

## **Module: Family Law**

### **Allocation of Marks: 100% Final Examination**

#### **Intended Module Learning Outcomes**

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

1. Outline and discuss the family unit in Irish law;
2. Identify and appraise the rights and duties that flow from marriage;
3. Examine and discuss the grounds for the dissolution of marriage, procedures for attaining a judicial separation or divorce, and attaching ancillary reliefs;
4. Demonstrate understanding of the key areas of child law, including guardianship, custody, access, and the exercise by the State of its powers to interfere with the family unit;
5. Research, interpret and apply the constitutional, statutory and international rules relating to the family unit.
6. Apply the concepts of the law relating to the family and individuals within the family unit so as to provide an informed and reasoned opinion as to the current status of Irish family law and possible modes of reform.

#### **Module Objectives**

1. To provide the learner with an understanding of the nature of family law in Ireland, having regard to both the constitutional foundation and statutory framework;
2. To provide the learner with an understanding of the core elements of family law, including the fundamental rights and duties of the State, the family unit and individuals within it ;
3. To enable the learner to develop an understanding of the key areas of family law, both in theory and practice, ranging from marriage to the possible breakdown of marriage and
4. To familiarise learners with theory and practice of family law in relation to children.

#### **Module Curriculum**

- Introduction:
  - The family in history and society
  - Definition of family
  - The Constitution and the family
- Marriage:
  - Formalities and capacity to marry
  - The legal implications of marriage
  - Proposals for reform
- Nullity:
  - Void and voidable grounds
  - Barriers to relief
  - Consequences of decree

- Separation and Divorce:
  - Historical background
  - Separation Agreements
  - Grounds for Judicial Separation
  - Consequences of a decree
  - Grounds for divorce
  - Effect of a decree
  
- Ancillary Relief:
  - Family Law Act 1995 and Family Law (Divorce) Act 1996
  - Statutory Factors
  - Judicial Discretion
  - Modes of Ancillary Relief
  - Variation
  
- Domestic Violence:
  - Orders available in domestic violence proceedings
  - Grounds for relief
  - Standing of applicants for different orders
  - Role of Health Boards
  - Enforcement of orders
  
- Child Law:
  - The Constitution and children's rights
  - The welfare principle
  - Guardianship, custody and access
  - Child protection