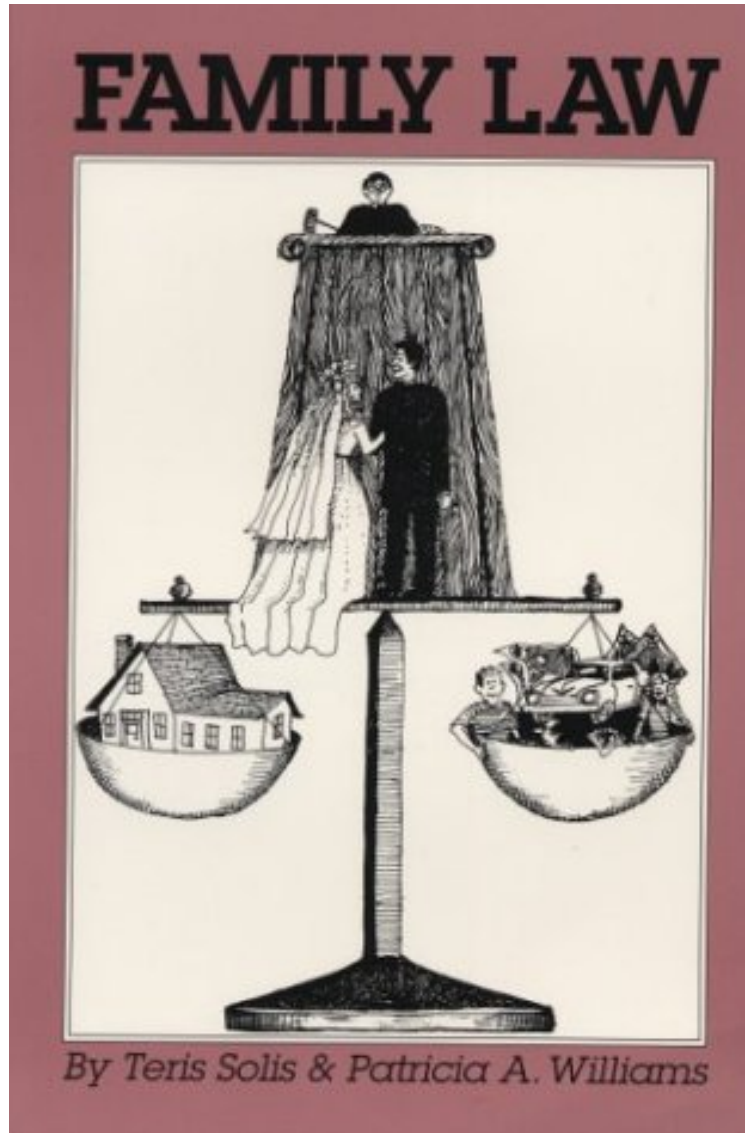


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Family Law for Paralegals

Teris Solis, Patricia A. Williams
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Teris Solis, Patricia A. Williams : Family Law for Paralegals before purchasing it in order to gage whether or not it would be worth my time, and all praised Family Law for Paralegals:

Focused on the nuts and bolts of family law that are important to paralegals, this book offers a generic (not state specific) approach that allows the material to be used by anyone, regardless of state of residence. A variety of

illustrative cases from individual states are throughout, however to expose readers to the intricacies of family law. Marriage. Void and Voidable Marriages. Premarital and Postmarital Agreements. Dissolution of the Marriage. Jurisdiction and Venue. Divorce Procedures. Marital Property. Custody and Visitation. Child Support. Modification of Court Orders. Enforcement of Court Orders. Paternity. Termination. Adoption. For paralegals.

About the Author Teris Solis has served as an adjunct professor teaching family law in Texas Wesleyan University's Legal Studies Program. Ms. Sobs also taught family law in the University of Texas at Arlington's Legal Assistant Program. Currently, Ms. Sobs is an assistant city attorney for the city of Arlington, Texas, where her primary responsibilities involve contract and environmental law. Prior to her employment with the city, Ms. Sobs was associate attorney with the law firm of Robert J. Wilson Associates, Inc., where she practiced family and personal injury law. Ms Sobs is a graduate of Southern Methodist University School of Law and a member of the State Bar of Texas. Patricia Williams is currently teaching family law as an adjunct professor at Texas Wesleyan University and is an assistant city attorney for the city of Plano, Texas. Prior to her position with Plano, she was employed by the city of Arlington, Texas. Ms. Williams is a 1992 graduate of Texas Tech University School of Law in Lubbock, Texas, and a 1986 graduate of Texas Wesleyan University in Fort Worth, Texas. While at Texas Tech Law School, she was actively involved and served as president of the pro bono organization "Volunteer Law Students and Lawyers," a group that assisted local attorneys in providing legal services on a variety of family law issues to individuals and families.

Excerpt. Reprinted by permission. All rights reserved. WHY STUDY FAMILY LAW? Once I heard someone from the state bar speak about how to avoid having grievances filed against you as an attorney. This man, whose name I do not recall, stated that the best way to avoid grievances was not to practice criminal law or family law. While those of us in attendance laughed, we also knew how true that statement was. Why is this true? Probably because criminal and family law tend to evoke people's emotions more so than other areas of the law. Often clients will be unhappy with the outcome of the case no matter how wonderful the results, just because it affects their lives so personally and directly. So why study family law? First, as a practical matter, family law is the bread and butter of a number of law firms. While areas such as bankruptcy, real estate and environmental law tend to come and go depending on the economy and societal trends, family law is a constant and always in demand. Second, the practice of family law can provide personal satisfaction. While family law matters may be presented in a negative light by the media, not all family law matters revolve around negative or depressing issues. Family law attorneys often address matters such as marriage and adoption, which tend to be happy occasions. However, the majority of the issues that arise in a family law context tend to involve turbulent and emotional matters for the client. It is always important for legal professionals to remember how volatile these issues can be for the clients. For family law professionals, the practice of family law can become routine and unemotional. And while being emotionally detached from the case has its advantages, it is important to remember that for the client, it is not just another case, but their only case. Third, the study of family law can be personally beneficial to the student. Because of its very nature, family law will touch all of our lives in some form, whether it affects us personally or affects someone we know directly. Family law controls our relationships, our families, our property. Once family and friends find out you are studying to be a paralegal or legal assistant, it won't be bankruptcy or real estate questions that they call you about in the middle of the night. Family law is really a study of people and their attitudes. It is society trying to legislate morality. Therefore, the study of family law is often interesting, entertaining, and thought provoking.

GENERAL INFORMATION This textbook provides an introduction to family law. It deals with many of the basics that are dealt with by paralegals in a family law practice. The information in this textbook is intended to provide the reader with the groundwork necessary to understand and analyze the variety of subjects that comprise "family law." Chapter 2 begins with a discussion of the legal basis for marriage and explores the various means by which a valid marital relationship may be formed. You will learn about the federal constitutional basis that provides protection for the right to marry, limiting state governmental entities in their regulation of the marital right. Chapters 3 and 5 explore in detail the various methods by which the marital relationship may be terminated while Chapter 4 describes certain contractual agreements that can be used to provide protection for the property interests of the parties, both before and after the formation of a marriage relationship. While each of these topics explore substantive issues of family law, Chapters 6 and 7 provide the procedural framework with which a paralegal must become intimately acquainted. Chapter 6 contains basic definitions for terms commonly encountered by the paralegal, such as jurisdiction and venue. Chapter 7 outlines the steps and generally discusses the documents required for processing a divorce case, beginning with the client interview and ending with the final divorce decree. Whether on a large or small scale, divorce cases involve a variety of issues relating to property. Chapter 8 covers classification of property based on state law; valuation and division of marital property; and obligations for spousal support and maintenance. Continuing with topics that generally arise as a consequence of divorce, Chapter 9 explores different types of child custody and the factors that the courts consider when making decisions relating to child custody and visitation. Chapter 10 offers the reader a look at child support and its relationship to child custody by exploring both the factors generally considered by courts when setting the child support obligations of parents and the public policies that guide those decisions. In the best of scenarios, the decree

entered by a divorce court will reflect decisions about property, visitation, custody and support that are satisfactory to the parties involved and with which both parties comply. However, since parties may not be satisfied with the court's decree or because circumstances may change over time, the parties may need to enforce or modify the court's orders. Chapters 11 and 12 discuss the remedies available if, after the decree is entered, one of the parties fails to comply with the terms of the decree or wishes to request a modification of any of the court's orders. Chapters 13, 14 and 15 introduce the reader to topics arising apart from divorce. Chapter 13 provides an explanation of the purposes for which a person files a paternity suit and the effect of the outcome of that proceeding upon parental rights. Parental rights are further discussed in Chapter 14, which outlines the types of legal actions used to voluntarily and involuntarily terminate parental rights. Finally, Chapter 15 covers the basics of adoption and the effects of adoption on the rights of all parties involved. As an introduction to family law, this book in no way covers all the issues that arise in the practice of family law. While many of the topics and issues not covered in this book are very important, they are either dealt with infrequently by paralegals or are more appropriately dealt with in a more in-depth analysis of family law. In addition, many of the topics covered in this book are only touched upon briefly. For example, the chapter on premarital agreements is designed to familiarize you with the concept, not teach you everything you would need to know regarding such agreements. Since the federal courts lack jurisdiction to hear family law matters, unless there is a United States constitutional issue at stake or a specific federal statute that grants federal court jurisdiction, family law is almost always controlled by each individual state. Therefore, the topics and issues covered by this book are not state-specific, but are covered generally so that the book can be used by anyone regardless of their state of residence. Throughout the text, cases from individual states are cited, and at the end of most of the chapters a case dealing with an issue or issues addressed by that chapter will appear. Whether it be the case at the end of the chapter or the cases cited throughout the text, the cases are used to illustrate family law issues and may not be representative of the laws in your state. In fact, they may be in direct contradiction to the law in your state. Therefore, it is very important that you always research and review the statutes and cases in your state to discover the applicable law. In addition, if a particular case cited in this book is applicable to your state, always research the issues addressed in the cases and Shepardize the cases before relying on them. While the cases cited were valid cases at the time this book was written, the law is changing constantly. The state legislatures and state courts could have taken any number of actions that may invalidate a particular case cited in this book. Quite often a case is cited in this book because it is interesting or unique. While valid case law, the result reached in a particular case may be based solely on the facts of that case, and the court's decision may even be contrary to the majority of the cases in your state dealing with the same or similar issue. Recognize that unique and interesting cases may have limited application. For example, the Lynch case at the end of Chapter 8 addresses the community property character of lottery winnings. While unfortunately the majority of us will never encounter this dilemma, there is still something to learn from this case. The underlying principle of the case, that property acquired during a marriage in a community property state is community property until the divorce is final, applies regardless of whether we are talking about a car or lottery winnings. Also recognize that some of the cases located at the end of the chapters are older cases. While recent cases are usually preferable when making legal arguments, older cases are often precedent-setting cases and more fully explain the reason for the court's holding. For example, the case following Chapter 12, *Application of Martin*, is a 1955 case that addresses the constitutionality of incarcerating someone for contempt for failure to pay child support. More recent cases state the holding and cite older cases like *Application of Martin* to support the holding. It is these older cases that actually explain the reasoning behind the holding. Throughout this book, both in the text and in the questions, there will be references to "your state." This is meant to apply to the state where you are taking the class or program using this book or to the state specified by the instructor.