

**PROF. FLYNN**  
**Spring 2023**

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**SOUTHERN ILLINOIS UNIVERSITY**  
**SCHOOL OF LAW**

**FAMILY LAW**  
**Spring 2023**

**Professor Andrew T. Flynn**  
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**Office Hours: By Appointment**  
**Email: [aflynn@siu.edu](mailto:aflynn@siu.edu); [aflynn@lbf.com](mailto:aflynn@lbf.com)**

**LECTURE**  
**Monday & Wednesday**  
**6:30 p.m. - 7:45 p.m.**

**SYLLABUS**

**COURSE DESCRIPTION:**

Family law is the study of the relationship between the state and the family including procedures for marrying, legal relationships within an ongoing family, alternative forms of families, and problems in the dissolution of the family.

Our focus will be on the practice of family law and the considerations practitioners must make in representing clients. This semester, we will cover the process for marrying and we will examine alternative forms of legally recognized intimate partner relationships. We will also cover dissolution of these relationships, paying special attention to the topics of child custody, jurisdiction, child support, property division, property settlement agreements, and adoption.

**REQUIRED TEXTS, UNIFORM CODES, and ILLINOIS FAMILY CODE:**

WORK OF THE FAMILY LAW by Oliphant & Ver Steegh (Wolters Kluwer 2020, 5th edition) (herein **casebook**).

This casebook was selected because it provides an opportunity to focus on the practice of family law. You should always read and be prepared to share your thoughts on the “Reflective Questions,” “Discussion Questions,” and “Chapter Problems” in the casebook. You do not need to look up the referenced cases with these problems and you should not limit your thinking to the court’s analysis of the problem. Sometimes you will be asked to write out and submit your answers to these questions. I will specifically indicate when a written submission is required. While we will be using several of the “Preparation for Practice” exercises as a focus for class, you do not need to prepare these for class unless specifically instructed to do so.

I have also assigned various sections of the Illinois Code for you to read and prepare for class. This includes the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 *et al.*), Illinois Parentage Act of 2015 (750 ILCS 46/101 *et al.*), and Illinois Adoption Act (750 ILCS 50/0.01 *et al.*). I may also assign sections from other Codes and Acts that are relevant to a given topic.

For the exam, you should be familiar with any Uniform Code we cover in addition to Illinois law; you should also be prepared to read and interpret statutes (drawing on information discussed in class) provided on the exam.

Finally, there will be additional reading materials and videos posted on D2L (discussed below).

### **COURSE LEARNING OBJECTIVES AND STUDENT LEARNING OUTCOMES:**

As a student in this class, you should expect to achieve the following learning outcomes throughout the semester:

- Students will be able to identify relevant facts necessary to gather from a client seeking to establish or modify child custody or to establish parentage, including those related to jurisdiction. Students will be able to identify legal issues related to paternity and child custody disputes from a relevant fact pattern, make critical and effective arguments through application of statutory and case law, and determine the likely resolution of those issues in each fact pattern. Students will be able to critically evaluate sample parenting plan language and confidently predict the enforceability of the provided plans.
- Students will be able to identify relevant facts necessary to gather from a client seeking a divorce or an annulment, including those necessary to resolve jurisdictional considerations. Students will be able to identify legal issues related to divorce, including property division and economic support, from a relevant fact pattern, make critical and effective arguments through application of statutory and case law, and determine the proper resolution of these matters in the case.
- Students will be able to identify the legal issues raised by a fact pattern involving cohabitation agreements and premarital agreements, make critical arguments regarding the enforceability of such agreements and confidently predict whether a particular agreement will be enforced.
- Students will be able to identify proper techniques for interviewing child clients and will be able to articulate the various representational models used in representing child clients. Students will be able to evaluate interviewing techniques they observe in demonstrated child client interviews. Students will demonstrate proper techniques for interviewing child clients.
- Students will be able to identify and critique various interviewing and rapport building techniques used in representing adult clients in family law matters.
- Students will be able to identify potential ethical dilemmas common in family law practice and articulate strategies for avoiding or resolving these dilemmas.
- Students will be able to critique the adversarial system for its ability to provide equitable access to justice.
- Students will be able to effectively employ strategies of active listening, empathy and effective allyship during classroom discussions and group work.
- Students will be able to critically reflect on their professional identity, recognizing the impact of internal and external factors on their identity.

## **CLASS PREPARATION:**

### *General Notes:*

To supplement class, I will be using D2L, a web-based platform. This syllabus is posted on D2L and I will use D2L to post other class materials.

### *Reading Assignments:*

**The first few weeks of reading assignments will be posted on D2L.** I will post the reading schedule for each two-to-four-week period well in advance to provide time for you to prepare for class. This will ensure that if we need to spend extra time on a particular concept, we can do so without having to constantly adjust an already published reading schedule.

Students are required to carefully read assignments prior to attending class and work through the “Reflective Questions,” “Discussion Questions” and “Chapter Problems” in the casebook. Occasionally, I will assign supplemental reading material or study questions created by me that are intended to guide you through the assigned readings and get you thinking about the issues prior to class.

## **CLASS ATTENDANCE AND PARTICIPATION:**

### *Attendance Policy*

**Active class participation is essential to your success.** You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict, such as illness. As such, attendance is mandatory (including any make-up classes related to any class cancellations) and you may miss no more than four (4) classes during the semester. In extraordinary situations, a student may make-up a missed class, so that the absence will not be counted against the total absences permitted; this determination will be addressed at my sole discretion on a case-by-case basis. Those exceeding the maximum number of absences will be subject to the ramifications described in the Law School’s attendance policy. *See* School of Law Rules III. (5)(f)-(g).

To be marked present for class, you must (1) be present in class by 6:30 p.m. (CST); and (2) participate in the class. **If you miss more than five (5) minutes of class for any reason (other than an approved accommodation), you will be counted as absent.** Repeated tardiness will also result in being marked absent.

### *Class Participation and Group Work*

You are required to **actively participate** in class. When called on, be prepared to share your thoughts with the class. You are not expected to know every answer, but you are expected to demonstrate that you have given some consideration to the assigned materials.

On the first day of class, each student will be randomly placed into a group, or “Firm.” While all students are required to be prepared and actively participate in class, one (1) Firm will be designated as being primarily responsible for contributing to each class. The Firm designated for each class will be noted on each reading assignment. These Firms will provide you with an opportunity to collaborate with your peers and to think through the course material. While you are welcome to work with your fellow Firm members outside of class, you are not required to do so. Additionally, your Firm members will not play a role in assessing your performance in this course.

**If a student is not prepared to discuss the assigned materials when called upon, fails to actively participate during the in-class group discussion, or fails to complete an assigned class exercise in a timely manner, the student will be marked as absent for that class.**

### **OFFICE HOURS:**

Office hours will be scheduled by appointment.

### **COURSE WORK LOAD:**

You might be interested to know that the ABA standards incorporate out of class work in the calculation of credit hours. Under the ABA standards, **you should expect to spend 150 minutes per week in class (2.5 hours), plus (a minimum of) six hours of study a week, for a total of 8.5 hours per week.**

### **PROFESOR AND STUDENT EXPECTATIONS:**

As a law student, I expect that you will treat your time spent in class and preparing for class as a professional. You can expect the same from me. While the following list is not exhaustive, these guidelines will assist in the creation of a comfortable and productive learning environment throughout the semester.

You can expect me:

- To start and end class on time.
- To reply to e-mails within 24 hours on weekdays and 72 hours on weekends.
- To assign out of class work that adequately covers the material and meets the learning objectives of the course while adhering to the time expectations for a 3 credit course.
- To give an exam that accurately reflects the material covered in class and assigned in our readings.

I can expect you:

- To come to every class and to be on time.
- To be attentive and engaged in class.

- To refrain from using laptops, cell phones, and other electronic devices during class **for anything other than class work.**
- To spend an adequate amount of time on the reading assignments each week, making an effort to understand the legal principles covered, generating answers to the questions stated in the syllabus and working through the problems in the book.
- To seek help when appropriate.

### **GRADING:**

Your grade in this course will be calculated as follows:

- **25% Scored MEE question**
  - This MEE question will be due on **April 5, 2023**. This is a summative assignment and will be scored for accuracy and not simply for professional preparation. You will be required to re-write your answer until you have achieved a minimum level of competency to receive credit for this course. More information about this assignment will be distributed in class.
- **75% Comprehensive Final Exam**
  - The final exam will take place on the date designated by the Law School. More information about the exam will be distributed in class.

### **BAN ON COLLABORATION ON WRITTEN ASSIGNMENTS:**

You are not allowed to obtain help from any other person (including any other student or professor) on **any** written assignment in this course. This ban on collaboration **includes obtaining written materials online from any source** (including publically posted materials that are not specifically authorized in the assignment itself) and communicating with anyone other than Professor Flynn about the assignment. If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, please do not hesitate to contact me for clarification.

### **PLAGIARISM:**

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

**NOTICE OF RECORDING POLICIES:**

Students are free to make audio (not video) recordings of class lectures for their own purposes, but are not permitted to distribute that recording to other individuals inside or outside of class.

**ATTACHMENTS:**

This Syllabus incorporates by reference the Law School Syllabus Attachment and the University Syllabus Attachment.

**FIRST ASSIGNMENT:**

Your first assignment for class on Wednesday, January 18, 2023 is to read pages 3-24 within the casebook.

**SYLLABUS ATTACHMENT**  
**SIU SCHOOL OF LAW – SPRING 2023**

**EMERGENCY PROCEDURES:** We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus; on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

**DISABILITY POLICY.** SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or [disabilityservices.siu.edu](http://disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

**SALUKI CARES.** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or [siucares@siu.edu](mailto:siucares@siu.edu), <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at [judiray@siu.edu](mailto:judiray@siu.edu), or call 618- 453-3135.

**COVID-19.** SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to [pandemicinfor@siu.edu](mailto:pandemicinfor@siu.edu).

**SAFETY AWARENESS FACTS AND EDUCATION** Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>



# Syllabus Attachment

Spring 2023

## MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIUC embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

### IMPORTANT DATES

Semester Classes Begin: .....01/17/2023  
Last day to add full-term course (without Dean's signature): .....01/22/2023  
Last day to withdraw from the University with a full refund: .....01/27/2023  
Last day to drop a full-term course for a credit/refund: .....01/29/2023  
Last day to drop a full-term course (W grade, no refund): .....04/02/2023  
Final examinations: .....05/08-05/12/2023

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

### SPRING SEMESTER HOLIDAYS

Martin Luther King, Jr.'s Birthday 01/16/2023  
Spring Break 03/11-03/19/2023

### DIVERSITY

Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

### DISABILITY SUPPORT SERVICES

SIUC Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at (618) 453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

### MILITARY COMMUNITY

There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

### STUDENT MULTICULTURAL RESOURCE CENTER

The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

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The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIUC will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Cares: Call (618) 453-2461, email [siucares@siu.edu](mailto:siucares@siu.edu), or <http://salukicare.siu.edu/>.

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### MPOX

SIUC is monitoring the developments with Mpox. Mpox can affect anyone regardless of gender identity or sexual orientation, and we ask that our campus community remember our commitment to diversity, equity and inclusion. Students who suspect they may have monkeypox may visit [Student Health Services](#) for evaluation. Additional information can be found on the [CDC website](#).

### WITHDRAWAL POLICY ~ Undergraduate only

Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <http://registrar.siu.edu/students/withdrawal.php>

### SIUC's EARLY WARNING INTERVENTION PROGRAM (EWIP)

Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <http://corecurriculum.siu.edu/program-overview/>.

### EMERGENCY PROCEDURES

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### CATALOGS

[catalog.siu.edu](http://catalog.siu.edu)  
[gradcatalog.siu.edu](http://gradcatalog.siu.edu)

Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

### CENTER FOR LEARNING AND SUPPORT SERVICES

Tutoring: <http://tutoring.siu.edu/>  
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

### PLAGIARISM

See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

### INCOMPLETE POLICY - Undergraduate only

<http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <http://libguides.lib.siu.edu/hours>

ADVISEMENT: <http://advisement.siu.edu/>

SIUC ONLINE: <https://online.siu.edu/>

Need additional help with an issue? Visit SALUKI SOLUTION FINDER at <http://solutionfinder.siu.edu/>