


# Family Law Basics for Public Libraries

1/10/2013

**Family Law Basics**  
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

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## 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

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Getting a Divorce in California

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### Key Terms and Forms

<b>Self-Represented Litigant</b>	<b>Forms to Start a Family Law Case</b>
<b>Self-Help Center</b>	<ul style="list-style-type: none"><li>• Summons</li><li>• Petition</li><li>• Response</li></ul>
<b>Where to File a Case</b>	<b>Filing a Form</b>
<ul style="list-style-type: none"><li>• Jurisdiction</li><li>• Venue</li></ul>	<ul style="list-style-type: none"><li>• Filing Fees</li><li>• Fee Waiver</li><li>• Service of Process</li><li>• Court Rules for Filing</li></ul>
<b>Parties</b>	<b>Procedure for Divorce</b>
<ul style="list-style-type: none"><li>• Petitioner</li><li>• Respondent</li></ul>	<ul style="list-style-type: none"><li>• Uncontested or Contested</li><li>• Default</li><li>• Judgment</li></ul>
<b>Types of Divorce</b>	
<ul style="list-style-type: none"><li>• Dissolution of Marriage</li><li>• Annulment</li><li>• Legal Separation</li></ul>	

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### 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

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## 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

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## Procedure for Divorce

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

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## 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

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## 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

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## Online Resources: California Courts Online Self-Help Center

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## California Courts – Online Self-Help Center



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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

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“Getting Started”  
 California Courts Online Self-Help Center  
<http://www.courts.ca.gov/1002.htm>




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“Filing for Divorce or Separation”  
 California Courts Online Self-Help Center  
<http://www.courts.ca.gov/1225.htm>




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Custody, Support  
and Paternity

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### 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

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### 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

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## 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

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## 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

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## 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

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## Domestic Violence

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### Key Terms

<b>Restraining Orders</b> <ul style="list-style-type: none"><li>• Temporary Restraining Order (TRO)</li><li>• Standard Restraining Order (ATRO)</li></ul>	<b>California Evidence Code</b>  <b>Types of Evidence</b> <ul style="list-style-type: none"><li>• Acts of the parties</li><li>• Witness testimony</li><li>• Records, documents,</li><li>• exhibits, objects, recordings, etc.</li></ul>
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**Domestic Violence Prevention Act (DVPA)**

**DVPA Orders**

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### 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)

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## Domestic Violence (Restraining Orders)

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

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## Domestic Violence Restraining Orders

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



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## Self-Represented Litigants

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

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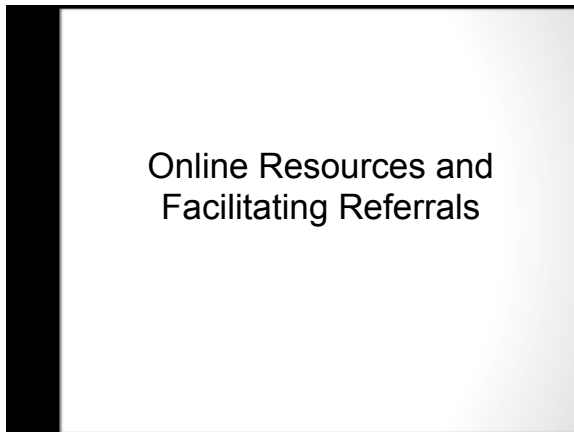
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State Bar of California – Lawyer Referral Services  
<http://www.calbar.ca.gov/lrs>

How does 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't be resolved without a lawyer, the service will try to provide information at the expense of other organizations or agencies that may be able to help you.

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, to 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 if you, in some cases, do have other legal consultation, it is up to you whether to see your lawyer for the lawyer.

Where should I look for a lawyer referral service?  
There 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 service within your county. Or, for a recorded message that can provide you with phone numbers of such services in your county, call 1-800-441-CA-LAW (1-800-442-2529). If you are out of state, you can call 415-396-2200 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.

COUNTY PROGRAMS  
Select a County:

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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



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# Family Law Basics for Public Libraries

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Thank You!



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