutional implications.
Marriage, Cohabitation and Civil Partnership	The engagement; formalities and capacity to marry; the legal implications of marriage; cohabitation and proposals for reform including the introduction of civil partnership
Nullity	Void and voidable marriages; grounds for a decree of nullity; bars to relief; consequences of a decree of nullity.
Judicial Separation, Divorce and Mediation	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. The effects of the Civil Partnership Act 2010 and the 34 th amendment to the Constitution (Marriage Equality). Role of mediation as a means of resolving disputes between parties seeking a judicial separation or divorce.

Ancillary Relief	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.
Child Law, Guardianship and Custody	Influence of the Constitution; child custody and access disputes; the welfare principle; custody disputes with third parties.
Domestic Violence	Barring order, safety order, interim order; grounds for relief; spousal and other violence; role of Health Services Executive; enforcement of orders.
Procedures Before the Family Law Courts	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.

Reading lists and other learning materials

1. Griffith College Manual, *Family Law* (Dublin: Clarus Press, updated annually)
2. Kilkelly, *Children's Rights in Ireland: Law, Policy and Practice*, (2008, Dublin; Tottel)
3. Nestor, *An Introduction to Family Law*, (2007, Dublin; Gill and MacMillan)
4. Shannon, *Child Law*, (2010, Dublin; Round Hall)
5. Shannon, *Divorce Law and Practice*, (2007, Dublin; Round Hall)
6. Ward, *Family Law in Ireland* (2010, London; Kluwer)

Module Learning Environment

Accommodation

In line with other higher education awards offered by the College, the Special Purpose Diploma in Legal Studies and Practice, will provide reasonably comparable resources and accommodation requirements, all of which can be met by facilities on campus.

At the moment, a base classroom is used for teaching purposes at both the Dublin and Cork campuses. Participants also have access to online teaching resources and Moodle¹ and an e-learning studio. It is not proposed that these arrangements be changed as they are continuing to operate successfully.

In addition, all lectures are recorded and posted on the relevant Moodle page, providing students with the opportunity to watch lectures at a later date if they are unable to attend the lecture or wish to review the lecture.

¹ Moodle is Griffith College's current Virtual Learning Environment (VLE)

Library

All learners have access to an extensive range of “actual” and “remote access” library resources. The library monitors and updates its resources on an ongoing basis, in line with the College’s Library Acquisition Policy. Lecturers update reading lists for this programme on an annual basis as is the norm with all courses run by Griffith College.

Equipment, Information & Communication Technology

The College is already fully resourced with the necessary teaching equipment – such as a base class room fully equipped with PC, audio and visual presentation facilities and projectors.

Further resources such as video recording equipment are also available for use on the programme. Participants may also use the College’s other computer labs, open labs and the e-learning studio. The College’s IT Services Department and the Lecturer Support Unit also support this process by continually updating classrooms and PC labs. Proposals for the acquisition of new technologies are made to the IT Services Department and to the Director of Academic Programmes, so that academic and technical issues are considered.

Extensive use is also made of the Moodle VLE for posting lecture notes and other relevant material used for study and revision. With the aid of data projectors, these can form the basis of lecture presentations.

Module Teaching and Learning Strategy

This module will be delivered through a series of lectures and tutorials.

This module comprises of twenty-one contact hours, being fifteen lecture hours, five tutorial hours and one revision/exam preparation class.

Each class will comprise three hours of lectures and a one-hour tutorial.

Tutorials will comprise the review of past exam papers, class discussions, group work sessions and exercises.

Lectures and tutorials will be supplemented by structured web-based resources and reading.

Module Assessment Strategy

Theoretical knowledge will be assessed at the end of the module by examination (60%), the purpose of which is to enable learners to become accustomed to undertaking extended examinations which are a traditional method of assessment commonly used in law-based degrees on the National Framework of Qualifications and in the sphere of professional legal training. The examination will consist of a mixture of essay style questions, which place emphasis on the learners demonstrating academic legal knowledge as well as discursive legal writing skills, and problem style questions which assess the learner’s ability to apply

the law to practical factual scenarios. Formative assessment will be provided in the form of interactive exercises such as mini quizzes or directed class discussion topics.

The examination will be supplemented by an Assignment worth 40% of the overall grade enabling learners to utilise their learning from class based work and to develop their legal research, problem solving, independent learning, initiative skills and professional analytical capacity. The Assignment focuses on a matter of practical importance in the field of the Irish Family Law.