

# **2009 PARALEGAL EXAM SPECIFICATIONS FOR FAMILY LAW**

The intent of the exam is to fairly test an applicant's ability to display special knowledge, skills and proficiency in the family law area, which could include factual analysis, issue identification, problem solving, case evaluation, and strategies for communication. It will require knowledge of substantive areas of the law, statutory requirements and practical application of legal concepts and theories. The reason this emphasizes legal theory is because "Board Certified" paralegals need to understand "why" they do what they do, not just "how" and "when". This test is not designed to solely test a paralegal on procedural processes. Applicants will be required to demonstrate an understanding of legal analysis and the elements of various causes of action. Applicable law is as of the exam date, unless otherwise indicated.

**DEFINITION.** Family law involves responsibilities and duties dealing with, by way of definition not limitation, assisting the attorney with matters involving the Texas Family Code, Titles 1, 2, 4, and 5; Texas Penal Code, Chapter 25 (offenses against the family); the law of homestead and other exempt property; the taxation law of divorce and inter-spousal transaction; torts against the family; the trial and mediation of cases arising out of the above matters; and the perfection of appeals from both interlocutory and final judgments.

**EXAM FORMAT.** The exam is 4 hours in length and is divided into two sessions. Part I consists of 3 essay questions with a total value of 150 points. This portion of the exam requires the identification of critical or substantive issues and knowledge of procedures. Applicants will have 2-1/2 hours to complete Part I. Part II consists of 90 multiple-choice questions with a total point value of 90 points (1 point per question). Applicants will have 1-1/2 hours to complete Part II.

**KNOWLEDGE.** Applicants will be required to know the contents of the items listed below, but will NOT be tested on section numbers or rule numbers. **(Not all of the following exam topics will be covered on the exam. Applicant will be tested on all laws currently in effect at the time of the exam.)**

1. Marriage
  - a. Marital Agreements
  - b. Forms of Marriage
2. Divorce
  - a. Grounds for Divorce
  - b. Temporary Orders
  - c. Property Division
  - d. Characterization of Property
  - e. Agreements Incident to Divorce
  - f. Alimony
3. Modification
4. Parenting Coordinator
5. Interventions

6. Conservatorship and Possession
7. Child Support
8. Enforcement/Clarification/Contempt
9. Habeas Corpus/Attachment
10. Parentage, Termination, and Adoption
11. Jurisdiction and Venue
12. Discovery
13. Alternative Dispute Resolution
14. Protective Orders
15. Collaborative Law

### **CODES, RULES AND CASES**

#### **Texas Family Code**

- Title 1
- Title 2
- Title 4
- Title 5, Subtitle A
- Subtitle B
- Subtitle C (Chapter 201)
- Subtitle D (Chapter 232)
- Subtitle E (Chapter 261 & 262)

#### **Texas Rules of Civil Procedure**

- Part I: General Rules
- Part II: Section 1, Rules 21, 21a, 21b
- Section 4, Rules 45 - 98
- Section 7, Rule 165a
- Section 8, Rules 166-175
- Section 9, Rules 190-215
- Section 10, Rule 216
- Section 11 (B), (C), (G), (H) Rule 306a, and (J)

#### **Rules of Appellate Procedure**

- Rules 4, 5, and 13

## **Texas Rules of Evidence**

- Articles V, IX, and X

## **Texas Disciplinary Rules of Professional Conduct**

## **Texas Lawyer's Creed**

## **State Bar of Texas Paralegals Division Canon of Ethics**

## **Phoenix Founders, Inc. et. al. v. Hon. John McClellan Marshall, 887 S.W.2d 831 (Tex. 1994)**

**STUDY MATERIALS.** There is not an exam preparatory course provided by TBLS. Past exams are not available for review.

**SCORING/RESULTS.** TBLS has not predetermined the passing score. An applicant's score from Part I and Part II will be added together to determine the applicant's overall performance. Examination credits will be given for accuracy, clarity, brevity, reasoning, recognition of problems presented, knowledge of the principles of law involved and a correct application of those principles. Grades are established by using a variation of the bell curve, which measures an applicant's performance in relation to other applicants' performance. Exam results are mailed in late December. Due to the confidentiality of our applicants, exam results are not available over the phone or on the web site.