

Legal Communication in Family Law: Case Studies and Insights

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ABSTRACT

Legal communication plays a crucial role in family law, where clarity and comprehension significantly impact judicial outcomes and litigants' experiences. This paper examines the complexities of legal communication in family law through case studies on divorce proceedings, child custody disputes, and adoption processes. Effective communication between legal professionals and clients ensures due process, reduces misunderstandings, and promotes equitable resolutions. The paper explores challenges such as legal jargon, cultural sensitivity, ethical considerations, and the role of technology in improving accessibility to legal information. The findings highlight the need for improved legal literacy, tailored communication strategies, and best practices to bridge the gap between legal professionals and laypersons navigating family law matters.

Keywords: Legal communication, family law, legal literacy, child custody, divorce proceedings, adoption law, ethical considerations.

INTRODUCTION

The law is a societal instrument to assert social conventions and conduct its subjects and behavior equally and predictably. The law, per se in its almost incompletable omni-professional entirety, is only understandable with difficulty by legal scholars and court experts. A layman without adequate training in law will hardly comprehend the relevant sections and memorandums adequately. In judicial vocabulary as well as in namespace, this results in the inability to a deliberate precise speech - and within this manner, in discrepancies of values and injustice on a communicative level. Expressed simply, what the law says and means is not accessible to most people. In response, courts, government agencies, legal aid clinics, and statutory enterprises run by the state, non-profits, or for profit provide information about and assistance with the law. This provision of information and assistance comprises what people already know and how they come to know; it is perceptual and linguistic, written and oral, large-scale and small scale. Some accurate estimates of the scope of legal communication problems regarding civil offenses are available. In prior criminal cases, incarceration is likely, intensive investigation is common, and limited legal representation is provided. Therefore, a study focused on inquiries into manslaughter is likely to reveal an above-average prevalence of misunderstanding. To address these and large complaints following the wealth, two potential communication representations would have the defendant explain their understanding of what is happening when they appear in legal decisiveness and putatively explain their understanding of the Miranda warning. Regarding the former, the presentation will portray the acquired understanding of the legal procedures - one's charges, the potential penalties, how to plead, and the trial process- and concisely express the right to an attorney and the ramifications of waiving such right. Moreover, in discussing the latter, memorandums acquiring a Miranda comprehension will be examined [1, 2].

The Importance of Effective Communication

It is multiple days after Labor Day in 2016, and two women in Ann Arbor, Michigan, arrive at court to plead their case. One of the women, Amy, asserts that she conceived twins with one woman and after their efforts to adopt additional children through in vitro fertilization, the other woman has made off with three additional children; and yet after two years the other woman has not even revealed the locations of the one's biological children. The only other woman in the courtroom, Kara, maintains that the story is an elaborate lie: Kara asserts that she is the one who conceived the twins and upon the birth of the children, Amy disappeared, refusing to return the children to Kara; some year and a half after that disappearance,

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Amy's backpack was found abandoned near a dumpster with a package inside wrapped in a garbage bag containing illicit drugs. Beginning that afternoon and in ensuing weeks, dozens of emails, texts, and other communications with increasingly threatening language were exchanged. According to the academic discipline of communication, unsuccessful communication is typically the root of most friction, so relatives need to understand each other's perspectives intimately in disputes; yet the language of both law as an institution and Family Law as an academic discipline is specialized and can render communications unproductive. So, to enhance communication, two real-life cases sifted through papers in search of the essential point of the legal back-and-forth and reconstructed the cases in layperson's language in as neutral a tone as possible. Family Law is an important subfield of study for this work in part because it tackles issues of contention more fundamental to the human experience than copyrights or auto theft. But the chosen cases also reveal a less-discussed uniqueness of Family Law: while it is concerned with fundamental human institutions that innovate far more slowly than technology or scientific knowledge, it is also charged with carving innovation into those ancient institutions to keep pace with an always changing society [3, 4].

Overview of Family Law

In recent years, political scientists have highlighted the interconnectedness between patterns of state-building and the development of family law in various regions. In family law, scholars and policymakers increasingly refer to "personal status laws" though it is often labelled generically as "family law". Personal status laws encompass several issues, including how marriage is contracted and what the conditions are for its dissolution, as well as questions bearing on marital property rights, child custody, inheritance, and spousal duties. An individual's status has meaning for his or her recognition in society; indeed, many societies without a birth registry use a marriage document as proof of an individual's existence. Changes in personal status laws can also point to broader state concerns. Because of societal collapse, many people found that laws hitherto of only symbolic significance to the government were coming into effect. Since an inheritance can, under certain conditions, change a holding class, property laws were of vital importance to security. Family law - or issues involving the familial relationship - is often a central concern in political theory as well. For instance, Aristotle wrote that "households, cities, and whole governments have a more orderly administration if each is allowed to manage their affairs in the manner of their own choice". For most of the Western tradition, personal status laws have been viewed in terms of a "liberty of association" argument that claims a person's private life is essentially beyond the effective reach of state authority. In recent years, however, these laws have been increasingly framed as a question of "positive" freedom, understood as the achievement of a "good life." This view treats the laws of the family not as "policies" but as part of a regulatory regime of societies within the space of which human events must occur [5, 6].

Key Principles of Legal Communication

DEFENDANT: How do I trial? ATTORNEY: A trial involves asking a jury for the lawyer. If a defendant inquires at arraignment, the attorney clarifies that trial means seeking the jury for their counsel. While formal and informal communication can relate, the risk of misunderstanding remains significant. If a defendant assumes the workday, possesses limited trial knowledge, or is otherwise unprepared, they risk misinterpretation. A numeral checklist indicates that the defendant faces communication risks, even with attorney prompts. These prompts suggest that the attorney is also at risk of harmful communication. Concerned about the defendant's comprehension, the attorney removes checkboxes, prompting a paraphrase attempt, which yields no successful tasks. LEGAL INDICIA: Waiving your legal rights means understanding that a no-contest plea, with a hearing set beyond 30 days, limits discovery. Do you understand that no contest may affect your ICE status? A layperson's grasp of legal indicia influences their ability to relinquish rights knowingly. They should express, without assistance, their understanding of consequences stemming from a no-contest plea: implications for criminal records, ongoing charges, immigration, gun ownership, voting, and appealing convictions. This encompasses preparation for 21 additional legal meanings, such as understanding rules 3.172, 3.701, 3.986, and no contest (Nolo Contendere). Disparities in the defendant's perception of no-contest arrangements with their lawyer and the judge suggest both could contribute to negative outcomes, indicating a high risk in trial-related legal communication [7, 8].

Case Study 1: Divorce Proceedings

The wife of a Nebraska state employee felt neglected and unloved for many years, leading her to consider leaving her marriage despite no physical abuse. Her husband's failing health and lack of children at home made the decision seem logical, although she wrestled with her flaws contributing to her loneliness. The judge attempted to dissuade her from divorcing, but the husband felt misled by the judge's efforts.

Eventually, the divorce was granted. Shortly afterward, the wife sought legal separation and dissolution again. According to court rules, counselors were not to intervene in parties' disputes. After the divorce, the wife tried to alienate the children from their father, which impacted his work and income. He established a district office with support but faced interference from her brother. The court awarded custody to the wife after reviewing support studies. The husband was also required to ensure separate living arrangements for his employees or relocate his business. Significant relationships between disputing parties matter a lot. A ten-year study on a mental health consultation program for divorcing parents showed that legal, personal, and procedural conflicts could harm children. Despite rising personal conflicts, intervention reduced the conflict levels across all categories and led to fewer contested actions. The findings indicated that mental health staff significantly assisted in decreasing disputes related to separation and custody, promoting more effective co-parenting and family relationships [9, 10].

Case Study 2: Child Custody Disputes

There is consensus that the period after separation and before legal proceedings is extremely difficult for adults and children, even if this is not readily apparent to those involved and regardless of the exact time at which post-separation begins. That time is both effortful and, for many, soul-destroying. Many good parents each think they are not merely doing their best but that they are providing a home markedly superior to that of their separated partner, notwithstanding that they may each be living in the matrimonial home. The almost ubiquitous practice of midnight removal is potentially traumatizing to children but can occur irrespective of which parent is doing the moving. Child custody disputes after divorce were revolutionized by the 12 years of very acrimonious litigation that accompanied the 21 custody switches by the Jean-Claude dad that served as the basis for a coauthored book. Paradoxically, that litigation originated because this father who loved and wanted to parent his sons lost his initial custody bid. Before these events, each decade, the percentage of fathers involved in contested custody declined. Many since have expressed concern at the limitation of that study's focus almost entirely to fathers, but it remains what is until now the only [11, 12].

Case Study 3: Adoption Processes

As soon as the Court entered the order terminating parental rights, it entered the order freeing her for adoption. The father appealed both orders but argued only that the court had erred in terminating his daughter's mother's rights. Neither the father's appellate brief nor the Court of Appeal stated the mother's name; thus, she will be referred to as mother. Five years ago, the mother left her three-year-old daughter with the child's paternal grandmother, with whom the daughter remained for about a month. Several months after the mother left, she failed to appear for a court hearing on the state's petition alleging that she had abandoned her daughter, and the court awarded full legal and physical custody of her to her father. Despite the court's factual finding to the contrary, the father believes the mother abducted their daughter and may, in fact, be responsible for the two-year-old unsolved murder of a married couple. Sometime during the mother's absence, the father married another woman. The mother returned when her daughter was five years old. Consequently, the father began living with the woman he married while the mother was gone. According to the father, as soon as the mother found out about the father's marriage, she filed a family court petition alleging that the father had sexually abused their daughter, who was seven at the time the petition was filed. During the first year of this round of litigation, there were detailed factual findings in both parents' cases. This was an unusual case because the two parents never litigated jointly. Before both parents had an opportunity to complete all the necessary evaluations, the California Legislature eliminated court-appointed evaluations. This third and final year saw more legal proceedings than the first two years combined and contained many judicial decisions that conflicted with one another and were inconsistent with the statutory and case law [13, 14].

Ethical Considerations in Family Law Communication

Family lawyers often represent multiple clients, raising ethical questions about such representation. The client's decision to hire a lawyer and what issues to discuss initiates the lawyer-client relationship and shapes the representation's nature. The case studies illustrate how family lawyers navigate effective representation, maintain ethics, and adjust roles to meet diverse client needs. Ethical considerations emerge regarding the balance between duties to paying clients and responsibilities to other clients, including children. Lawyers face challenges, such as retaining privacy during withdrawal when clients expect confidentiality. In discussions of laws that clients oppose, such as parenting rights in a transition, complexities arise. For example, while Janet focuses on family law, she lacks deep expertise in reproductive rights and alternative family issues, exemplifying the evolving legal landscape [15, 16].

Cultural Sensitivity in Legal Communication

Legal professionals are often seen as resistant to the first model of the profession-law relationship, which suggests that each profession holds specialized knowledge monopolizing its practices and legitimizing itself through abstract principles. This model emphasizes imposing esoteric knowledge on laypersons who make decisions within the profession's scope. Social scientists have recently focused on this "external" use of legal culture, especially in civil law, highlighting the need for reflection on the relationship between law and lawyers' professional culture. Critics argue that legal professionals are not inherently resistant; rather, differences in thinking between lawyers and social scientists fuel the "legal anthropology versus cultural sociology" debate. This debate centers on how ethnicity and culture are handled in court, revealing potential issues when social scientists use external categories often limited to ethnicity or culture, which may not capture the actors' conceptualizations. Legal anthropologists also emphasize the relationship between facts and norms, which should not be simplified as merely the enforcement or negotiation of norms. They focus on how these relationships are framed when cultural or ethnic references arise during courtroom interactions. Some authors argue that lawyers play a crucial role in redefining and refining legal problems to align them better with legal institutions. This approach provides insights into judges' discussions regarding cultural and familial backgrounds in couple conflicts but neglects the historical context of litigation and behavior, suggesting that "outside" interests in law do not necessarily reflect laypeople's ignorance and powerlessness. Approaches that mechanically adhere to the law risk oversimplifying the complex relationships between law and lay individuals, including how non-lawyers can manipulate the law and how these dynamics shape legal practices. Addressing these complexities exceeds this paper's scope, but employing more empirical studies on legal disputes is essential since they offer valuable insights into the treatment of legal claims and the influence of legal constraints and resources on relationships among legal professionals, litigants, and broader contexts. Research should utilize a corpus of civil litigations to examine how socio-professional backgrounds and past experiences affect legal dispute conduct and how confrontations with law and lawyering processes evolve. The CNJ dataset serves as rich material for exploring the intersections of court disputes, bureaucratic contestations, and the lay legal practices employed in litigation [17, 18].

The Role of Technology in Legal Communication

Family law attorneys who work primarily in the area of divorce know that their clients often feel vulnerable, angry, and powerless. In their efforts to help clients manage those emotions, attorneys who focus on family law try to keep communication channels as positive and supportive as possible. These attorneys, mainly concerned with helping their clients navigate a difficult psychological maze, are usually focused on traditional areas of practice such as negotiation and litigation, where the emphasis is on the client's best interests and protection. Family law attorneys who focus primarily in the area of children's and juvenile law know that their clients, who may be either the children themselves or the parents, are usually feeling unheard, unimportant, and disregarded. In their work to advocate for children caught up in the web of litigation, these attorneys usually focus on the emotional protection of children. The family law attorney working in this field is usually trying to keep the most vulnerable family members protected by advocating for their views, which may or may not match either parent's views. The focus of this paper will be on the last category of family law attorneys: those on the periphery whose focus is not on the legal needs of the client, but on asking critical questions that are aimed at a larger systemic failure within the family as a whole. In essence, these attorneys are acting as "government watchdogs" attempting to protect preemptive interests of the client before a large government system with much greater resources ignoring thirty years of evidence-based psychological research on domestic violence and incestuous abuse against women and children [19, 20].

Challenges in Family Law Communication

When most litigants representing themselves file their cases pro se, they are expected to know and follow court rules and procedures. Solicitors who represent themselves in legal matters are often at a disadvantage due to their lack of legal knowledge and training and different tactics being employed by the other side, which have the added effect of using up a solicitor's time, deepening his indebtedness to his band of lawyers, and reducing the benefit of the court's focus on the facts and bringing its focus, instead, on procedural discrepancies and mistakes of the "unlearned." As a first step, this Part will lay out exactly how powerful the myth of autonomous litigation has become - and how the ideals held out in family law are particularly beyond the reach of pro se litigants. Self-help legal services have become the fix for litigants seeking alternative representation. In a custody, divorce, or support case, self-help services can assist with several types of services, such as the facilitation of settlement discussions, preparation of court forms, court processes, and legal referrals. However, legal action may still be necessary, requiring the

services of a family lawyer. Family law statutes and rules are complex, and even trained lawyers can find it overwhelming. Courts have found that new requirements, as laid out in certain legal forms, can be difficult to understand [21, 22].

Best Practices for Lawyers

1. Attorney Representation. Each party is encouraged to obtain an attorney of their choosing at their own expense, and failure to do so can result in financial or other consequences. This is an important endeavor, as most parties are proceeding pro se because they cannot afford an attorney. The reduction in funding for civil legal services has resulted in significantly fewer attorneys who are willing and able to take divorce cases on a pro bono or low bono basis. Further, pro se litigants may not understand what a family law attorney does or why having an attorney is important [23].

2. Initial Standing Orders. Within 48 hours of filing, the clerk's office will send initial standing orders for family law cases to each attorney of record or pro se party. The standing orders are intended to inform the parties about the effect of the orders and to direct their behavior during the pendency of the case to ensure compliance with the Local Rules, Texas Rules of Civil Procedure, and the Texas Family Code. Because many of the initial standing orders are common to each court, some attorneys simply check the box on the form that authorizes the clerk's office to send the standing orders of the court in which the case is filed. Because family law involves family violence at much higher rates than other cases, some courts have included additional family violence provisions in their standing orders. There are now standing order forms in both English and Spanish, and some courts are adding more substance to their standing orders to make the standing orders more comprehensive and more likely to be understood. Furthermore, consulting attorneys are encouraged to make their filing not just to monitor what is being filed in their cases but to get ideas as to what might be filed in cases in the future [24].

Training and Development for Legal Practitioners

The 1970s was a propitious time for young law teachers, newly graduated with nothing to do but reflect on legal education. At the time, the common entry point was the 'academy' or possibly 'the Bar'. Period in practice preceded entry to lectures. However, it soon became clear that if the profession was necessary for practical and social skills development, it was neither necessary nor sufficient. There was no way of knowing or guaranteeing that the would-be pleader would get relevant experience, a duty solicitorship was a limited and often fruitless education, and the differences between commitment to small partnerships or Bar was in part the result of ignorance. Legal education for the advocate was 'right.' The intensity of work meant that it must fit timetabled needs, not least of night school teaching part-time a few years after university had failed to deliver theoretically standard expectations, or it may be that economics forced an alternative use of the University loan system. Interviews varying from brutal and frank to deviously deceptive suggest significant client reactions. In the acknowledgment, which permits the examination of taped interviews for the original article, there is the hope that lessons learned within the experience context would be best utilised if broadened by seminar room discussion [25, 26].

Future Trends in Family Law Communication

Scrutiny of family law through the lens of communication as a rhetoric of public policy has implications beyond any one area of the law or the relationships of law and society. A range of analytical practices (e.g., gender, psychological development, forms of disagreement) and methodologies (e.g., values-based, conversation ethic) may further fill in the vast chasm between the Supreme Court's aspiration and each state's disinclination to legislate. Judicial sway may remain a critical shaper of family policy within the scattered legal republic of family law. As one voice of appellate interests, the Court may socially work on state legislatures and their deputized administrative agencies to rejigger a phrase here, recalibrate a determination there. At the Supreme Court level, family law issues have been numerous and frequent and include parental (both biological and adoptive) rights to care for their children in those practices. Since *Craig v. Boren*, unprotected class litigation has exploded, at times directed toward statutes nominally addressing family life. At a much broader level, careful interrogation of family law communication illuminates a wider set of family law issues, processes, and outcomes than may frequently be considered. Such consideration reaches from the seemingly banal and routine, but socially nonetheless significant, communication that may occur in lawyers' offices, at county clerks' counters, in state legislature hearing rooms, and during sworn testimony, to the high stakes or complex transactions that may take place within federal judiciary hallowed walls or in multinational corporations' smokeless boardrooms. Careful consideration of legal communication may mirror and stimulate social conversation about family relations or about the (in)capacity of law (familial or otherwise) to shape or enforce social norms [27, 28].

Impact of Communication on Legal Outcomes

What legal professionals effectively utilize strategic communication techniques to gain a significant advantage in family law cases is an essential aspect of their practice. This involves understanding communicative accumulation theory, which emphasizes the role of accumulated knowledge and resources in legal proceedings. In family law, the interplay between resource dependency and effective communication becomes particularly critical. However, the knowledge base of these insights remains somewhat constricted by the absence of more detailed and varied case material for analysis. In this context, a system is proposed where users can input themes of interest, resulting in the output of relevant case examples. This generation strategy aims to provide comprehensive explanations for family law cases. Nonetheless, to effectively utilize these case-explanation models for professional practice, it becomes necessary to dedicate extra time and effort to select an appropriate case from an array of possible options available. Furthermore, family law case scenarios benefit from concise, general written guidance that addresses how to approach and resolve such legal disputes effectively [29, 30].

CONCLUSION

Effective legal communication in family law is essential for ensuring that litigants fully understand their rights, obligations, and the implications of legal decisions. Case studies reveal that miscommunication often leads to procedural delays, unfavorable outcomes, and increased emotional distress for families. Addressing these challenges requires legal professionals to adopt clear, empathetic, and culturally sensitive communication strategies. Additionally, integrating technology can enhance accessibility to legal information and streamline processes. To promote justice and fairness, ongoing efforts must be made to simplify legal language, improve public legal education, and provide adequate legal assistance to those navigating family law disputes.

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