

BELL FAMILY LAW CLE 2023 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.

The questions and instructions are posted on the righthand side of the video page. We recommend you read the questions for each hour before watching the video and mark them as you watch. You can print this form and fill it in by hand, then scan and email it to us. Or you can download this form, fill it out on your computer, save it and send it to msfamilylaw@nautiluspublishing.com.

We will report your hours to the appropriate CLE Commission upon receiving the questionnaire.

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FIRST HOUR: MARRIAGE, DOMESTIC VIOLENCE, DIVORCE GROUNDS, PROPERTY DIVISION

1. The Fifth Circuit Court of Appeals held that

(a) a person who has a domestic violence order issued against them for more than one year cannot possess firearms.

(b) the Violence Against Women Act provision prohibiting gun possession by a defendant subject to an order of protection is unconstitutional.

(c) prohibitions on firearm possession are valid if they are narrowly tailored to prevent lawless violence.

2. A federal district court for the Southern District of Mississippi

(a) held that the Mississippi divorce statute impermissibly restricts the right to remarry.

(b) held that the state has no rational basis for restricting divorce.

(c) held that the Mississippi divorce statute requiring grounds or consent does not violate the right to marry or rights of privacy and association.

3. In *Warner v. Warner*, the Mississippi Court of Appeals held that

(a) a court erred in failing to consider a wife's separate personal property in dividing assets.

(b) courts need not consider separate property that is non-income producing.

(c) failure to consider a spouse's separate assets is harmless error if the division is fair.

4. In *Ellis v. Ellis*, the Mississippi Supreme Court held that

(a) foreign judgments may not be enforced against a Mississippi resident without personal jurisdiction.

(b) a court may consider property division after dismissing a divorce action under limited circumstances.

(c) a foreign judgment of divorce and property division must be properly enrolled to be enforced in Mississippi.

SECOND HOUR: ALIMONY; CUSTODY; CHILD SUPPORT

5. In *Phang v. Phang*, the court of appeals reversed an alimony award, requiring that the chancellor

(a) clarify that an award of permanent alimony terminated at the payor's death.

(b) increase the award of life insurance to secure alimony.

(c) consider as a factor in alimony that the wife could draw early Social Security.

6. The presumption against custody to a parent with a history of family violence

(a) is governed by the same standard as the divorce ground of habitual, cruel, and inhuman treatment.

(b) is proved by evidence of a pattern of family violence or a single incident that caused serious harm.

(c) is automatically triggered by entry of a domestic abuse protection order against the defendant.

7. In *Bryant v. Bryant*, the Mississippi Supreme Court held that

(a) chancellors may determine the best interest of a child regarding education matters without finding a material change in circumstances.

(b) a chancellor may not override parents' decisions about their children's education.

(c) noncustodial parents may not make decisions about a child's medical and educational needs.

8. A parent is not entitled to a reduction in child support if

(a) their spouse's income is substantial.

(b) they failed to file a petition for modification within one year of an income loss.

(c) their loss in income was the result of a voluntary act that led to termination of their employment.

THIRD HOUR: YOUTH COURT AND TERMINATION OF PARENTAL RIGHTS

9. Termination of parental rights is permitted when

(a) a court finds, by a preponderance of the evidence, that grounds for termination under the statute exist.

(b) a court finds that one of the statutory grounds exist and that reunification of the parent and child is not desirable.

(c) a parent is incarcerated.

10. A 2023 legislative enactment

(a) provides that youth courts have exclusive jurisdiction to accept a parent's voluntary surrender of parental rights in an action pending before it.

(b) provides that youth court jurisdiction to terminate parental rights in actions pending before it does not apply to voluntary terminations.

(c) established a mechanism for transferring termination of parental rights cases to chancery court.

11. A 2023 legislative enactment provides

(a) that children are parties to a DCPS action and are entitled to counsel.

(b) that a guardian ad litem may not also serve as attorney for the child.

(c) that guardians ad litem may not present evidence that would qualify as hearsay.

FOURTH HOUR: PROPERTY DIVISION CLASSIFICATION

12. In Mississippi, a court may

- (a) divide a couple's marital property without regard to who holds title.
- (b) divide any assets acquired by the couple during marriage including inheritances.
- (c) not award assets to a spouse who has not directly contributed funds to acquire the asset.

13. Marital property accumulation ends

- (a) when the court enters the judgment of divorce.
- (b) when the court enters a temporary support order.
- (c) at a date set in the chancellor's discretion, between the date of separation and the date of divorce.

14. Separate property may be converted to marital property in Mississippi when

- (a) the property is jointly titled.
- (b) the property is commingled with marital property or used for family purposes.
- (c) income from the separate property is used for family purposes.

FIFTH HOUR: FAMILY LAW UPDATE WRAP-UP; PATERNITY DISESTABLISHMENT

15. A judgment based on an oral agreement dictated into the record

- (a) is binding and enforceable in all family law matters.
- (b) is void in an irreconcilable differences divorce.
- (c) may be withdrawn if one party changes their mind.

16. In Mississippi, a legal father who is not a child's biological father

- (a) is treated as a third party if the child's biological father is seeking custody.
- (b) is entitled to custody if he has established a strong parent-child bond and has supported the child financially for a significant period of time.
- (c) is not entitled to custody over the mother's objection but may be entitled to visitation.

17. In Mississippi, a legal father who learns he is not a child's biological father

- (a) may not disestablish paternity if he agreed to paternity in a court action or declined or did not appear for genetic testing.
- (b) may disestablish paternity only within two years after a child's birth.
- (c) may disestablish paternity in all cases, upon proof that he is not the child's biological father.

18. Mississippi law on paternity fraud actions

- (a) prohibits the action as against public policy.
- (b) is unclear regarding recovery of child support payments.
- (c) provides for a ten-year statute of limitations.

SIXTH HOUR: ETHICS

19. In its Quadrennial Review, DHS/CSE proposed that

- (a) the legislature reduce the percentages of the child support guidelines.
- (b) the legislature increase support guidelines by 10%.
- (c) the legislature increase support guidelines but create a lower set of percentages for low-income payors.

20. The Quadrennial Review Advisory Committee recommended that

- (a) the legislature provide for automatic suspension of support for incarcerated payors.
- (b) the legislature provide for automatic suspension of support for unemployed payors.
- (c) the legislature adopt a new shared-income formula for child support.

21. An attorney serving on a task force or law reform committee

- (a) may not support any matter that would go against the general interest of a client.
- (b) may not take a position that would adversely affect the attorney's ability to represent a client in a matter.
- (c) should abstain from taking public positions on matters that will offend clients.

22. Department of Human Services Child Support Enforcement attorneys

- (a) represent the child in a child support matter, not the mother.
- (b) represent the mother and the child.
- (c) represent the agency, not the mother or the child.

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