**LOURDES HILL COLLEGE**

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**Year 12 Legal Studies**

**Semester 3 (Term 1)**

**Unit Plan: Family Law**

**Family Law**

**Link to Overall Plan for Year 12**

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| **Term** | ***One*** | **Two** | **Three** | **Four** |
| **Unit** | ***You, the law and society: Family Law*** | You, the law and society: Rights and Responsibilities | Independent Study | Law in a Changing Society |

**Objectives/ Understandings**

(The State of Queensland - QSA, (2007) Legal Studies Senior Syllabus, QSA, Brisbane)

**Family — How does the law recognise and regulate family relationships?**

This unit focuses on the family, and how the law upholds certain rights and obligations that apply to family members. This is an inherently difficult area, as it attempts to deal with complex interpersonal problems. Family relationships, care of children, family breakdowns and the role of wills may be examined.

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| **Understandings** | **Recommended subject matter** |
| Society has legal procedures and requirements for the recognition of a family unit.  Family law is sensitive to changing social, cultural, ethical and moral values.  Parents or other legal guardians of children have rights, and are subject to obligations imposed by law. The state may intervene in circumstances when carers of children do not meet their obligations.  Rights and obligations of children vary depending upon their age and capacity.  Societies’ attitudes to divorce are reflected in simplified procedures and a sole no-fault ground for the dissolution of marriage.  The breakdown of a family unit generally involves redistribution of family assets, provision of financial support and arrangements for care and residency of children.  Counselling services are provided to help individuals in a family breakdown and to assist the court.  In disputes involving the care of children, the paramount consideration for the court is the welfare and best interests of the child.  There are limitations in the legal system’s ability to intervene and resolve family disputes. | **What is a family?**  • marriage  • other types of personal relationships recognised by the law  • changing social values and family relationships.  **What roles and responsibilities arise in families?**  • parents, guardians and children  • carers’ responsibilities  • parental responsibility for the acts of their children  • age, legal capacity and responsibility.  **How does the law provide for dissolution of and changes in family relationships?**  • counseling and mediation  • divorce  • care, residence and financial support of children  • division of family assets  • spousal maintenance  • government and community services to support family relationships.  **What are the strengths and limitations of the legal system in resolving family disputes?**  **What current legal issues relate to families?**  Examine topical issues such as surrogacy, cultural considerations, de facto and same-sex relationships, pre-marriage counseling, prenuptial agreements, role and resources of the Family Court, reproductive technologies, adoption, international covenants, bioethical issues, powers of attorney, advanced health directives, refugees, employees, native title and recognition of customary law. |

**CCE’s Incorporated this Term**

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| * recalling/remembering * interpreting the meaning of words and other symbols * interpreting the meaning of tables or diagrams or maps or graphs * Recording/noting data * Empathizing * Searching and locating items/information | * structuring/organizing extended written text * comparing/contrasting * classifying * deducing * Hypothesising * interpreting ideas/ themes/issues * generalising from information * criticising | * justifying * Judging/evaluating * use correct spelling, punctuation, grammar * use vocabulary appropriate to a context * summarising/condensing written text * explaining to others * expounding a viewpoint |

**Resources/Texts**

* *Legal Studies for Qld Vol 2* (*Legal Studies in Action 2* is very useful also)
* Current Media issues. Newspapers/ Media/ Videos
* **Teacher** generated material (including web-based exercises)
* **Click View:**
  + Megan’s Law (DVD) 39 minutes
  + 2 Mums and a Dad 51 minutes
  + Anonymous Fathers 41 minutes
  + For Better or Worse 52 minutes
  + Girls will be Girls 12 minutes
  + Kids on Divorce 53 minutes
  + Wills and Inheritance 28 minutes
* **Library Resources:**
  + The Verdict and Legal Eagle (journals)
  + Online databases (LHC library website): Web links, Library Links, ANZRC, Echo: Contemporary Issues
  + Various books on family law Approx 349🡪 369 and other areas may also be of interest
* **Websites:**
  + Weblaw [www.weblaw.edu.au](http://www.weblaw.edu.au)
  + Austlii (for teachers) [www.austlii.org](http://www.austlii.org) OR
  + Queensland Legislation (for students) [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)
  + Australian Bureau of Statistics [www.abs.gov.au](http://www.abs.gov.au)
  + Youth Advocacy Center [www.yac.net.au](http://www.yac.net.au)
  + Legal Aid Queensland – Youth [www.legalaid.qld.gov.au/services/Youth-Legal-Aid/Pages/default.aspx](http://www.legalaid.qld.gov.au/services/Youth-Legal-Aid/Pages/default.aspx)
  + Queensland Law Society [www.qls.org.au](http://www.qls.org.au)
  + Getup Action for Australia [www.getup.org.au](http://www.getup.org.au)
  + For other family law specific sites, please refer to the ‘Internet Sites’ handout on the transfer drive.
* Dimensions of Learning (DOL) strategies and resources

**Assessment – ALL SUMMATIVE**

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| **Term** | ***One*** | **Two** | **Three** | **Four** |
| **Unit** | ***You, the law and society: Family Law*** | You, the law and society: Rights and Responsibilities | Independent Study | Law in a Changing Society |
| **Assessment** | 1. **Non-written Presentations**   **8-12 minutes**  **4 weeks preparation**  **K&U, INV, EVAL, C&R**  **During Class – beginning week 5**   1. **Short Response/ Response to Stimulus Exam**   **100 minutes**  **K&U, INV, EVAL, C&R - BLOCK** | Extended Response to stimulus exam  Unseen stimulus and task  100 minutes  700-800 words  K&U, INV, EVAL, C&R  BLOCK | Inquiry Task  6 weeks preparation  Essay format  1000-2000 words  K&U, INV, EVAL, C&R  Due date to be confirmed | Extended Response to stimulus exam Seen stimulus and task  100 minutes  700-800 words  K&U, INV, EVAL, C&R  BLOCK |

**Criteria to be Covered During the Year – ALL SUMMATIVE**

## 1 Knowledge and Understanding

Knowledge and understanding refers to *retrieving* *and comprehending information*. By the end of the course, students should be able to:

* *make statements* of specific knowledge based on recall and/or research
* *describe and explain* key legal concepts including structures, processes and principles
* *recognise* legal issues related to particular social situations
* *use examples*to illustrate knowledge and understanding.

For example, students may be required to:

* define key legal terms
* describe aspects of Australia’s legal system
* identify the main elements of law to be applied in various situations
* explain the purpose of laws in protecting the various interests in society
* describe courses of legal action available for resolving common situations of conflicting interests
* recognise similarities and differences in legal processes
* list sources of legal and law-related information
* demonstrate knowledge of their basic legal rights and responsibilities.

**2 Investigation**

Investigation refers to students’ ability to *examine legal situations and issues*. By the end of the course, students should be able to:

* *analyse* situations and information to identify legal issues and problems
* *select and apply* relevant legal principles and procedures
* *identify a range of relevant legal responses* to issues raised.

For example, students may be required to:

* identify conflicting/competing interests of stakeholders in common legal situations
* select sources of relevant legal information
* interpret data to identify trends and issues
* analyse and apply the law to specific situations
* examine the origin and development of conflicting/competing interests within society
* compare and contrast how parties’ conflicting/competing interests are approached and/or resolved by the law
* distinguish situations in which there may be more than one possible course of legal action
* develop reasoned responses to specific legal situations
* apply a progression of steps to reach an answer.

## 3 Evaluation

Evaluation involves students *critically reviewing the law’s attempts to achieve just, fair and equitable outcomes to issues*. By the end of the course, students should be able to:

* *synthesise and critique* stakeholders’ responses to legal issues
* *draw conclusions* about the suitability of legal outcomes and their social implications
* *take and justify a reasoned stance* on legal issues.

For example, students may be required to:

* discuss and debate common legal and social issues, providing convincing arguments to support definite and detailed opinions
* critically review the social impact of legal principles
* propose, plan and assess courses of action, conclusions and solutions to legal and social issues
* use rational and objective judgment in relation to legal and social issues
* evaluate strengths and weaknesses of public policies and/or particular attempts to resolve conflict
* make recommendations for action
* make and justify (provide sound reasons or evidence to support) decisions about the appropriateness of actions, conclusions and solutions, with regard to legal and social issues
* structure extended presentations which allow discussion of legal issues in a social context
* examine social attitudes and practices in situations of legal conflict.

**4 Communication and Research Skills**

Communication and research skills involve the *selection, organisation and presentation of information* for intended audiences. By the end of the course, students should be able to:

* *plan and implement an effective research process*, accessing a variety of relevant sources
* *organise and present information effectively,* using written and non-written formats which are grammatically and technically correct
* *use* legal and law-related *terminology, definitions and documents* proficiently
* *use appropriate modes, forms, and styles of communication* within a variety of conditions, situations and contexts.

For example, students may be required to:

* select and use sources of legal information
* articulate and adhere to a planning process
* organise information gathered from research
* communicate using suitable formats for presenting information
* acknowledge and reference sources of information using accepted conventions.

**Orientating Phase**

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| **Week/ Lesson**  **DOL Focus** | **Description of Lessons** | **Resources/ Strategies**  **Students will be able to…** |
| **Week 1 A**    DIM 1/6  Attitude & Perceptions  Holistic Living | **Unit Overview**   * Outline assessment and objectives for the unit/term. * Inform of key dates and planning. * Discuss and /or provide handouts of potential range of learning experiences, resources etc. so students know where they are heading.   **Establish prior knowledge of Family Law:**   * What do students already know about family law * Marriage, Divorce, Children, Property * Immediately begin deciding on a topic for the oral   **Marriage – Chapter 5**  Provide a “Definition of Marriage”  Who is not included in the definition of Marriage? Why?  What are the opinions and social consequences of stakeholders not permitted to marry? (Same-sex relationships, transsexuals, transvestites, incest relationships, polygamists, bigamists) Know and be able to cite examples.  Who may marry?  Stakeholders: How do the laws affect them?  What is the position of the Church?  What is your opinion of this area of law based on evidence? Can you make any recommendations?  Start preparation for non-written presentations | * Handout: *“Possible Topics”*   *Refer to weebly site*   * Privacy Issues with sharing of ‘stories’ * Church viewpoint * Myths and Statistics about marriage and families * Brainstorm ‘what is a family?’ look at various definitions . * Legal Studies in Action 2 (LSIA): *Defining Families and Family Law* p. 3-6 * Newspaper articles and text case studies to evaluate issues form a legal perspective and a social perspective   *Articles on Jennifer and Kevin*   * Class discussion of all elements and their relevance to today’s society (Text p56-65) * Case study on “Voluntary entered into” * Hand out Non-written presentation task and examine the key elements and objectives. * Discuss possible topics and presentation styles * Remind students of the variety of sources available, the need to keep evidence of their research and planning and review PP from NFL in regard to good research techniques. * Allow class time to continue research topic for oral. Library and internet resources **Topic must be selected by now.** One-on-one teacher consultation. * Review strategies for completing oral |

**Enhancing Phase**

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| **Week/ Lesson**  **DOL Focus** | **Description of Lessons** | **Resources/ Strategies**  **Students will be able to…** |
| **Week 2 B**  DIM 2/3  Acquire and Integrate  Extending/ Refining Knowledge | **Divorce – Chapter 6**  Brief historical background of divorce. (e.g. names of Acts in Australia’s history) *Matrimonial Causes Act 1959*  *Family Law Act 1975*  Annulments Vs Divorce  What are the differences/features between fault and no-fault divorce? (Include a brief reference to reasons for divorce)  Grounds for divorce  Who are the stakeholders in divorce?  What is your opinion of this area of law based on evidence? Can you make any recommendations? | * LSIAction p.27-35 * Newspaper articles      * Clickview resources * High-profile celebrities – this will help to compare the Australian system with overseas processes * Review Chapter 6 questions 4-14 * Allow class time to continue research topic for oral: library and internet resources. One-on-one teacher consultation. |
| **Week 3 A**  DIM 2/3  Acquire and Integrate  Extending/ Refining Knowledge | **Breakdown of Marriage: Property – Chapter 7**  What section of the Family Law act deals with property settlement?  The four steps of property settlement  What is a definition of property? e.g what can be divided?  What is a contribution? What is the split/ rules to do with contribution?  What are some of the issues which determine future needs?  What are some examples of where adjustments are made by the Court?  Outline any example where a court order needs to be just and equitable.  Identify some cases/examples/news articles of which demonstrate the point of view of your stakeholders.  Discuss success/failure of the current law and the possible social consequences. Should there be further changes to the new Act? Make a possible recommendation based on this discussion. | * Text book Ch 7 plus case studies * LSIAction p.49-52 * Pr-nuptial agreements * Defacto considerations? LSIAction p.54   DRAFT DUE 22nd FEBRUARY |
| **Week 4**  **B**  DIM 2/3  Acquire and Integrate  Extending/ Refining Knowledge | **Breakdown of Marriage: Children – Chapter 7**  History of changes to the Act? What is it called? When?  What are some of the changes in terminology?  What rights do children have? (S60B)  What is this presumption of equal shared parental responsibility?  What two reasons can be used by the courts to not allow 50/50 responsibility? Explain.  Discuss the differences between a parenting order versus a parenting plan  What is equal, substantial and significant time?  List 6 long-term issues that need consultation between parents? What doesn’t need consultation?  List the Primary and Additional Considerations relating to children the court must consider when making decisions. (These factors have changed and are listed in s60CC under two major headings, primary considerations (s60CC(2)) and additional considerations (s60CC(3)). The explanatory memorandum accompanying the legislation at paragraph 51, notes that there may be instances where the secondary considerations may outweigh the primary considerations.)  Describe the new rules and procedures for the centre’s for Family Dispute Resolution  Identify some cases/examples/news articles of which demonstrate the point of view of your stakeholders.  Discuss success/failure of the current law and the possible social consequences. Should there be further changes to the new Act? Make a possible recommendation based on this discussion. | * Overview discussion of area and history. * Text Ch 7 * LSIAction p.36-48 * *Fair Share* article a good starting point for all class discussion. So are various articles on the strengths and weaknesses of shared custody. * Review of some articles and stakeholders task can be completed throughout weeks 5& 6 while orals are being presented. * Allow class time to continue research topic for oral. library and internet resources. One-on-one teacher consultation. * Review Chapter 7 questions 1-7,9-11,14 |
| **Week 5 A**  DIM 2/3  Acquire and Integrate  Extending/ Refining Knowledge | **PRESENTATION OF NON-WRITTEN PRESENTATIONS** | * Use the Oral Presentation Checklist to help guide when marking. * Order of presentations to be completed in consultation with the teacher. |

**Synthesising Phase**

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| **Week/ Lesson**  **DOL Focus** | **Description of Lessons** | **Resources/ Strategies**  **Students will be able to…** |
| **Week 6 B**  DIM 2/3/4  Acquire and Integrate  Extending/ Refining Knowledge  Use Knowledge meaningfully | Complete schedule of orals in class.  Continue own exam preparation/ notes from text-book/ handouts  If time permits:   * Exam practices. * Strategies for answering different types of questions, eg multi-choice, short answer etc. * Review of criteria being assessed. * Revision of content covered this term. * Chapter 5,6,7 | Hints for Study:   * Student to use a variety of learning activities to solidify the content taught this term which can include:   + Definition lists   + Acronyms   + Note taking   + Flow charts   + Timelines   + Question/answer games   + Concept maps   + Raps/songs/rhymes   + Diagrams   + Action stations * Students to complete practice exam from the weebly * Practice responding to a case study/ response to stimulus questions. * Redo review questions from the text. |
| **Week 7 A**  DIM 2/3/5  Acquire and Integrate  Extending/ Refining Knowledge  Habits of Mind | .  If time permits:   * Exam practices. * Strategies for answering different types of questions, eg multi-choice, short answer etc. * Review of criteria being assessed. * Revision of content covered this term. * Chapter 5,6,7   **BLOCK EXAMS (proposed)** | Hints for Study:   * Student to use a variety of learning activities to solidify the content taught this term which can include:   + Definition lists   + Acronyms   + Note taking   + Flow charts   + Timelines   + Question/answer games   + Concept maps   + Raps/songs/rhymes   + Diagrams   + Action stations * Students to complete practice exam from the weebly * Practice responding to a case study/ response to stimulus questions.   Redo review questions from the text |
| **Week 8 B**  BLOCK | **BLOCK EXAMS (proposed)** |  |
| **Week 9**  **A** | **Tuesday – QCS Day**  **Friday – Mass and Academic Mentoring etc** | If any lessons are scheduled for this week – Review of exam, introduce new topic or discuss further developments in family law. |

**Differentiated Learning Experiences**

Examples of how this unit might cater for students with different learning needs.

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| Learning Difficulties/Disabilities | Higher Achieving | Lack of Access to Technology |
| \* provision of extra scaffolding and modeling especially of assessment tasks  \* monitor comprehension using drafting and feedback  \* encourage correct use of spelling/ sentence structure and punctuation  \* provide powerpoints as handouts or make available for printing on student drive  \* slow the pace of instruction or allow time for increased one-on-one support  \* use peer support/ group work activities  \* encourage participation  \* Feel accepted by teachers and peers.  \*Perceive tasks as valuable and interesting.  \*Believe they have the ability and resources to complete tasks.  \*Understand and be clear about expected work and performance  \*Encourage positive habits of mind  Classroom Tasks  \* Help students understand that learning is influenced by attitudes and perceptions related to classroom tasks.  \*Provide clear expectations of performance levels and appropriate feedback.  \*provide activities that incorporate multiple intelligences/DOL/Blooms Taxonomy  \* importance of constructing models | \* Encourage own research and opportunity to inform rest of class of findings  \*Structure opportunities for students to work with peers  \*provide materials for extra reading and encourage students to read the newspaper to ensure currency with the legislation/cases.  \*provide some open-ended questions/tasks which will allow for higher-order thinking.  \*Ask point of view questions which require justification which fits with the evaluation criteria.  \*Focus on the improvement/practice of evaluation tasks/questions.  \*Encourage positive habits of mind  \*encourage students to visit the Supreme Court Library and University libraries to use a variety of resources.  Brainstorming exercises  Use of Graphic organisers/ Concept Maps  KWH (Know, Want to know, How find out) | \* allow extra time to access technology during class time.  \* Encourage use of LHC library facilities/FDL at lunch and after school.  \*encourage students to visit the Supreme Court Library and University libraries to use a variety of resources. |