Statewide Conference on Self-Represented Litigants

Triage Workshop -

1) Triage Procedure Handout for the Sacramento Superior Court's Family Law Self-Help Center

2) Telephone Triage checklists developed by the SHARP program in Butte/Glenn/Tehema

Triage

All customers of the Self Help Center are first triaged to determine their needs and whether we will be able to assist them. The goal of Triage is to allow all customers to speak to a staff person as quickly as possible upon arriving at the Self Help Center in order to reduce or eliminate unnecessary wait times. Each customer should spend no more than 2-3 minutes speaking to the triage person before being referred elsewhere or being given an intake form to complete for service.

Preparation:

At the beginning of each morning shift, log on to the computer and open Sustain, Enterprise and Court Index. Check the form bins at Center Window and the forms wall to make sure there is a sufficient stock of forms. If copies are needed, make them before the doors open at 8:30 a.m. Refer to the forms list for the number of copies to be made.

Center Window

When a customer first approaches the center window, the person at the window determines what the customer needs. If the customer is in need of a service that is provided in the Self-Help Center,[1] ask the following questions to determine whether we are able to assist them:

1. What are you trying to do today?
2. Do you have an attorney?
3. Do you have a case in Sacramento County?
   a. If yes, what is your Sacramento County case number?
   b. If no, is there a case in another County or State?
4. Have you been served with any court documents?
5. Are you or were you ever married to the other party?
   a. If yes, has a divorce case been filed and where?

1. What are you trying to do today?

Due to funding and staff limitations, not all customers of the Family Relations Courthouse can be assisted in the Self Help Center. It is the primary duty of the person at the Triage Window to re-direct those customers we are not able to assist. This determination is made based upon the issue the customer is seeking to address.

a. Adoption

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow

[1] It is our policy to only assist the parties to the case in question. If the customer presenting at the Triage window is the spouse, friend or relative of the party, do not provide assistance and do not attempt to discuss any aspects of the case with that person. Instead, inform the customer that the party must contact our office directly and we will assist him or her if possible.

Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112, and that forms are available at Window 6 in Room 100 across the hall.

b. **Annulment—See Divorce**

c. **Arrears**

If a customer is contesting the amount of child or spousal support that they owe, or if they feel that the other parent has fallen into arrears in his or her support payments, we may be able to assist them. If the support is being paid through DCSS, the case does not have to be in Sacramento County for us to assist them. If the support is not being paid through DCSS, we can only assist if the case is in Sacramento County. If the customer is trying to work out a compromise of their child support arrears with DCSS and they need help with the application, refer him or her to the Income and Expense Declaration workshop.

d. **Bank Levy**

This is a legal enforcement remedy available to judgment creditors. If the bank levy was issued by DCSS, we may be able to assist the customer under very limited circumstances. If the funds that have been levied against do not belong to the judgment creditor or are needed to support minor children living with the judgment creditor, we may be able to assist. Make sure that the party has his/her documents from the bank. Further evaluation should be done with the supervisor. All others should be advised that if they wish to request an emergency hearing, they can do so by picking up an Ex Parte Packet at Window 6 in Room 100 and following the instructions that accompany the packet. If they need assistance, refer them to the Law Library or give them the list of private attorney's.

e. **Birth Certificates**

To add the father's name to a birth certificate customers can either sign a POP Declaration, or file a UPA case. To change the child's last name to the father's, the customer needs to file a UPA case. If the name change is not related to Paternity establishment the customer will need to file a civil name change. If clerical errors were made on the birth certificate, the customer will need to contact Vital Statistics. See also **Name Change**.

f. **Change of Judge**

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

g. **Child Abduction**

If the customer presents with a red referral half sheet from the Child Abduction Unit, we will attempt to assist them if they do not have an attorney. Consult the supervisor immediately to determine if and when we will be able to assist. If a customer claims that their child is being kept by the other parent or another party in violation of their court order, refer them to the Child Abduction Unit (CAU).

Suggest that they get a copy of the order from the Court file if they do not already have one and give them a CAU brochure. If the child was taken by a stranger or other non-relative, refer the customer to Law enforcement. See also **Child Custody.**

h. Child Custody

In order for Sacramento County Superior Court to issue child custody orders, we must first have jurisdiction over the parties and the child. Jurisdiction over the child requires that the child has resided in this State for at least the last six months and no other Court has issued custody or visitation orders for the child in question. Jurisdiction over a party for purposes of child custody will depend upon the type of case:

i. **Family Law Case**—jurisdiction is established by filing an action, valid service upon a party of the Summons, or responding to or otherwise making a general appearance in the case. Jurisdiction over a non-parent is conferred by joinder.

ii. **Family Support Case**—custody and visitation orders may not be obtained through a family support case until paternity has been established and a formal judgment has been entered. If the party does not wish to wait for this to occur, they can open a family law case. Only parents can obtain custody or visitation orders through a Family Support case.

iii. **Domestic Violence Case**—Although emergency custody orders can be made as part of a restraining order, once the DV case has been opened, the parties need to open a family law case to address custody and visitation because any custody orders made in a DV case will expire with the restraining order in which they were made.

If there is no open case, one will need to be opened before custody or visitation orders can be made. See also **Divorce, UPA, Joinder, Grandparent Actions and Petition for Custody and Support**

i. Child Support

Parties seeking assistance with child support will almost always be eligible for assistance. If the customer does not have an open case, one must first be opened before they can obtain support orders. See also **Divorce, UPA** or **Petition for Custody & Support**. If there is an open case, we can assist the customer in obtaining an initial order or in modifying an existing order. If the customer is merely seeking to enforce an existing order, they should be referred to DCSS to enforce their order. If DCSS is already enforcing the support order, the customer may not seek to enforce the order on their own without first obtaining the permission of DCSS to do so, or by closing the DCSS case.

j. Civil Harassment Restraining Order

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112, and that forms are available at Window 6 in Room 100 across the hall.

k. **Conservatorship**
If a customer is asking to view the Conservatorship video, refer him or her to the Resource Room. See also **Guardianship**

l. **Contempt**
The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112, and that forms are available at Window 6 in Room 100 across the hall. If the case is a DCSS case then refer the customer to DCSS.

m. **CPS Involvement**
Cases involving CPS come to us in one of two ways:
   i. CPS referred the parent to our office for assistance obtaining custody or visitation orders. If the customer has an original referral form from CPS, we will attempt to assist these customers on an emergency basis. Consult the supervisor immediately to determine if and when services can be provided, so long as the customer does not have an attorney of record. If it is determined that we will not be able to provide emergency assistance, the customer may attend our OSC workshop, or if they want to take immediate action, let them know that they can pick up the Ex Parte forms and instructions at Window 6 in Room 100. See also **Child Custody**.
   ii. CPS has taken the child into protective custody—see **Dependency**.

n. **Dependency**
When a child has been taken into protective custody or placed in foster care, there will be an accompanying Dependency case filed on the third floor. In dependency cases, attorneys are appointed for each parent and as such, we are not able to provide any assistance. If there is any reason to believe there is an open dependency case, refer the customer to the Dependency unit on the third floor. If the customer claims that the case has been closed, they must provide proof of this fact in the form of a Final Judgment (also known as an "exit order") which states that dependency jurisdiction has been terminated. If the customer is able to do so, this can be treated as an open Family Law case. See also **Child Custody**.

o. **Directions**
If the customer comes into our office in an attempt to accomplish something done elsewhere in the Court or one of the neighboring buildings, direct them to the appropriate place, for example:
   i. Make a child support payment—DCSS across the street
   ii. Orientation or Mediation—Room 104
   iii. Probate forms or filing—Room 214 on the second floor
   iv. Appeals—Third floor – Room 314 on the third floor
   v. Sheriff Civil (service of process)—Third floor- Room 313 on the third floor
   vi. Domestic Violence Restraining Order—Room 104 before 9:00 a.m. on Mondays, Wednesdays and Fridays for assistance or Window 6 in Room 100 for forms

vii. Evictions/Unlawful Detainer—Carol Miller Justice Center
viii. Change for the copier—Public Lounge
ix. Small Claims – Carol Miller Justice Center

p. Disclosures—See also **Financial Disclosures**

q. Discovery

This includes subpoenas, interrogatories and production of documents. The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

r. Dismissal of Case

We assist with dismissals of Family Law cases only. If the customer would like to dismiss a DVRO refer him or her to the Law Library. Family Support cases can only be dismissed by DCSS. The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

s. Divorce

We assist parties wishing to file for divorce, legal separation or annulment through our Dissolution Workshop only. We do not assist with Summary Dissolution. Verify that there is not already an open case of the type the customer wishes to file and that the customer has met the jurisdictional requirements for filing in Sacramento County:

- Dissolution: Either party has been living in California for at least the last 6 months and in Sacramento County for at least the last 3 months;
- Legal Separation/Annulment cases do not have a residency requirement;
- Custody in Dissolution Legal Separation or Annulment cases can only be determined if the child has resided in this state for the past 6 months and if no other Court has already issued custody or visitation orders for the child.

***t.* Domestic Partnership**

Domestic partners must be registered through the Secretary of State's Office. For information on how to register, refer the customer to the Secretary of State's Office. See also **Divorce**

u. Domestic Violence Restraining Order

WEAVE offers a workshop for obtaining a DVRO on Mondays, Wednesdays and Fridays at 9:00 a.m. in Room 104. Customers who arrive too late or who do not wish to attend the workshop may pick up a form packet with instructions at Window 6 in Room 100. The only assistance that we can provide is directing the customer where they can go for assistance or information. Customers who wish to obtain immediate assistance and who have arrived too late to attend the workshop should be referred to WEAVE or into the Community Resource Room for other referrals.

v. Driver License Reinstatement

If the customer's driver license was revoked for failure to pay child support, tell the customer to go to DCSS to see if they will make a deal with them. If DCSS or the customer are unwilling to make a deal we may be able to assist them. If it was revoked or suspended for any other reason, they will need to go to the Carol Miller Justice Center (Traffic) or the DMV.

w. **Elder Abuse**

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112, and that forms are available at Window 6 in Room 100 across the hall. You can also refer the customer to Info Line for other resources.

x. **Emancipation**

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112, and that forms are available at Window 6 in Room 100 across the hall.

y. **Enforcement of Orders**

If a customer has a court order, but is having trouble getting the other party to comply with it, we may be able to assist them. If the order in question is a child support order, the customer should be referred to DCSS to open a case. If there is already an open DCSS case, or the issue is child custody or visitation, refer the customer to Window One. If the orders in question are for collection of a debt or concern real or personal property, the only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of our Private Attorney Referral List and/or the yellow Family Law Resource Sheet and suggest that he or she contact a private attorney.

z. **Entry of Judgment**

If the customer has a judgment prepared following a settlement conference or trial (by our office or elsewhere) and is ready to submit it to the Judge for signature, he or she may submit it with copies and envelopes in the Drop Box next to the Information Booth. If the Judgment is by declaration and there has not been a hearing, it can be submitted in the basket at Window 15 in Room 100. If the Judgment (following a settlement conference or trial) is prepared, but the other party is refusing to sign it or to complete his or her disclosures, refer the customer to Window One. See also **Judgment Preparation**.

aa. **Estate Advice**

The only assistance that we can provide is directing the customer where they can go for assistance or information. However, VLSP's Probate Clinic does provide estate advice following a person's death to eligible individuals. If the customer is interested in making an appointment with VLSP for this purpose, provide him or her VLSP's telephone number and/or flyer and instruct him or her to call to

schedule an appointment. If the customer is seeking assistance with estate planning, such as the preparation of a will or Power of Attorney, or control of a minor's assets, refer him or her to the Probate Department, the Law Library or suggest that he or she consult the yellow pages to find a private attorney.

bb. Eviction/Unlawful Detainer

If the customer is being evicted from his or her home or business, or would like to evict someone else from his or her home or rental property, refer him or her to the Unlawful Detainer Unit at the Carol Miller Justice Center. If the person the customer is attempting to evict is his or her spouse or significant other, he or she may be able to accomplish this goal by filing a Family Law or Domestic Violence case. See also **EZLegal File Kiosk.**

cc. Ex Parte/Emergency Hearing

We do not assist with this unless he or she meets the requirements under **Bank Levy, Child Abduction** or **CPS Involvement**. All other customers should be referred to Window 6 in Room 100 to pick up the forms and instructions. Before referring the customer to Window 6, explain that Emergency hearings are intended only for those urgent situations where irreparable harm will result if the hearing is not held immediately. The customer may be able to accomplish his or her goal by attending our OSC or NOM Workshop, or the EZLegal File Kiosk, if the customer is computer literate.

dd. EZLegal File Kiosk

There are two computers in the Resource room for customers who want to do their own paperwork. Customers can print their forms on the printers provided, free of charge. Triage the customer to see what their needs are and if they are filing a new Dissolution, UPA, Guardianship or DVRO case hand him/her the EZLegal File flyer and refer him/her to the Kiosk.

ee. Finalize Divorce

If the customer has an open dissolution, legal separation or nullity case in Sacramento County (not a Summary Dissolution) we may be able to review the Court file and let them know what steps they need to take to finalize the case. If the case is from another County or State, the customer will need to go to that Court to finalize the case, give out the address and telephone number for the Family Law Facilitator in that County, if available.

ff. Financial Disclosures

If the customer is seeking assistance in completing an Income and Expense Declaration or Financial Disclosures inform the customer that a "Declaration of Disclosures/ Income and Expense Declaration" workshop takes place every Wednesday and Thursday morning to assist in completing those forms. Give the customer the goldenrod ¼ page flyer that tells when to come and what to bring if he or she wishes to attend the workshop. Be sure to let the customer know that the workshop is first come first serve and he or she must be prepared with all of the things listed on the flyer if he or she wishes to attend.

gg. Genetic Testing—See Paternity Testing

hh. Grandparent Actions

Grandparents who wish to have custody of, or visitation with, their grandchildren have different options available to them, depending upon whether or not there is an open case between the parents of the children. A grandparent can obtain custody or visitation orders if there is an open family law case by joining that case. Offer the customer a Joinder instruction packet if appropriate. If there is not an open family law case between the parents, a grandparent can only obtain custody by filing for guardianship through the Probate Court. If a grandparent wants visitation only and there is not an open family law case between the parents, he or she may be able to file a Complaint for Grandparent Visitation. We also have an instruction packet for completing the Complaint for Grandparent Visitation. A Complaint for Grandparent Visitation cannot be filed if the parents are married, living together and refusing to allow visitation with the grandparent. Refer the customer to the Law Library or a private attorney for help with or questions about Joinder or a Complaint for Grandparent Visitation. See also **Joinder**, **Guardianship** and **Child Custody**.

ii. Guardianship

Guardianship is a means for a non-parent to get custody of a child when there is no open Family Law or Dependency case. If there is another type of case already open, in this County or elsewhere, the customer will have to attempt to join that case. If the customer is eligible for Guardianship, he or she may be able to receive assistance from VLSP's Probate Clinic. If he or she is not interested in the Probate Clinic or has previously been turned away from the Clinic, refer him or her to the Probate department on the second floor for forms and the Law Library or a private attorney for assistance. A person who had previously served as a guardian of a child may petition the Court for visitation after the guardianship has been terminated. This can be done through an existing case between the parents or as an independent action where there is no other case. If the customer is seeking control of a minor's assets, see Estate Advice. See also **EZLegal file Kiosk**

jj. Hearing Preparation

If the customer is trying to schedule a hearing, we may be able to assist, depending upon the issues involved. If the customer already has a hearing scheduled and would like assistance preparing for that hearing, we assist by providing the "Navigating the Family Court" video, which is available for viewing in the Resource Room. Or you can provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

kk. Income & Expense Declaration

If the customer is seeking assistance in completing an Income and Expense Declaration or their Financial Disclosures inform the customer that a "Declaration of Disclosures/Income and Expense Declaration" workshop takes place every Wednesday and Thursday morning to assist in completing those forms. Give the customer the goldenrod ¼ page flyer that tells when to come and what to bring if they wish to attend the workshop. Be sure to let the customer know that the

workshop is first come first serve and they must be prepared with all of the things listed on the flyer if they wish to attend.

ll. Joinder

We assist with Joinders by offering a set of instructions for eligible parties. If a non-parent wants custody or visitation orders over a child and there is an open Family Law case, he or she will have to seek to join that case. Give him or her the Joinder Instruction packet and refer him or her to Window 6 to pick up the forms. For any additional questions about, or assistance with, the Joinder process, the customer will need to contact a private attorney or visit the Law Library. If there is not an open Family Law case, see also **Guardianship**.

mm. Judgment Preparation

Judges in the Family Law and Family Support Departments of our Court frequently send customers to our office to have a Findings and Order After Hearing (FOAH) or Judgment prepared by our office. On Law and Motion calendar days, our office prepares the FOAH while the customer waits. See the Order and Judgment preparation procedures to determine if the customer qualifies for this service. If the customer needs a Judgment prepared or has not come down directly from a Law and Motion calendar, he or she may be able to drop off his or her request for our office to prepare a FOAH or Judgment.

nn. Legal Separation—See also **Divorce**

oo. Levy—See also **Bank Levy**

pp. License Reinstatement—See also **Driver License Reinstatement**

qq. Marital Settlement Agreement (MSA)

If the customer wishes to prepare an MSA the only assistance that we can provide is directing the customer elsewhere for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the comer in Room 112. If the customer is seeking to modify their agreement after the judgment has been entered, refer to the Triage Procedure for the issue in question.

rr. Marriage Permission

An underage person who wishes to marry can do so with the permission of the Court. Before the Court will grant this permission, an evaluation must be done by Family Court Services. Refer the customer to Room 104.

ss. Mediation

The Court, through Family Court Services, only offers mediation of child custody and/or visitation issues. For all other issues, the parties will need to utilize the services of a private mediator, either on their own or through the Court's Private Mediation program. Forms to request private mediation are available from Window 6. In order to utilize Family Court Services, the customer must first have an open case. A customer with an open case who wants to go to Family Court Services mediation may be able to attend the OSC Workshop.

tt. Name Change

We assist with some types of name changes.

i. A woman wanting to change her own last name from her married name back to her maiden name following a divorce in Sacramento County may be assisted. She will need a copy of her divorce judgment.
ii. A parent wanting to change the last name of his or her child may do so through a UPA case if the Judgment has not been entered.
iii. Any other name change situations will need to utilize the civil name change process. Provide the customer copies of the instruction sheet and refer the customer to the main courthouse.

uu. Nullity—See Divorce

vv. Order Preparation—See Judgment Preparation

ww. Paternity Testing

This issue usually arises where a man has been served with a request for child support or to establish paternity. We may be able to assist him in requesting paternity testing as part of his response to the underlying case. If paternity has been established already, there may be ways to set that order aside and still obtain paternity testing or some other form of relief. If the case is a private paternity case from another county and a judgment or a default has been entered, the customer will need to take action in that County and we will not be able to assist him. If there is no open case, paternity testing can be done through a private lab. Refer the customer to the yellow pages to locate a lab.

xx. Pension

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

yy. Petition for Custody and Support of Minor Children

Petition for Custody and Support of Minor Children is for customers who were formerly married, but do not have custody orders, customers who are married but are not seeking a divorce or legal separation, or customers who are unmarried and paternity was established by a POP declaration. Cases are started in the UPA workshop. Refer the customer's to Window One to determine if this is the right kind of case to file.

zz. Posting

When a customer opens a new Family Law case, he or she must have a copy of the Summons and Petition personally served on the other party before the case can be reduced to Judgment. Occasionally a customer will come in because they are unable to locate the other party in order to have him or her served. If the customer qualified for a Fee Waiver when the case was opened, he or she may be able to request permission from the Court to serve the other party by Posting. The only assistance we can provide is giving the customer the actual packet of forms which comes with instructions and can be provided to the customer from Triage without referring the customer to Window One, so long as the customer is otherwise eligible for our services. If the customer did pay a filing fee, See also **Publication.**

aaa. Pre-Trial Statement

A customer with an upcoming settlement conference will need to file a Pre-Trial Statement or Statement of Issues. Our office can provide the form with instructions, but we do not assist customers in completing the form. Once the form is complete, we can assist with service of the document if the customer has already made a copy and has an envelope that is large enough to fit the document and has enough postage to mail it.

bbb. Property Division

Although we do not address property issues on an individual basis, customers seeking control of property in a dissolution or legal separation case, may be able to accomplish their goal in our OSC workshop. If the customer is seeking to change title to real property, he or she should be referred to a private attorney. See also Return of Personal Property.

ccc. Publication

When a customer opens a new Family Law case, he or she must have a copy of the Summons and Petition personally served on the other party before the case can be reduced to Judgment. Occasionally a customer will come in because they are unable to locate the other party in order to have him or her served. If the customer paid a filing fee when the case was opened, he or she may be able to request permission from the Court to serve the other party by Publication. The only assistance we provide is giving the customer a packet of forms which comes with instructions and can be provided to the customer from Triage without referring the customer to Window One, so long as the customer is otherwise eligible for our services. If the customer did not pay a filing fee, because he or she qualified for a fee waiver, see also **Posting**.

ddd. Qualified Domestic Relations Order (QDRO)

See also **Pension**.

eee. Representation

The only assistance that we can provide is a referral. Provide the customer with a copy of the yellow Family Law Resource Sheet or the Private Attorney Referral List for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

fff. Responding to Papers Served

If a customer has been served with papers in a Family Law, Domestic Violence or Family Support case, other than contempt or discovery, and is still within his or her response time, we may be able to assist him or her. Response times include:

- Summons—30 days after service or before a default has been entered
- OSC or NOM—9 court days before the scheduled hearing
- DVRO—2 days before the scheduled hearing or by the time listed on the form

The case need not be in Sacramento County so long as the customer is within the response time, the papers do have to be from California. We are not able to respond to out of state papers.

ggg. Retirement

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

hhh. Return of Personal Property

If the dispute is between two parties to a Family Law case, we may be able to help through the OSC workshop. If there is no open Family Law case between the parties and the customer is not going to open a Family Law case, refer him or her to CMJC to file a small claims action or Downtown to file a civil action against the other party.

iii. Service of Process

We assist customers with timely service of process (see Responding to Papers Served) for a variety of matters, even if we do not assist with the completion of the forms in question. Service is done by mail, unless both parties are present and have valid photo-identification. Service can only be done in Family Law, Domestic Violence or Family Support cases. See also **Posting, Publication**.

jjj. Statement of Issues—See also **Pre-Trial Statement**

kkk. Stipulations

Parties frequently want to settle their issues by stipulation in order to avoid a court hearing. Some stipulations, such as marital settlement agreements, or custody stipulations are completely beyond the scope of what we do. We may be able to provide assistance or at least direction with child support stipulations.

lll. Summary Dissolution

We do not assist with this because it is only for parties without children and, as such, child support will never be an issue. Advise the customer that the form packet is available in Room 100, Window 6, and comes with detailed instructions on who qualifies and how to complete the process. If a party has an open Summary Dissolution case and wants to dismiss it in order to file a regular dissolution case, we may be able to assist.

mmm. Support Arrears—See also **Arrears**

nnn. Termination of Parental Rights

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112.

ooo. Trial Preparation

The only assistance that we can provide is directing the customer where they can go for assistance or information. Provide the customer with a copy of the yellow Family Law Resource Sheet for suggestions on where to receive assistance. Advise the customer that the County Law Library is located around the corner in Room 112. See also **Pre-Trial Statement.**

ppp. UPA

If the parents of a child are unmarried and one of the parents wants to establish paternity, custody, visitation, child support orders, or to change the child's last name, this can be done by opening a UPA case. We assist parties wishing to open a UPA case through our UPA Workshop only. Verify that there is not already an open case and that the customer has met the jurisdictional requirements for filing in Sacramento County: The child has been living in California for at least the last 6 months and there are no custody orders from another Court.

qqq. Visitation—See also **Child Custody, Guardianship, or Grandparent Actions.**

2. Do you have an attorney?

If the customer indicates that they have an attorney, do not attempt to assist them or to delve further into their issue. Immediately inform the customer that our office only assists parties who are acting as their own attorney and that parties who have attorneys to represent them must direct their questions to their attorney. Customers with attorneys often claim to be self represented. You must make an attempt to verify that the customer does not have an attorney if there is an open case. If there is a case in Sustain, check the "parties" screen to verify that the customer is not represented. If an attorney is listed, inform the customer of this fact. If the customer indicates that the attorney has withdrawn, ask for a file endorsed copy of the Substitution of Attorney form. If the customer states that he or she does not have the form, but that a copy was filed, inform the customer that if we are able to get the file, we will verify that the attorney has withdrawn. If the Substitution form is not in the file, the customer will not be able to be assisted by our office and will need to contact the attorney. Make a note in the body of the customer's intake form indicating that the person at Window One will need to verify that the attorney has withdrawn before rendering assistance.

3. Do you have a case in Sacramento County?

Ask the customer if he or she has a case in Sacramento County. If he or she does have a case and can provide the case number, check Sustain for an attorney before proceeding. If there is no attorney or a Substitution has been filed, print the case number on the top of an intake form and request the file. If the customer does not have a case number, check Sustain for the names of the parties involved. If a case number is found, verify with the customer that it is in fact his or her case. If it is a UPA case, make sure the customer has brought photo-identification before ordering the file. Print the case number on the intake and complete an Out Card. If more than one file is located, order all files and record the case numbers on the intake. If the file is too old to locate in Sustain, but the customer is certain that there is a file, send him or her to the Records department in Room 102 to search the microfiche for a case number. If the customer's file is so old that it is not stored in our facility and it will be needed in order to assist the customer, the customer must order the file in the Records Room and return to our office for assistance when the file is available.

If no Sacramento County case is located, be sure to ask the customer if they have a case in another County or State. Except in Family Support cases, the customer will

have to go to the County where the case is filed for assistance and filing of forms. Be sure to give the customer the telephone number of the Facilitator's Office in the County where the case is filed.

4. Have you been served with any Court documents?

If the customer has been served with Court forms, we may be able to assist them in filing a responsive pleading. In order to receive assistance, the customer must still be within their statutory response time and they must have copies of the forms they were served. In addition, the underlying case must be a Family Law, Family Support or Domestic Violence case and the request to which the customer is attempting to respond must not be a discovery request. If the papers to be responded to are for an upcoming hearing, do not order the file because the moving documents do not go into the file until after the hearing. If you will not be requesting the file, you must check Sustain to verify that the party does not have an attorney of record and does not have outstanding fees due. If Sustain indicates that fees are due from the customer, you must order the file so that the paralegal at Window One can verify that the fees have been paid before assistance is provided. If there is no attorney and no fees due and the customer has the papers that were served, give the customer an intake without a number and instruct him or her to go to window 6 for an envelope (if applicable), and to complete the intake and take it to window One.

5. Were you ever married to the other party?

If the customer was married to the other parent, ask where the Divorce case was filed. If it was filed in another county and/or state and has not been transferred/or registered in this county, they will have to go to that county or state for assistance. If the case is from Sacramento County, we may assist them with that case so long as they do not have an attorney of record.

If the customer was not married to the other party, than they may need to file a new UPA case.

Referring Customers to Window Two

Customers may be referred directly to Window Two from the Triage Window under very limited circumstances:

1. Scheduling a Disso or UPA workshop. If a customer is eligible to attend our Disso or UPA workshop, he or she may be sent directly to Window Two to schedule an appointment. Print the name of the workshop at the top of an intake form and direct the customer to complete both sides of the intake (except the VLSP portion and the survey questionnaire) then take it to Window Two to schedule an appointment.

2. Order or Judgment Preparation. If a customer is eligible to have our office prepare his or her FOAH or Judgment, provide him or her an Order/Judgment Preparation Request form to complete. Inform the customer of any attachments and/or envelopes that will be needed and direct him or her to take everything to Window Two when it is complete.

Referring Customers to Window One

Most customers will have to be referred to Window One to receive assistance from our office. Once you have determined that a customer is eligible for our services, print his or her case number and the type of assistance he or she is seeking, in the appropriate places on the intake form. In most cases, you will need to order the customer's file. Complete an Out Card and place it in the "Rush" pocket on the cabinet behind the Triage Window. If the runner has not been paged in the last 15 minutes, and you know the runner is not returning, you will need to email and page the Records runner to check the email and retrieve the file. Record the page time on the log near the telephone. When paging, enter the time instead of a telephone number when requested. Staple the next number from the roll of numbers to the upper left hand corner of the intake form (except for customers responding to papers served who do not need a court file) and print the current time on the first line in the box in the upper right hand corner. Give the intake to the customer and instruct him or her to complete it, front and back, while waiting for his or her number to be called. Show the customer where the electronic number display is located and instruct him or her to report to Window One when his or her number appears on the electronic display. For customers responding to a Family Law case, tell them to go to Room 100, Window Six to purchase an envelope with postage. Then have them fill out their form, and tell to take it up to Window One when the next customer leaves. If the customer is responding to a Family Support case, then they do not need an envelope, just have them go to Window One after completing their intake.

Customers Not Referred to Window One or Window Two

For every customer not referred to one of the other windows, it is the responsibility of the person at the Triage Window to ensure that accurate statistics are kept on the services rendered. Each person not referred to another window must be counted as either assisted or rejected, depending upon whether you were able to provide services or whether the customer had to be directed to return to our office on another day when the services he or she seeks will be available. See the Statistics Procedures for details.

Window Two

When the line at the Triage Window extends to the doors of the Self Help Center, the person at Window Two should assist customers from the line following the procedures outlined above. This does not apply to staff who have not been trained to work at the Triage Window. In addition, customers with physical disabilities who are unable to stand in line may proceed directly to Window Two for Triage assistance.

End of Day:

At the end of each shift, clean up the workstation for the next shift. Return all supplies that may have been moved around the area during your shift. Shut down the computer.

Telephone Triage Checklist ~ Domestic Violence/Civil Harassment

Incoming Call: *" I want to get a restraining order against someone."*

Example #1 – Filing a Domestic Violence Restraining Order

Staff: Has there been a recent incident of abuse?
Caller: Yes. *Explanation. (Restraining orders are not for neighbor disputes, property control, custody/visitation and or/evictions. Restraining orders are to protect an individual from another person, due to physical and/or mental abuse and the person has an immediate issue regarding their safety.)*
Staff: What is the relationship of the person you want to file a restraining order on?
Caller: My (ex- or current) husband/wife/partner, (ex- or current) boyfriend/girlfriend, parent, son/daughter, sibling or in-laws.
Staff: Do you and the other party live together?
Caller: Yes.
Staff: Do you believe that you need to seek safety for yourself (and your children) in a shelter?
Caller: Yes.
Staff: Inform the caller about Catalyst and their services, especially if you feel that the person would benefit from Catalyst's advocacy services.

Workshop*: *Domestic Violence – to file for a restraining order

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Example # 2 – Filing a Civil Harassment Restraining Order
Staff: Has there been a recent incident of abuse?
Caller: Yes. *Explanation. (Restraining orders are not for neighbor dispute, nuisance, property control, custody/visitation and or/evictions. Restraining orders are to protect an individual from another person, where there has been physical and/or mental abuse and the person has an immediate issue regarding their safety.)*
Staff: What is the relationship of the person you want to file a restraining order on?
Caller: A person of casual acquaintance. A person not related to me or a person that I have no history of an intimate relationship.

Workshop*: *Civil Harassment – to file for a restraining order

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Staff: Inform callers that when they attend a Domestic Violence/Civil Harassment Workshop, they will need to prepare a declaration regarding the incidents of violence (e.g. Who was there/What was abuse/ Where did the incident take place/ When did each incident happen/ Did the police come?).

Telephone Triage Checklist ~ Family Law

Incoming Call: *" I want to collect child support."*

Example #1 – Establish a child support order, parents are married

Staff: Is there a current order for child custody and visitation?
Caller: No.
Staff: Are you married to the other parent?
Caller: Yes.
Staff: Do you want to file for a dissolution of marriage?
Caller: Yes. (If "No", staff may inform the caller that they may file a Petition for Custody and Support.)
Staff: Do you believe that the other party will consent to what you will request regarding child support, custody and visitation?
Caller: No. (Advise caller that if there is an immediate need for a child support order an Order to Show Cause and a Petition for Dissolution may be filed concurrently.)
Staff: Inform the caller that without a request for temporary orders or a stipulation they will not have an enforceable child support order until a judgment has been signed in their dissolution action.

Workshop: ***Dissolution with Children I – to file for a dissolution and to establish child support orders.***

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Example #2 – Establish a child support order, parents are not married

Staff: Is there a current order for child custody and visitation?
Caller: No.
Staff: Are you the custodial or the non-custodial parent?
Caller: Custodial. (If the caller is the non-custodial parent, the initial filing process is the same.)
Staff: Were you married to the other parent?
Caller: No.
Staff: Did the Father sign a Voluntary Declaration of Paternity?
Caller: No. (If "Yes", inform the caller that they have the option of filing a Petition for Custody and Support.)
Staff: Do you believe that the other party will consent to what you will request regarding child support, custody and visitation?
Caller: Yes. (If "No" , and there is an immediate need for a child support order advise that an Order to Show Cause and a Petition to Establish Parental Relationship may be filed concurrently.)
Staff: Inform the caller that without a request for temporary orders or a stipulation they will not have an enforceable child support order until a judgment has been signed in their parentage action.

Workshop: ***Parentage – to establish parental relationship and child support orders***

Example #3 – Modify a DCSS child support order

Staff: Is the Department of Child Support Services involved in your case?
Caller: Yes.
Staff: Are you the custodial parent?
Caller: Yes.
Staff: Has there been a substantial change regarding the other party's or your income and/or timeshare?
Caller: Yes.
Staff: Have you contacted your case worker with DCSS?
Caller: Yes, my case worker referred me to you. (If the caller has not yet contacted their DCSS case worker, refer the caller to DCSS to request an "in-house" child support modification.)
Staff: Inform the caller that even if they are currently not employed or working part-time, they will be imputed a full time minimum wage earning ability.

IF the caller is the non-custodial parent:

Staff: Has there been a substantial change regarding the other party's or your income and/or timeshare?
Caller: Yes.
Staff: We can schedule you for an appointment to fill out papers to modify your support order. You will need to bring in proof of your current income (disability, unemployment, current wages, etc. If timeshare changed, bring you current order.

Alert! In some situations, staff should run a support calculation before beginning the modification papers. It may not be beneficial for the obligor to request a modification of support.

Workshop: Notice of motion – to modify a current child support order

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Example #4 – Modify a non-DCSS child support order

Staff: Is the Department of Child Support Services involved in your case?
Caller: No.
Staff: Do you have a current order for child support?
Caller: Yes.
Staff: Has there been a substantial change regarding the other party's or your income and/or timeshare?
Caller: Yes.
Staff: Inform the caller that even if they are currently not employed or working part-time, they will be imputed an ability to earn full time minimum wage. The court will make an exception of there is a temporary disability, but they will need to provide proof of disability.

Workshop: Order to Show Cause – to modify a current child support order

Telephone Triage Checklist ~ Family Law

Incoming Call: *"I want custody of my child(ren)?"*

Example # 1 - Current custody order in place

Staff: Do you have a court order for custody and visitation?
Caller: Yes.
Staff: Was that a Butte County Court Case?
Caller: Yes. (If "No", staff will need to find out what court issued the orders)
Staff: Do you want to modify your current court orders?
Caller: Yes.
Staff: Has there been a change in circumstances since that order was made?
Caller: Yes. (They will usually start to explain in great detail) (If "No", staff will explain what is required to change a custody order, and the caller will be given possible alternatives)
Staff: Do you know your case number? (staff will do a CMS check to make sure there is one) You will need to bring a copy of your current court order with you to the workshop.

Workshop: ***Order to Show Cause – to modify child custody/visitation***

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Example #2- No current order, no open case

Staff: Do you have a court order for custody and visitation?
Caller: No.
Staff: Do you have an open child support case with the Department of Child Support Services?
Caller: No.
Staff: Are you married to the other parent?
Caller: Yes.
Staff: Do you want to file for a legal separation/divorce?
Caller: Yes.
Staff: Are their children in this relationship?
Caller: Yes.
Staff: Do you believe that the other party is going to contest what you are requesting in your petition?
Caller: Yes.

Workshop: ***Dissolution with Children I and Order to Show Cause – to file for dissolution and to establish custody and visitation orders.***

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Example #3- No current order, parents were never married

Staff: Do you have a court order for custody and visitation?
Caller: No.
Staff: Do you have an open child support case with the Department of Child Support Services?
Caller: No.
Staff: Are you married to the other parent?
Caller: No.
Staff: Did the father sign a Voluntary Declaration of Paternity?
Caller: No. (If yes, the litigant may file a Petition for Custody and Support in lieu of a Petition to Establish Parental Relationship.)

Workshop: Parentage – to establish parental relationship, custody and visitation orders.

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Example #4- Parents never married, a post-1997 judgment of paternity and child support has been entered.

Staff: Do you have a court order for custody and visitation?
Caller: No.
Staff: Do you have an open child support case with the Department of Child Support Services?
Caller: Yes.
Staff: Is there a judgment in the child support case? (Check CMS to see if the DCSS case was filed after 1997 and there is a judgment. If so, paternity has been established in this case.)
Caller: Yes.
Staff: Do you know your case number? Staff will verify status of the case using CMS access. If the caller does not know the case number, Staff will give it to them, and record the case number on the appointment sheet.

Workshop: for Butte and Glenn County only Order to Show Cause – to establish or modify child custody/visitation in the DCSS case.

If Tehama County, Petitioner muse first file a new parentage action. The self help center does not have access to case information in Tehama County.

Telephone Triage Checklist – Family Law

Incoming Call: "I need help with my divorce."

Example #1 – Dissolution with children

Staff: Are there children of the marriage?
Caller: Yes.
Staff: Do you want to file for a divorce or a legal separation?
Caller: Divorce. (If the caller would like to file a legal separation, the filing process is exactly the same as a divorce, but inform the caller that if and when they would like to amend their legal separation into a divorce, the process is repeated. If the caller inquires about an annulment, inform the caller that there must be specific cause to justify the filing of an annulment.)
Staff: Do you live in _____ County?
Caller: Yes. (if no, where___ ? Children reside with____?)
Staff: How long have you lived in _____County? Be alert: is there is a jurisdiction problem?
Staff: Do you believe the other party will consent to what you will be requesting regarding child custody and support issues?
Caller: Yes. (If "No", inform the caller that they may want to file an Order to Show Cause to address any issues that require a more timely resolution.)
Staff: Do you own any real property?
Caller: No. (usually)
Staff: Are you going to be requesting a division of any assets and/or debts?
Caller: Yes.
Staff: Inform the caller that they will need to bring a list of property, assets and debts.
Staff: Inform the caller that the divorce process is not a one time filing process. This workshop is to prepare the initial filing to acquire a jurisdiction date. Additional forms will need to be submitted to the Court and then a final judgment. The divorce will not be final until 6 months and 1 day from date of service of summons (jurisdiction date) at the soonest and the process could take longer depending on the issues that may need to be addressed in the case.

Workshop: Dissolution I with children – to file for divorce or legal separation.