

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development
LLM

Part-time LLM Specializing in Family Law



Director

Nicholas C. Bala, Queen's University

"My experience at Osgoode has been absolutely incredible. The instructors and guest speakers are pulled from the top of their fields."

Karen O'Keefe, LLM (Family)

www.osgoodepd.ca

YORK
UNIVERSITÉ
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redefine THE POSSIBLE.

The LLM in Family Law, launched in 2006, is a two-year, part-time program designed for practitioners from across Canada who want to develop greater expertise in this dynamic area of law. Students will have the opportunity to examine the theory and practice of family law, including international issues and non-adversarial methods of resolving family disputes. Well-established areas of family law as well as emerging areas, comparative and interdisciplinary perspective will be explored.

DIRECTOR



Nicholas C. Bala, Queen's University

Nicholas Bala has been a Law Professor at Queen's University since 1980, and since 2006 he has also been the Director of Osgoode's Family Law LLM program. His research and teaching focus on family and children's law. Much of his work is interdisciplinary in approach, dealing with issues such as custody and alienation, support, family violence, high conflict separations, child witnesses and young offenders. The Canadian courts frequently cite his work, and he has won awards for his teaching and research.

CURRICULUM

Courses will be offered in a combination of intensive (typically five consecutive days) and weekly formats. Videoconferencing is available for weekly format courses; attendance in person is required for intensive format courses.

Degree Requirements

There are two options for completing this degree which must equal 36 credits.

Option I

- The required course in the Family Law specialization [6 credits];
- 24 additional credits of coursework of which a maximum of 6 credits may be from outside the Family Law specialization*; and
- A Major Research Paper (70 pages) in the Family Law specialization [6 credits].

Option II

- The required course in the Family Law specialization [6 credits];
- 24 additional credits of coursework in the Family Law specialization;
- 6 credits of coursework outside the Family Law specialization*; and
- A significant research paper (30 pages) in one of the Family Law courses as the means of evaluation.

**Credits outside the Family Law specialization may be taken from other Part-time LLM specializations scheduled during your period of enrollment only.*

Required Course

Family Law: Themes, Theories, Controversies and Context [6 credits]

Elective Courses

Economic Issues: Child and Spousal Support Care of Children [6 credits]

Economic Issues: Property, Pensions and Possession of the Home [6 credits]

International Family Law Issues [6 credits]

Non-Adversarial Resolution to Family Law Disputes [6 credits]

Outside Toronto?

Distance Learning options are available for some courses. Visit www.osgoodepd.ca for details.

COURSE DESCRIPTIONS

Family Law: Themes, Theories, Controversies and Context [6 credits]

Family Law can be defined as the laws governing the formation, regulation and dissolution of familial relationships. Family Law in Canada has a number of constitutional instruments, statutes and common law doctrines that represent conflicting and complex approaches to social policy, gender and identity issues, and economics. This course provides an overview of the theories of family, examining the theories behind which laws regulate families and their dissolution. It begins with an historical overview and a consideration of provincial and federal regulation of families, then discusses the following topics: gender theories and perspectives; impact of reproductive technology on families and family law; impact of religion, culture and multiculturalism on family law; sociological and psychological perspectives on family law; introduction to economic analysis of family law; and introduction to ethical issues in the practice of family law.

Economic Issues: Property, Pensions and Possession of the Home [6 credits]

Some of the most important issues that arise in the context of the end of a spousal relationship relate to the division of property. Knowledge, understanding and critical analysis of the law and policy behind economic issues are crucial in developing a deep understanding of family law. The course begins with historical and theoretical perspectives, including economic and feminist perspectives. It will consider both the common law regime that governs unmarried partners and the statutory regime that governs married partners. There will be special consideration of the issues that arise in regard to ownership and possession of the matrimonial home, pensions, and valuation of property. There will also be some consideration of issues that arise at death and bankruptcy in regard to property, and of the value of marriage contracts for dealing with these issues.

Economic Issues: Child and Spousal Support [6 credits]

This course is designed to provide students with a solid grasp of laws related to child and spousal support in order to be able to apply this knowledge, understand the analysis of problems in the broad subject area, critically analyze support issues in different contexts, and develop an understanding of possible law reform issues. This course will begin

with historical and theoretical perspectives, including economic and feminist perspectives. The course will consider obligations that arise from marital and common law relationships, and will focus on the Child Support Guidelines and the Spousal Support Advisory Guidelines. The study will include issues of variation, review and termination of support obligations. It will also include consideration of issues related to establishing a parent-child tie for purposes of support law, including issues related to proving paternity, and establishing the relationship of a person “standing in the place of a parent.” It will also include comparative study, law reform issues and tax treatment of support.

Care of Children [6 credits]

This course deals with private disputes over custody and access between separated parents, and sometimes other parties such as grandparents and stepparents. The course also deals with the laws governing the relationship between parents, children and the state in child protection cases that involve allegations of parental abuse, neglect or incapacity, and in adoption law. It begins by considering the historical development of the laws governing the care of children, with different perspectives, including feminist and fathers’ rights perspectives. It will include a comparative study and law reform issues, and a consideration of the psychological literature in this area and dealing with mental health professionals as expert witnesses. It will also examine issues such as: custody and access; shared parenting and joint custody; parenting plans and resolutions outside the court system; parental relocation; use of reproductive technology and surrogate motherhood; rights of stepparents, grandparents and others who have significant ties to a child; determining the wishes of children; role of culture and race, including Aboriginal status on “best interests” determinations; legal representation of children; child abuse and child protection; constitutional issues related to child welfare proceedings; adoption, including open adoption and disclosure issues; and assessments and expert evidence.

International Family Law Issues [6 credits]

The purpose of this course is to provide a detailed examination of the main areas of Family Law in a cross-border context. The course begins with the study of the traditional common law conflict of law principles that govern jurisdiction, recognition

of foreign family law orders, and international enforcement of family law orders. Consideration will then be given to the modification of the common law regime by treaty and legislation, including the various Hague Conventions that apply to family law issues. A major topic of study will be the United Nations Convention on the Rights of the Child and other human rights treaties, and their impact on domestic legal issues, especially in Canada. The interprovincial and international dimensions of the six main areas of family law are also covered in this course – marriage, divorce, matrimonial property, adoption, custody, and support.

Non-Adversarial Resolution to Family Law Disputes [6 credits]

There is a growing awareness of the very high financial and human costs of resolving family disputes by means of litigation, and a growing interest in various means of non-adversarial resolution of these disputes. This course allows students to gain a greater understanding of the various alternatives to litigation, and practise the skills that are necessary to effectively use these methods of dispute resolution. The course begins with a review of the limitations of the adversarial

process for resolving family law disputes, and a consideration of the theoretical and legal framework for non-adversarial dispute resolution. It examines traditional methods of non-adversarial dispute resolution such as negotiation, and then explores more recently developed methods, including mediation, collaborative family law and participation in judicial dispute resolution, such as settlement conferences. The course will consider and compare the advantages and disadvantages of each of these methods of dispute resolution, including critical and feminist perspectives.

Major Research Paper [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on an approved topic in Family Law, provided appropriate supervision is available.

The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. It should be work of publishable quality. You will be required, at a minimum, to submit to your supervisor an outline and bibliography for approval before writing your paper. The final paper is marked on a pass/fail basis.

Note: Curriculum and course descriptions are subject to change.

TUITION AND FEES

Tuition and fees for the Part-time LLM are \$18,660. This includes the cost of course materials. Tuition and fees are payable in six equal installments of \$3,110 over the course of the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies for each payment processed. Light meals are provided for students attending classes in person in Toronto.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. Students who take longer than six terms to complete their program may be subject to additional tuition charges.

FOR MORE INFORMATION CONTACT

Sophie Seventikidis, Admissions and Client Services Assistant

 416.673.4670 or toll free within Canada at 1.888.923.3394

 admissions-opd@osgoode.yorku.ca

APPLY NOW FOR FALL 2010! ENROLLMENT IS LIMITED.