

## BELL FAMILY LAW CLE 2022 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](mailto: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.

#### **FIRST HOUR: DIVORCE GROUNDS, PROPERTY DIVISION**

1. A wife who refuses to agree to her husband's choice of location for the family
  - (a) Is guilty of desertion that will support a divorce.
  - (b) has committed desertion unless her refusal is supported by a good faith reason.
  - (c) is not guilty of desertion.
  
2. The Mississippi Supreme Court and Court of Appeals disagree on
  - (a) the standard of review for a grant or denial of divorce based on habitual, cruel, and inhuman treatment.
  - (b) whether corroborating evidence is required for divorce based on spousal domestic abuse.
  - (c) whether the Mississippi divorce grounds statute is unconstitutional.
  
3. In Mississippi, the cutoff date for marital property is
  - (a) the date of a temporary support order or separate maintenance order.
  - (b) at the chancellor's discretion, between the date of separation and of divorce.
  - (c) on the date of divorce.

4. In *Hammond v. Hammond*, the court of appeals reversed a chancellor's division of assets for failure to

- (a) consider the husband's adultery.
- (b) value separate property.
- (c) explain the award of the marital home.

## **SECOND HOUR: ALIMONY; RIGHTS OF COHABITANTS**

1. In *Geno v. Geno*, the court of appeals affirmed an award of permanent alimony to

- (a) a husband whose wife committed adultery.
- (b) a wife who had committed adultery.
- (c) a wife in her thirties leaving a marriage under ten years.

2. In *Braswell v. Braswell*, the court of appeals held that

- (a) an alimony payor may not modify support if income loss was based on his poor choices.
- (b) an alimony payor may be granted a reduction even though his income losses resulted from his struggle with substance abuse.
- (c) an alimony payor may not modify support within the first five years after an award.

3. A person may recover funds contributed to the asset of their cohabitant

- (a) based on unjust enrichment.
- (b) whether or not the value of the property was enhanced.
- (c) if they lived together for at least ten years.

4. In Mississippi, the putative spouse doctrine

- (a) has been abolished.
- (b) does not require that the putative spouse acted in good faith.
- (c) applies only to women.

## **THIRD HOUR: MATTERS RELATED TO CHILDREN**

1. When appointment of a guardian ad litem is mandatory, a court must

- (a) order that the parties divide the guardian's fee.
- (b) summarize the guardian's recommendations and provide reasons for not following them.

(c) require that the guardian's report be submitted to the parties 30 days in advance of the trial.

2. A court may impute liability for injury to a child's parent when

- (a) the parent refuses to respond to discovery related to the injury.
- (b) no other person had care of the child at the time of the injury.
- (c) the parent has a history of family violence.

3. A youth court's failure to provide a parent with notice of their rights in termination proceedings was harmless error because

- (a) the court found that the parent's rights should be terminated.
- (b) the parent had received a written notice of rights.
- (c) the parent was represented by an attorney at the hearing.

4. When allegations of abuse and neglect arise in chancery proceedings, the court must

- (a) transfer the case to Youth Court.
- (b) follow the Youth Court Rules of Procedure.
- (c) offer parents the option of transferring the matter to Youth Court.

#### **FOURTH HOUR: CUSTODY, PARENT RELOCATION**

1. To be awarded visitation, a grandparent must

- (a) agree to support their grandchildren.
- (b) sign an agreement not to interfere with the parents' decision-making.
- (c) meet the visitation test with regard to each grandchild with whom they seek visitation.

2. A temporary custody order

- (a) is not an appealable order because it is interlocutory.
- (b) may be appealed on a showing of prejudice.
- (c) is only good for 180 days.

3. In Mississippi, when a custodial parent relocates

- (a) they must notify the noncustodial parent at least 60 days prior to the move.
- (b) the court must determine whether the move is in the child's best interest.
- (c) the move is not in itself a material change in circumstances.

4. For a noncustodial parent to be granted custody modification upon the custodial parent's move,

- (a) they must prove adverse circumstances other than the impact on their relationship with the child.
- (b) they must prove that the move is in bad faith.
- (c) they must show that the move will significantly impact their visitation rights.

#### **FIFTH HOUR: ETHICS**

1. The collaborative law process

- (a) is appropriate for high-conflict divorces.
- (b) is only available in two states.
- (c) is a form of alternative dispute resolution.

2. The proposed Mississippi Collaborative Law Rules

- (a) alter the rules of professional responsibility.
- (b) are intended to ensure compliance with the rules of professional responsibility.
- (c) do not address the rules of professional responsibility.

3. An important aspect of compliance with ethics rules while engaging in the collaborative process is

- (a) never meeting with the opposing party.
- (b) ensuring proper discovery requests.
- (c) properly advising a client regarding the process so that they can enter it based on informed consent.

4. The 2021 Family Law Task Force made multiple recommendations to the Legislature. Based on those recommendations, the legislature

- (a) did away with Mississippi's divorce grounds system.
- (b) changed the age of majority to 18.
- (c) required that chancellors consider the basic subsistence needs of low-income child support payors.

## **SIXTH HOUR: CHILD SUPPORT, ADOPTION, PROCEDURE**

### 1. Income for purposes of child support includes

- (a) only income designated as salary.
- (b) any source of income that a payor can reasonably expect to be available to them.
- (c) a payor's spouse's income.

### 2. An order of child support

- (a) must address provision of health insurance.
- (b) must divide health insurance costs between the parents.
- (c) must address college support.

### 3. A parent's consent to adoption

- (a) is not binding until ten days after the child is born.
- (b) is not binding until ten days after they receive a notice of rights.
- (c) is not binding until accepted by the chancellor.

### 4. A defendant in a paternity action

- (a) who refuses to submit to genetic testing may be found to be the child's father.
- (b) can be ordered jailed for failure to submit to a paternity test.
- (c) Is not required to submit to paternity tests.