

BELL FAMILY LAW CLE 2021 ONLINE

QUESTIONNAIRE

The Alabama, Louisiana, and Tennessee CLE Commissions require that on-demand online programs provide a method of tracking the attendant's time on the program as well as including interspersed questions. The Bell Family Law CLE satisfies this requirement by providing a series of questions to be answered about the program.

As you view the program, check the correct answer on this sheet. When you have completed the program, you may scan the document and email it to msfamilylaw@nautiluspublishing.com. Or, you may mail it to Bell Family Law CLE, P.O. Box 2457, Oxford, MS 38655. We will provide you with a certificate to submit for credit in those states.

QUESTIONS

FIRST HOUR: DIVORCE GROUNDS, PROPERTY DIVISION

1. A spouse does not condone habitual alcohol or drug use by remaining in the marriage because

- (a) that would reward conduct that damages the marriage.
- (b) the ground does not apply to habitual alcohol or drug use.
- (c) condonation is conditioned on the behavior ending.

2. A federal district court will hear a challenge to the Mississippi Irreconcilable Differences Divorce statute based on the argument that

- (a) it does not provide adequate notice.
- (b) it violates Constitutional rights of privacy, including the right not to associate.
- (c) it conflicts with the fault-based divorce statute.

3. Under the new statutory ground for divorce (Spousal Domestic Abuse), corroborating evidence of abuse

- (a) is necessary to prove the ground.
- (b) is not required to prove the ground.
- (c) may not be provided by relatives.

4. In *Dean v. Dean*, the court of appeals held that filing for homestead exemption on property

- (a) does not convert separate property to marital.
- (b) is a form of family use.
- (c) creates a presumption of equal ownership.

5. In Mississippi, all assets owned by the parties

- (a) are presumed to be marital.
- (b) are presumed to be separate.
- (c) can be classified as mixed assets.

SECOND HOUR: ALIMONY; STATE AND MILITARY PENSIONS

1. Nationally, the most common limitation imposed on a court's ability to award alimony is a

- (a) limitation on the length of time for alimony.
- (b) limitation on the amount of alimony that may be awarded.
- (c) limitation on alimony awards to spouses at fault.

2. After *Harris v. Harris*, derivative Social Security benefits (benefits based on a recipient's spouse's work history)

- (a) are a dollar-for-dollar offset against alimony.
- (b) are treated the same as benefits based on the recipient's work history – examined under the material change in circumstances test.
- (c) do not affect alimony under any circumstances.

3. PERS pensions

- (a) are not considered marital property.
- (b) may not be divided and paid to spouses of employees by the state.
- (c) are always marital property.

4. Military pensions

- (a) may not be divided and paid through the military if the marriage lasted under 10 years.
- (b) may not be divided if the marriage lasted under 10 years.
- (c) convert to all marital based on commingling.

THIRD HOUR: MATTERS RELATED TO CHILDREN

1. In *Hamblin v. Allison*, the court held that

- (a) guardians ad litem may determine the scope of their appointment.
- (b) courts may not require guardians ad litem to provide an *Albright* analysis.
- (c) whether a guardian ad litem is required to provide an *Albright* analysis is determined by the court's order of appointment.

2. In *Barton v. Barton*, the court held that

- (a) a guardian ad litem should always be appointed in high conflict cases.
- (b) guardians ad litem are not mandated by statute when allegations of abuse apply only to visitation and not to custody.
- (c) courts should not appoint guardians ad litem except in the most extreme cases.

3. In *R.B. v. Winston County DCPS*, the court held that

- (a) youth court findings regarding DCPS's reasonable efforts to assist a parent may not be questioned by the chancery court.
- (b) the reasonable efforts standard requires DCPS to take extra steps to assist parents who are incarcerated.
- (c) DCPS may dispense with the reasonable efforts requirement without explanation.

4. In *Mississippi DCPS v. Bynum*, the court held that

- (a) DCPS may be required to pay the attorneys' fees of a parent who is a minor.
- (b) DCPS may be required to pay attorney's fees for an indigent parent in termination of parental rights proceedings.
- (c) the county may be required to pay attorneys' fees for indigent parents in termination of parental rights proceedings.

FOURTH HOUR: CUSTODY, CHILD SUPPORT, ADOPTION

1. An adopting parent

- (a) need not pay support for an adopted stepchild.
- (b) has a lesser support obligation than biological parents.
- (c) has the same support obligation as biological parents.

2. A joint physical custodial parent's decision to move

- (a) does not trigger an *Albright* analysis.
- (b) is a material change in circumstances because it makes joint custody unworkable.
- (c) subjects them to contempt charges.

3. A high-income payor's child support obligation

- (a) is limited by the expenses stated on the 8.05 Financial Statement.
- (b) includes a duty to provide an automobile.
- (c) is based on the family standard of living.

4. In *Stacks v. Stacks*, the Mississippi Supreme Court held that a nonmarital father who has made a substantial commitment to parenthood

- (a) may not challenge an adoption after the six-month statute of limitations has run.
- (b) is not entitled to notice of adoption proceedings.
- (c) is a necessary party to adoption proceedings.

FIFTH HOUR: ETHICS

1. A lawyer may appeal a case to obtain a ruling overturning precedent

- (a) in spite of his client's objections, if the law is unjust.
- (b) only if his client consents to the appeal.
- (c) only if his client is a minor.

2. A lawyer may take inconsistent positions in cases

- (a) at the trial level, but not necessarily at the appellate level.
- (b) at any time, whether at the trial or appellate level.
- (c) only if the cases are litigated at different times.

3. An argument to overturn existing law is not frivolous

- (a) if the argument has never been made before.
- (b) if the lawyer has a good faith argument for reversing existing law.
- (c) if the lawyer believes in their argument.

4. In appeals to overturn existing law in Mississippi, lawyers should

- (a) inject their personal beliefs.
- (b) explain why existing law no longer serves valid social policies.
- (c) cite California law first.

SIXTH HOUR: DRAFTING PREMARITAL AGREEMENTS

1. In Mississippi, premarital agreements must be

- (a) procedurally, but not substantively, fair.
- (b) procedurally and substantively fair.
- (c) notarized.

2. In Mississippi, a waiver of spousal support

- (a) is not permitted.
- (b) does not waive payment of attorneys' fees.
- (c) must be separately signed.

3. Provisions related to child custody

- (a) are enforceable if the parties explain the reason for the provision.
- (b) are not binding on a court.
- (c) make the entire agreement void.

4. Premarital agreement provisions regarding pet custody

- (a) are becoming more common.
- (b) are upheld if they are in the pet's best interest.
- (c) must include support for the pet.