## Module 12: Family Law [Elective]

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| **Module title:**  |
| Family Law [E] |
| **Module NFQ level** (only if an NFQ level can be demonstrated) | **Module number / reference** | **ECTS Value** | **Duration** |
| Level 7 | DLSP-FL | 5 ECTS | 8 weeks |
| **Parent programme(s).** Principal programme title, and embedded(s) if relevant | **Stage of parent programme** | **Semester No.** |
| Diploma in Legal Studies and Practice  | Award Stage | Block 4 |
| Certificate in Legal Studies | Award Stage | Block 4 |
| **Teaching and Learning modes** | **Proportion** (% of Total Directed Learning) |
| Classroom / Face to Face | 20% |
| Workplace | - |
| Online | - |
| Other (Identify) | 80% |
| **Entry requirements (statement of knowledge, skill and competence)** |
| Learners must comply with and meet programme entry requirements. |
| **Maximum number of learners per instance of the module** | 80 learners |
| **Average (over the duration of the module) of the contact hours per week**  | 4 hours |
| **Pre-requisite module title(s) (if any)** | n/a |
| **Co-requisite module title(s) (if any)** | n/a |
| **Is this a capstone module? (Yes or No)** | No |
| **Module-specific physical resources and support required** **per centre (or instance of the module)** |
| Lecture room with Wi-Fi access, digital recording facilities, Zoom access and digital projector. |
| **Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.** (Staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements) |
| **Role e.g. Tutor, Mentor etc** | **Qualifications & experience required:**  | **# of Staff with this profile (WTEs)** |
| Lecturer | Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement. | 0.25 WTE |

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| **Analysis of required learning effort**  |
| **\*Effort while in contact with staff** | **Minimum ratio teacher / learner** | **Hours** |
|  Classroom and demonstrations | 1:80 | 21 |
| Mentoring and small-group teaching | - | - |
|  Other (specify) – workshop | - | - |
| **Independent Learning** |
|  Directed e-learning (hours) | - |
|  Independent Learning (hours) | 104 |
|  Other hours (specify) | - |
|  Work-based learning hours of learning effort  | - |
| **Total Effort (hours)** | 125 |

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| **Allocation of Marks** |
|  | **Continuous Assessment** | **Supervised Project** | **Proctored Practical Exam.** | **Proctored Written Exam** | **Total** |
| **Percentage Contribution** | 40% | - | - | 60% | **100%** |

### Modules aims and objectives

The Family Law module aims to enable learners to:

1. Discuss and review the concept of marriage within the law.
2. 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.
3. Discuss the rights for couples that are not in a martial relationship, i.e., civil partners and cohabitants.
4. Discuss the remedies available to individuals under domestic violence legislation, the categories of people who are eligible for said remedies and the test applied by the Court’s in granting same. In addition, learners should identify the recent reforms in this area.
5. 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.

### Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

1. Analyse the formation, breakdown, and dissolution of the institution of marriage and the family unit.
2. Discuss the fundamental rights and duties of the State and of individuals in relation to the family and children.
3. Evaluate domestic violence legislation in Ireland.
4. Discuss fundamental principles and substantive rules of Irish family law.
5. Apply family law and procedural rules before the Family Courts in Ireland to legal problems.

### Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

The module provides learners with an overview of the key legal principles permeating Family Law and the practice and procedures required by the Family Courts in Ireland. It is an elective module, which offers participating learners a detailed examination of the relevant legislation, seminal case law and substantive rules in this area of law for application in subsequent professional practice and/or as a basis for future study. In that context this module supports the achievement of MIPLO I.

The module requires careful analysis of the Constitutional provisions pertaining to family law including those that impact: the definition of marriage, the right to marry and the protection of the marital family. It also requires the application of this learning to legal problems pertaining to marriage, nullity, separation, divorce, domestic violence, child protection etc. in both an essay-based, abstract assignment and a fact-specific problem-scenario where they are tasked to provide advice to fictional clients. In that context this module supports the achievement of MIPLOs II and IV.

Formative classwork includes group discussion of exercises, fact-based problem scenarios and quizzes, aimed at increasing collaborative problem-solving. In that context this module supports the achievement of MIPLO VI.

By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. In that context this module supports the achievement of MIPLO VII.

Family law involves an interrogation of what “marriage” is as a concept and the social impact of such a union. It also requires an analysis of the protections in place for spouses or partners at risk of domestic violence and those children who require protection under the law. In that context this module supports the achievement of MIPLO VIII.

### Information provided to learners about the module

Learners enrolled on this module initially receive a copy of the module descriptor, assessment briefs and assessment strategy. These materials are given directly by the lecturer and also by the Programme Director as part of the Learner Handbook for award stage modules of the programme. All content is provided on Moodle as well as access to additional content through the library and online resources.

Online (via Moodle) learners are provided with video recording of each lecture, copy of PowerPoint slides, a module specific manual, extensive reading list, incorporating professional and academic and non-academic sources. Guest lectures will be introduced to ensure practical knowledge and real-life examples will keep the content relevant.

### Module content, organisation and structure

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|  | **TOPIC** | **DESCRIPTION** |
| Lecture 1 –4 hours, 19% | **Introduction** | The Irish Constitution; Definition of Marriage; Right to Marry; Protection of Marital Family; Family based on Marriage; Reform; The ­*In-Camera* Rule |
| **Marriage** | Definition of Marriage; Formal requirements for Marriage; Breach of formal requirements (Nullity); Prohibited degrees of relationship; Polygamy; Same sex Marriage; Capacity  |
| **Nullity** | Definition of Nullity; Nullity v Divorce; Application Process & Standard of Proof; Void v Voidable Marriages; Void = no formalities/capacity/consent; Voidable = impotence/inability to sustain normal marital relations; Barriers to relief; Consequence of decree of Nullity  |
| Lecture 2 –4 hours, 19% | **Separation**  | Agreements relating to Marriage;- Prenuptial Agreements- Postnuptial Agreements- Separation Agreements.Judicial Separation  |
| **Divorce** | Introduction; Historical Background; Grounds for Divorce; Living separate and apart; No reasonable prospect of reconciliation; Proper provision; Further conditions; Jurisdiction; Effect of Decree of Divorce |
| Lecture 3 –4 hours, 19% | **Domestic Violence** | Definition; Domestic Violence Act 2018; Barring Order; Interim Barring Order; Emergency Barring Order; Safety Order; Protection Order; Child and Family Agency; Misc. Provisions; Criminal Offences |
| **Child Protection** | Children’s Referendum; Legislation; TUSLA; Voluntary Care; Garda Powers; Emergency Care Order; Interim Care Order; Care Order; Supervision Order; Miscellaneous Provisions  |
| Lecture 4 –4 hours, 19% | **Ancillary Relief** | What is Ancillary Relief; All the circumstances of the case; Legislation; Factors to be considered by the Courts; Dependent Family Members; Preliminary Orders; Financial provision on Martial Breakdown |
| **Cohabitation and Civil Partnership** | Legislation; Cohabitant defined; Redress Scheme; Ancillary Relief; Cohabitants Agreements; Civil Partnership defined; Abolition; Nullity; Dissolution; Shared Home Protection; Success; Rights under Various Legislation; Civil Partnership v Marriage |
| Lecture 5 –4 hours, 19% | **Guardianship, Custody and Access** | Marriage; Welfare of the Child; Parental Caring Capacity; Guardianship; Custody; Access; Declaration of Parentage |
| **Adoption** | Legislation; Effect of Adoption; The Adoption Authority; Persons Eligible for Adoption; Children Eligible to be Adopted; the Adoption Procedure; Consent; Involuntary Adoption; Adoption Amendment Act; Adoption from Abroad; Best Interests of the Child |
|
| 1 hour, 5 % | **Revision & Preparation**  | This session will provide a revision class for learners with exam preparation guidance and assistance  |

### Module teaching and learning (including formative assessment) strategy

This module is delivered through a series of lectures. Learners engage with the module either in class; online via the online streaming option or via recorded lectures. On Moodle, virtual learning environment, the lecturer can interact with learners via the class discussion forum and upload relevant additional learning material e.g. legal articles, case law, study aids and relevant multimedia. The module comprises of 21 contact hours, being 20 lecture hours and one revision/exam preparation class. Formative assessment is provided in the form of interactive exercises such as tutorial style discussions, quizzes, directed class discussion topics and collaborative group work.

### Work-based learning and practice-placement

There is no work-based learning or practical placement in the module.

### E-learning

Griffith College uses Moodle, a virtual learning environment, to support its delivery of e-learning activities in the form of peer-to-peer support based around activities where learners give and receive feedback, forums where learners must contribute, formative quizzes and video links.

### Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom has Wi-Fi access and is equipped with a PC with Zoom and Microsoft Office. In addition the classroom has digital recording facilities and digital projector. No other software is required for this module. The College library has a dedicated law section and also online legal research tools including Justice One, Westlaw, Hein Online.

### Reading lists and other information resources

**Primary reading**

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

Bracken, *Child Law in Ireland,* (2018, Dublin, Clarus Press)

Crowley, *Family Law,* (2013, Dublin, Round Hall)

Kennedy & Maguire, *Irish Family Law Handbook,* 5th edn (2016, Bloomsbury Professional)

Nestor, *An Introduction to Family Law*, (2007, Dublin; Gill and MacMillan)

Shannon, *Child and Family Law*, 3rd edn (2020, Dublin; Round Hall)

Ward, *Family Law in Ireland* (2010, London; Kluwer)

**eResources**

Irish Family Law Journal on *WestLaw*

### Specifications for module staffing requirements

Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.

### Module summative assessment strategy

Theoretical knowledge is 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 NFQ and in the sphere of professional legal training. The examination consists of a mixture of essay-style questions, which emphasises the demonstration of 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.

The examination is supplemented by an assignment (essay) worth 40% of the overall grade. The assignment focuses on a matter of practical importance in the field of the Irish Family Law. The following table indicates the module’s learning outcomes’ alignment with the assessment used for the module:

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| **No.** | **Description** | **MIMLOs** | **Weighting** |
| 1 | Exam  | (i) to (v) | 60% |
| 2 | Essay | (i) to (v) | 40% |

**Reassessment/Repeat assessment strategy:** Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

* In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
* In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
* In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

### Sample assessment materials

Please see sample assessment supplementary document.