# For Public Libraries



### An INFOPEOPLE Webinar

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Thursday, January 10, 2013 12 Noon

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# Agenda

- Receive a general overview of family law matters and the divorce process
- Become familiar with key terminology in family law matters
- Tour the California Court's self-help center's sections on divorce and family law
- Learn about additional print and online resources addressing divorce and family law issues

# Matters Family Law Courts Decide

- Ending a marriage (divorce) and domestic partnerships
- Establishing parentage
- Custody and visitation with minor children
- Division of property and debts during divorce
- Protections from actions by other party
- Child and spousal support

# Getting a Divorce in California

# Key Terms and Forms

### **Self-Represented Litigant**

### **Self-Help Center**

### Where to File a Case

- Jurisdiction
- Venue

### **Parties**

- Petitioner
- Respondent

### **Types of Divorce**

- Dissolution of Marriage
- Annulment
- Legal Separation

Forms to Start a Family Law Case

- Summons
- Petition
- Response

### Filing a Form

- Filing Fees
- Fee Waiver
- Service of Process
- Court Rules for Filing

### **Procedure for Divorce**

- Uncontested or Contested
- Default
- Judgment

# **Divorce Basics**

- Divorce officially called a dissolution of marriage
- Three types: Divorce, annulment or legal separation
- A court has to have the authority to hear and decide a family law case
- California's residency requirements
  - Six months in California
  - Three months in the County (Venue)
    - Otherwise file a legal separation

# Grounds for Divorce in California

- Grounds for Divorce in California
  - "Irreconcilable Differences"
  - "Incurable Insanity"
- California is a "no-fault" state
  - Spouse does not have to give permission

### **Procedure for Divorce**

- Petition filed
- Possible responses to the petition by the respondent
- Order to Show Cause hearing
- Disclose financial information

## **Procedure for Divorce**

- Three ways to complete the divorce case
- Granting the divorce
  - "6 months plus 1 day" rule
  - Separating related issues from divorce issues
- Receive a judgment signed by the court

# **Spousal Support Basics**

- Applies to spouses and registered domestic partners alike
- Mutual duty of support while together
- Temporary and permanent support
  - Discretionary as to amount, duration and retention of jurisdiction

# Online Resources: California Courts Online Self-Help Center

### California Courts – Online Self-Help Center



Find information, tools, and resources to help resolve many common legal issues.



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#### Jury Service

Learn all about jury basics or find links to your local court. For employers, learn about how you can support jury service. Amnesty Program for Traffic Tickets

Court-Related Legislation

Invitations to Comment

### California Courts – Online Self-Help Center

http://www.courts.ca.gov/selfhelp.htm



- For each case type, provides basic information about applicable law
- Outlines steps in court process
- Forms presented within informational context
- Instructions for completing each form

### "Getting Started"

### California Courts Online Self-Help Center

http://www.courts.ca.gov/1002.htm

#### Self-Help

### Preparing for Court

#### **Getting Started**

- » Court Basics
- » Lawyers and Legal Help
- » Preparing for Court
  - · Before You File Your Case
  - Filing Papers in Court
  - Fee Waivers
  - Service of Process
  - Discovery
  - · Going to Court
  - Court Interpreters
  - Preparing for Court FAQs
- » Researching the Law
- » Resolving Your Dispute Out of Court
- » More Topics
- » FAQs

#### Small Claims

- Families & Children
- **Divorce or Separation**

#### Abuse & Harassment

Find information about the different steps you will have to take when you go to court. Learn what you need to do before you file your papers in court, how to prepare your case, and how to present your case in court. And read answers to frequently asked questions you may have about any of these topics.

#### Before You File Your Case

Find out how to make sure you are filing your case against the right party and in the right court. Learn about deadlines for filing your case. And find out how to resolve your case without having to go in front of a judge.

#### Filing Papers in Court

Get general information about what you need to do to file papers with the court.

#### Fee Waivers

Learn how to ask for a fee waiver when you cannot afford to pay the court filing fees.

#### Service of Process

"Service of process" is a key part of every case that is handled in court. Learn all the different ways to serve the other side in your case, when they are allowed, and what is required for each type of service. Also learn about steps you can take to find someone in order to serve him or her.

### "Filing for Divorce or Separation" California Courts Online Self-Help Center

### http://www.courts.ca.gov/1225.htm

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Courts	Self-Help	Forms & Rules	Opinions	Programs	Policy & Administra

#### Self-Help

### Filing for Divorce or Separation

Find information and instructions on filing for divorce or legal separation to end your marriage or domestic partnership (or both), with a step-by-step guide to filling out and filing your papers in court. Access the forms you will need and resources where you can get help.

#### Prepare for Filing Your Case

Learn about the requirements to file for divorce or legal separation to end your marriage or domestic partnership (or both), and where to get help.

#### Filing Your Case

Get step by step instructions on filing your divorce or legal separation case, with links to forms, instructions, and where to get help.

#### Forms

Find all the forms you will need to file your divorce or legal separation case, with links to the forms and instructions where available.

### Getting Started

#### Small Claims

#### Families & Children

#### Divorce or Separation

- » Basics
- » Filing for Divorce or Separation
  - · Prepare for Filing Your Case
  - Filing Your Case
  - · Forms
  - Filing for Divorce or Separation FAQs
- » Responding to Divorce or Separation
- » Completing Divorce or Separation
- » Summary Dissolution
- » Annulment

# Custody, Support and Paternity

# Key Terms and Forms

### California Family Code (CFC)

### Custody

- Joint Legal Custody
- Sole Legal Custody
- Joint Physical Custody
- Sole Physical Custody

### Family Law Facilitator

### Visitation

### **Minor Child**

Guardian ad litem

### Paternity/Parentage

"Other Parent"

### Procedure

- Court Hearing
- Court Orders
- Mediation
- Wishes of the Child Testimony

### Forms

- Order to Show Cause w/Declaration
- Income & Expense Declaration
- Declaration under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
- Volunteer Declaration of Paternity

# When are Custody Decisions Made?

- Marital and domestic partnership litigation
- Exclusive custody
- Domestic Violence Prevention Act (DVPA)
- LA County's Child Support Services Department (CSSD)
- Grandparent visitation

# **General Custody Guidelines**

- Frequent and continuing contact with both parents
- Best Interests of the child
- Factors considered in determining child's best interest
- History of abuse
- Denial of custody or visitation

### **Court Hearing on Custody/Visitation**

- Role of mediation
  - Agreement in mediation
  - No agreement in mediation
- Evaluation
- Minor's counsel
- Wishes of the child testimony
- Order to Show Cause (OSC) hearing

# **Child Support Basics**

- Both parents have a duty to support their minor children
- Statewide uniform child support guidelines
  - Equation based on both parents' income
  - Computer programs to calculate support
  - Add-ons for healthcare, education and child care expenses

# Parentage/Paternity

- What it means to establish paternity
- Why establish paternity
- Ways to establish paternity
  - Volunteer Declaration of Paternity
- Disputing paternity

# Online Resources: California Courts Online Self-Help Center

## "Families & Children" California Courts Online Self-Help Center

http://www.courts.ca.gov/selfhelp-family.htm

#### Self-Help

### Families & Children

#### **Getting Started**

#### Small Claims

#### Families & Children

» Custody & Parenting Time (Visitation)

- \* Child Support
- » Parentage/Paternity
- » Child Abuse & Neglect
- » Guardianship
- » Juvenile Delinquency
- » Adoption
- Emancipation
- » FAQs

Divorce or Separation

Abuse & Harassment

**Eviction & Housing** 

Name Change

Learn about various topics affecting families and children. For each topic, find instructions, forms, and answers to frequently asked questions.

#### **Custody & Parenting Time (Visitation)**

Understand the law in custody and parenting time (visitation) cases, how to make agreements between the parents, ask for a custody order, respond to a request, and change or enforce an order. Read information on custody mediation and how domestic violence affects children and custody rights.

#### Child Support

Learn how child support works, how to make agreements between the parents, ask for a child support order, respond to a request, and change, pay or collect a child support court order. Find where to get help, which court forms you need and read answers to frequently asked questions.

#### Parentage/Paternity

This section explains how parentage (paternity) works, how to establish parentage for a child, and how to dispute parentage if you believe you are not a child's parent. It includes forms and answers to frequently asked questions.

## Custody & Parenting Time (Visitation)

http://www.courts.ca.gov/selfhelp-custody.htm

#### Self-Help

### Custody & Parenting Time (Visitation)

**Getting Started** 

#### Small Claims

#### Families & Children

#### » Custody & Parenting Time (Visitation)

- Parenting Time: Developing Plans
- Custody and Parenting Time (Visitation) Orders
- Custody Mediation
- Supervised Visitation
- Custody and Domestic Violence
- Visitation Rights of Grandparents
- Forms
- Custody & Parenting Time FAQs
- » Child Support
- » Parentage/Paternity
- » Child Abuse & Neglect
- » Guardianship
- » Juvenile Delinquency
- » Adoption
- » Emancipation
- \* FAQs

#### **Divorce or Separation**

Abuse & Harassment

#### Eviction & Housing

Learn about child custody and parenting time (also called "visitation") cases, how to prepare a parenting plan for you and your children, and how to get or change a court order. And find many resources to help you and your children through your separation or divorce.

#### Parenting Time: Developing Plans

If you and your child's other parent are separating, start by reading this section. It will give you information about how children cope with their parents' separation, what children of different ages need, and how to write a parenting plan that is best for your children and your family. It will also give you resources to help you in parenting your children during and after separation.

#### Custody and Parenting Time (Visitation) Orders

Find out how to ask for a custody and/or parenting time (visitaton) order, respond to a request, or change an existing order. You will also learn about the law in custody and visitation cases and get information on enforcing an existing order.

#### **Custody Mediation**

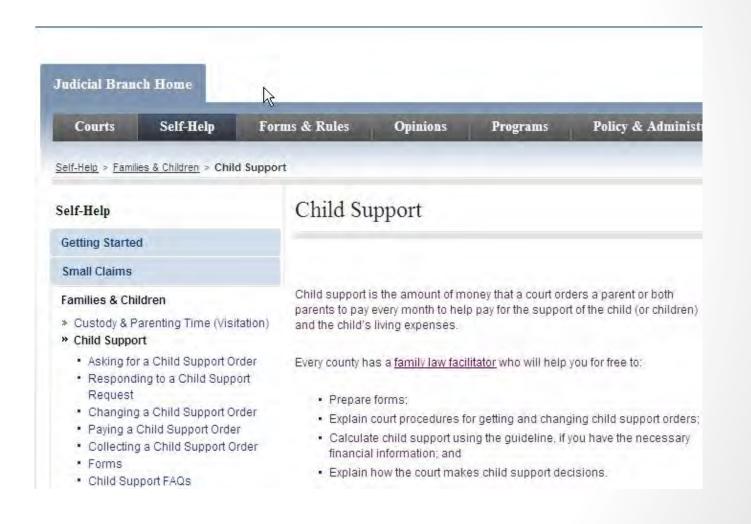
Mediation, or child custody recommending counseling in many courts, is mandatory in all custody and parenting time cases before you go in front of a judge to decide. Learn about the process, how it is handled in your county, and how to best prepare for your mediation or custody recommending counseling session.

#### Supervised Visitation

Learn about supervised visitation, when a judge orders that a neutral third

### Child Support California Courts Online Self-Help Center

http://www.courts.ca.gov/selfhelp-support.htm



### Establishing Paternity http://www.courts.ca.gov/1201.htm

Courts Self-Help	Forms & Rules	Opinions	Programs	Policy & Administration
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Getting Started				
Small Claims	Vau can actab	lish the parentage	of a child if you:	
Families & Children	Tou can estab	iish the parentage	or a crine ir you.	
» Custody & Parenting Time (Visita	ation) Sign a Volun	tary Declaration of	Paternity	
» Child Support » Parentage/Paternity	Ask Your Lo	cal Child Support A	gency to Establish I	Parentage
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# **Domestic Violence**

# Key Terms

### **Restraining Orders**

- Temporary Restraining Order (TRO)
- Standard Restraining Order (ATRO)

Domestic Violence Prevention Act (DVPA)

**DVPA Orders** 

California Evidence Code

### **Types of Evidence**

- Acts of the parties
- Witness testimony
- Records, documents,
- exhibits, objects, recordings, etc.

## **Domestic Violence**

- Domestic Violence Prevention Act (DVPA) Allows an abuse survivor to apply for:
  - Protection from further abuse
  - Custody and support over children
  - Control of property (including pets) and kick out orders; and
  - Payment of debts, restitution and attorney fees and costs to prevailing party
- Requires an intimate relationship
  - Minors over 12 don't need a "Guardian ad Litem" (GAL)

Domestic Violence (Restraining Orders)

- Evidence to prove domestic violence
- Temporary restraining order (TRO)
- Permanent domestic violence restraining order

### **Domestic Violence Restraining Orders**

http://courts.ca.gov/selfhelp-domesticviolence.htm

Judicial Branch Home	C T
Courts Self-Help	Forms & Rules Opinions Programs Policy & Administra
Self-Help > Abuse & Harassment > Dome	stic Violence
Self-Help	Domestic Violence
Getting Started	
Small Claims	WARNING:
Families & Children	Please note that websites you visit may be viewed by someone else later.
Divorce or Separation	Always clear your browsing history after searching the web. Consider using a public or friend's computer if you are concerned about someone viewing
Abuse & Harassment	your browsing history.
<ul> <li>» Basics</li> <li>» Domestic Violence</li> </ul>	Are You in Danger Now? If you need help right now, call "911."
<ul> <li>Make a Safety Plan</li> <li>Ask for a Restraining Order</li> <li>Respond to a Restraining Order</li> </ul>	You can also call:
Enforce a Restraining Order	<ul> <li>Your local <u>Domestic Violence Shelter</u> <sup>™</sup>, or</li> </ul>
Renew a Restraining Order	<ul> <li>The National Domestic Violence Hotline          <sup>B</sup>:</li> </ul>
<ul> <li>Children and Domestic Violence</li> <li>Criminal Court Process</li> <li>Forms</li> </ul>	1-800-799-7233 TDD: 1-800-787-3224

Domestic Violence FAQs

# **Self-Represented Litigants**

- Types of cases where lawyers are needed
- Legal advice <u>versus</u> legal information
- Courts=neutrality <u>versus</u> lawyers=advocates
- Preparing for court

# Online Resources and Facilitating Referrals

### Online Resources – California State Bar

http://www.calbar.ca.gov/Public/LegalInformation/AboutFamily.aspx

HE STATE BA	R OF CALIFORNIA
HOME	ATTORNEYS PUBLIC FUTURE LAWYERS ABOUT US
Attorney Complaints	Home > Public > Legal Information > About Family
Consumer Information	FAMILY
Attorney Search	
Client Security Fund	PUBLICATIONS
AQ	What Should I Know About Divorce     Overage     Violation     Violation
orms	and Custody?
Lawyer Referral Services LRS)	Can the Law Help Protect Me From     Domestic Violence?
egal Information	Kids and the Law: An A-to-Z Guide for Parents
amphlets	How Can I Find And Hire the Right Lawyer?
īips	



# LawHelpCA.org – Families and Kids

LawHelp.	org powered by probono.net		
Lav	vHelpCA.org	Helping Califor About Us Site	rnians find legal aid & self-f Help   Feedback   Survey
Fi	nd Legal Information 🛛 👻	Find a Lawyer or Court Program 🕶	Search
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**	Families and Kids Click on the sub-topic that best matches y	our legal problem to get legal information and to find help.	More Languages Spanish / Español
	<ul> <li>Divorce</li> <li>Custody/Visitation</li> <li>Child Support</li> </ul>	<ul> <li>Name Change</li> <li>Other Family or Juvenile Issues</li> <li>Paternity</li> </ul>	Chinese / 中文 Vietnamese / Tiếng Việt Korean / 한국어 <b>All Languages</b> •
	<ul> <li>Adoption</li> <li>Education and School Issues</li> </ul>	<ul> <li>Rights of Grandparents</li> <li>Spousal Support</li> </ul>	Welcome to the new LawHelpCA.org!
	<ul> <li>Foster Care Systems</li> <li>Guardianship</li> <li>Juvenile Delinguency</li> </ul>	<ul> <li>Teen Rights &amp; Emancipation</li> <li>Termination of Parents' Rights</li> </ul>	LawHelpCA.org provides ( easy online access to bas resources and attorney inf

# LawHelpCA.org – Protection from Abuse

### www.lawhelpca.org

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Find Legal Information	Find a Lawyer or Court Program 🔻	Search
	SHARE 🔀 EMAIL 🖨 P	RINT 🚺 + Set you
Protection from Abuse		
Click on the sub-topic that best matches	your legal problem to get legal information and to find help.	More Languages Spanish / Español
Child Abuse/Neglect	Restraining Orders	Chinese / 中文 Vietnamese / Tiếng Viê
Domestic Violence	Immigrants & Domestic Violence	Korean / 한국어
Elder Abuse		All Languages 🕨
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# LawHelpCA.org

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LawHel	pCA.org	Helping Californians find About Us   Site Help   Feed	a second s
Find Legal Inf	ormation 🔻 Find a Law	yer or Court Program 🔻 Search	
HOME > FIND LEGAL INFORMA PROTECTION FROM ABUSE Restraining Orders LIBRARY OF SELF-HELP RESOURCES (4) FIND A LAWYER OR COURT PROGRAM	<ul> <li>PROTECTION FROM ABUSE</li> <li>Restraining Orders</li> <li>Types of restraining ord What does a restraining order do? Content Detail &gt; By: Administrative Office of the Cou Read this in: Spanish / Español.</li> <li>About Restraining Order Content Detail &gt; By: Break the Cycle,</li> </ul>	There are 4 kinds of orders you can ask for. Spar Ints, Chin Vietr	Los Angeles C +Set your location re Languages hish / Español ese / 中文 hamese / Tiếng Việt an / 한국어 Languages ト
FILTER BY: • Language	<ul> <li>Are You Being Stalked? Tips For Protection Content Detail By: Privacy Rights Clearinghouse,</li> <li>California Domestic Viole Links to California court forms onlin Content Detail &gt; By: WomensLaw.org, Read this in: Spanish / Español,</li> </ul>	ence Court Forms @ Law he and a list of forms you might need. reso	come to the new HelpCA.org! HelpCA.org provides Califi online access to basic le urces and attorney inform:

# LawHelpCA.org

LawH	elpCA.org	3	Helping Ca About Us	
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DIRECTORY A-Z	Enter your city, county, or Choose your legal issue: *	zip code: *		
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# California Courts' Self-Help Programs

http://www.courts.ca.gov/selfhelp-courtresources.htm

### CALIFORNIA COURTS

THE JUDICIAL BRANCH OF CALIFORNIA

& Rules	Opinions	Programs	Policy & Administrat	ion News	& Referen	ice
elp > Find Cou	urt Resources					
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HELP FROM	YOUR COURT					
Family law f	facilitators (FLFs) h	elp with child suppo	ort and parentage problems.	More		
Small claim	is legal advisors (S	CLAs) help with sm	all claims court and consum	er problems. <u>More</u>	1	
Self-help ce	enters (SHCs) help	with many kinds of (	problems. <u>More</u>			
The	FLF, SCLA, or SHC	n your county may a	also refer you to others who c	an help you.		
		r services available	a contract of the second			

### Locating Family Law Facilitators and Self-Help Centers in California



ADMINISTRATIVE OFFICE OF THE COURTS CENTER FOR FAMILIES, CHILDREN & THE COURTS

A QUICK REFERENCE GUIDE TO THE CALIFORNIA COURTS' SELF-HELP CENTERS AND FAMILY LAW FACILITATORS

The Self-Help Centers (SHC) located in every county provide self-represented parties with information, forms, and procedures related to a variety of legal issues. Family Law Facilitators (FLF) located in every county provide self-represented parties with information, forms, and procedures related to child support, spousal support, and health insurance issues.

Sometimes the SHC and FLF are found in the same office and sometimes they are separate.

Published by:

Judicial Council of California Administrative Office of the Courts 455 Golden Gate Avenue San Francisco, California 94102-3688

http://courts.ca.gov/selfhelp.htm/

California Courts' Self-Help Centers and Family Law Facilitators Reference Guide

http://courts.ca.gov/documents/ Public\_Locations\_Directory\_4-9-12.pd f

Downloadable brochure provides locations for family law facilitators and self-help centers located in every county in California

April 2012

### State Bar of California – Lawyer Referral Services http://www.calbar.ca.gov/lrs

#### How can a lawyer referral service help me?

If you need legal help, a certified lawyer referral service can put you in touch with a lawyer who can help you with your problem. And if your problem can be resolved without a lawyer, the service will try to provide information or the names of other organizations or agencies that may be able to help you. Lawyer Referral Services Program (LRS) The State Bar of California 180 Howard Street San Francisco, CA 94105 e-mail: LRS@calbar.ca.gov Phone: 415-538-2250

#### How does a lawyer referral service work?

When you call a lawyer referral service, you will be asked about your situation. If you have a legal problem, the lawyer referral service will arrange an initial consultation for you, or give you the name and number of a lawyer whom you can contact directly to arrange a consultation. There is usually a small charge for the consultation, but it may, in some cases, be free. After the initial consultation, it is up to you whether or not you want to hire the lawyer.

#### Where should I look for a lawyer referral service?

Below is a complete list of State Bar-certified lawyer referral services organized by county. Find and click your county below to display the lawyer referral services within your county. Or, for a recorded message that can provide you with phone numbers of such services in your county, call 1-866--44-CA-LAW (1-866-442-2529). If you are out of state, you can call 415-538-2250 to hear the same recorded message.

Be sure to look for the lawyer referral service's State Bar certification number, which must appear in all advertising. And if you are not sure whether the lawyer referral service is certified, call the service directly and ask for its certification number.

Show

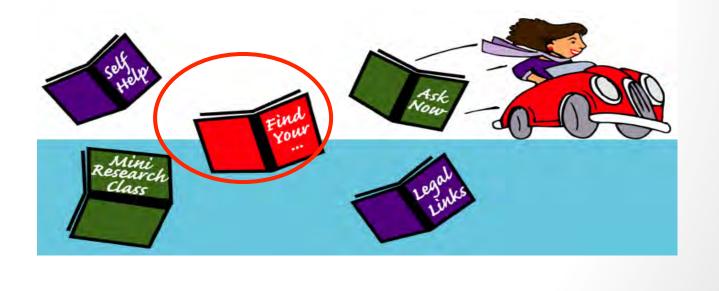
#### COUNTY PROGRAMS

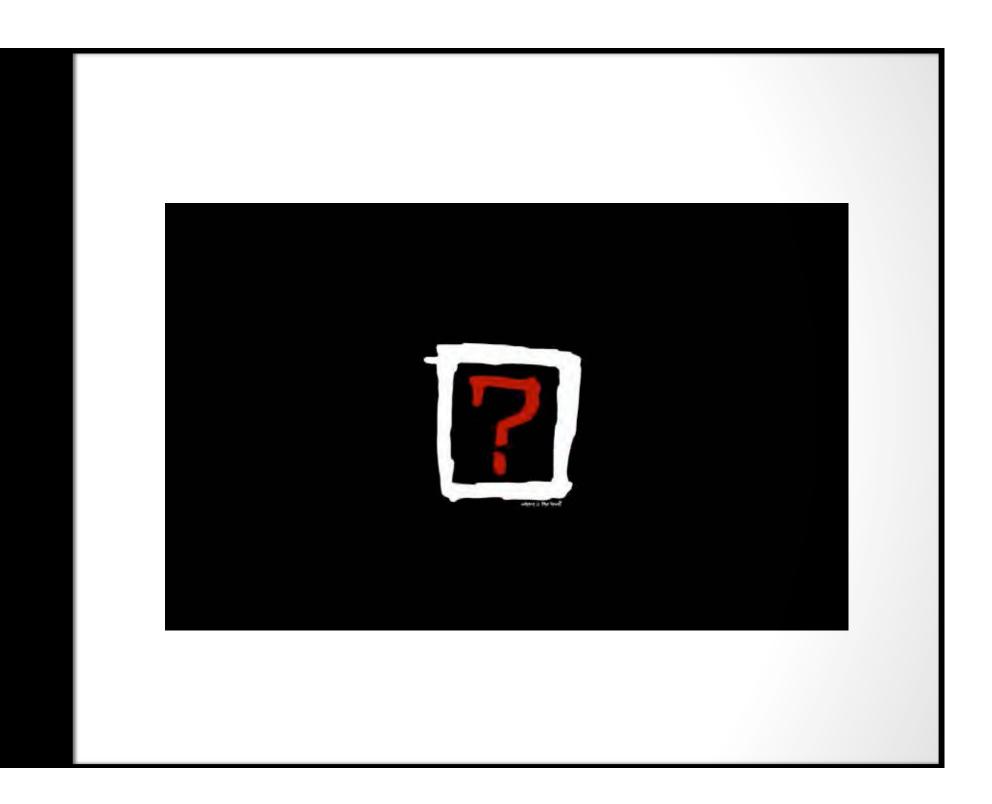
Select a County Choose One ...

### Locating Law Libraries in CA Council of California County Law Librarians http://www.publiclawlibrary.org



The Council of California County Law Librarians welcomes you to Your Public Law Library





# Thank You!



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