

Module Title:	Family and Child Law 2
Language of Instruction:	English
Credits:	5
NFQ Level:	8
Module Delivered In	No Programmes
Teaching & Learning Strategies:	Lectures - communication of knowledge and ideas; Problem Solving Exercises - learner will work as part of a team and will work together to resolve various legal scenarios. Class Discussion/Debate - Learners will be encouraged to actively participate in the class sessions which will develop their analytical and communication skills. E-Learning - It is envisaged that the module will be supported with on-line learning materials. Self-Directed Independent Learning - the emphasis on independent learning will develop a strong and autonomous work and learning practices.
Module Aim:	To critically examine the legislative and judicial regulation of family relationships under Irish law
Learning Outcomes	
<i>On successful completion of this module the learner should be able to:</i>	
LO1	Evaluate, compare and differentiate, on the basis of rights the positions of both marital and non-marital families
LO2	Assess the impact of nullity, separations and divorce on marriage contracts, and will fully understand the situations in which these may be invoked and will critically consider the regulation of ancillary relief associated with marriage breakdown.
LO3	Demonstrate a thorough and integrated knowledge of the legal structures in place within Irish family law to combat domestic violence and debate the case for reform of the law in this area.
LO4	Independently construct and resolve complex family law problems, demonstrating an integrated knowledge of the subject area.
LO5	Identify and analyse areas of the law which are in need of reform, articulate and discuss any proposals put forward for such reform and debate their merits.
Pre-requisite learning	
Module Recommendations	
<i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i>	
No recommendations listed	
Incompatible Modules	
<i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i>	
No incompatible modules listed	
Co-requisite Modules	
No Co-requisite modules listed	
Requirements	
<i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i>	
No requirements listed	

Module Content & Assessment

Indicative Content

Guardianship & Custody of Children

• Parental Rights and Duties • The Guardianship of Infants Act 1964 as amended • The Children and Family Relationships Act 2015 • Custody Agreements • Access • Appointment of Guardian by Deed or Will or by the Court • Custody after a Decree of Nullity and on Judicial Separation and Divorce • Custody Disputes between Parents • Custody Disputes between Parents and Outsiders • Variation and Discharge of Custody Orders • Safeguarding the Interests of Children • The voice of the child • The Protection of Children in International Situations • UN Convention on the Rights of the Child

Marriage

• The Nature of marriage • Marriage under the Constitution • Same-sex marriage • Civil Partnerships • Cohabitation and the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010- Cohabitation Agreements • The Agreement to Marry • Capacity to Marriage • Formal validity • The Presumption of Marriage • Declarations as to Martial status

Nullity

• Introduction • Void Marriages • Voidable Marriages • Expert Evidence in Nullity Cases • Bars to a nullity decree • Reform

Separation Agreements

• The Nature of a Separation Agreement • Legislative & Judicial Developments • Standard Clauses in a Separation Agreement • Termination of Separation Agreements • Remedies for Breach of Separation Agreement

Judicial Separation

• Effect of Decree of Judicial Separation • Separation by Agreement or Judicial Separation? • Separation Agreement bar to Obtaining Decree of Judicial Separation • Judicial Separation and Divorce • Constitutional Considerations • The Grounds for Judicial Separation • Reconciliation and Mediation

Divorce

• Divorce & the Constitution • The Statutory Framework • 'No-Fault' Divorce • Custody of Dependent Children • Grounds for Divorce • Recognition of Foreign Divorces • Cross-border Divorces • Parental Responsibility

Financial and Property Division & Support on Divorce and Separation

• Court Orders on Separation and Divorce – different types of orders available. • Matters to be Taken into Account when Making Orders • General Guiding Principles for the Court • Provision for Dependent Members of Family • Disclosure of Assets • Variation and Discharge of certain Orders • Property Disputes between Spouses • Financial Support for Spouses and Children • Reform

Domestic Violence

• Introduction • The Orders Available • Applications by Cohabitees and Parents • Applications by Child and Family Agency • Ancillary orders • The Principles Applied in Making Orders • Welfare • Conduct • Effect and Enforcement • Reform brought about by the Domestic Violence Act 2018 • Further Reform

Practice and Procedure in the Family Courts

• The District Court • The Circuit Court • The High Court • The Supreme Court • Legal Aid • Reform of the Family Courts Structure

Assessment Breakdown

	%
End of Module Formal Examination	100.00%

No Continuous Assessment

No Project

No Practical

End of Module Formal Examination

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Formal Exam	End-of-Semester Final Examination	1,2,3,4,5	100.00	End-of-Semester

SETU Carlow Campus reserves the right to alter the nature and timings of assessment

Module Workload

Workload: Full Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	12 Weeks per Stage	3.00
Estimated Learner Hours	15 Weeks per Stage	14.27
Total Hours		250.00

Workload: Part Time		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	1.50
Total Hours		1.50

