Expanding Family Law Services to Self-Represented Litigants

California's Family Law Facilitator Program

A New Paradigm for the Courts

During the past two decades, the growing number of self-represented litigants, especially in family law, has placed an increasingly heavy burden on courts throughout the country. Between 1980 and 1985, self-representation in divorce cases almost doubled, from 24 percent to 47 percent of litigants. [1] By 1995, approximately 65 percent of California divorces [2] were brought by pro se [3] litigants.[4] Recent data from California suggest that this number is now approaching 75 percent.[5] The reason for this increase is quite simple: The litigants cannot afford to hire attorneys.[6] The solution, however, is not so simple. No-cost or very low cost, traditional, full legal representation has been available only to a limited number of poverty-level litigants through attorney pro bono services, legal services programs, and other public-interest providers. Because the demand for such legal representation far outstrips the supply,[7] a majority of litigants in family law matters has been denied meaningful access to the courts.

The most recent comprehensive review of the status of legal services for low-income persons was presented at a December 1998 conference [8] hosted by Fordham University School of Law. In a report on Maryland's successful limited legal assistance program, in which local law student volunteers supervised by knowledgeable attorneys provided legal services to low-income litigants, Professor Michael Millemann —a conference participant—and his co-authors identify "[r]igid adherence to the full-service representational model" as "a source of the access-to-justice problem." [9] Accepting that the traditional model is the correct one for many matters, they conclude that "many times ... the lawyer's imposition of the full-service model on clients who do not need it and cannot afford it legally disenfranchise[s] them. ..." [10] The usual alternatives are unassisted self-representation or default and abandonment of rights. [11]

The California family law facilitator program departs from traditional legal services assistance models to create a new paradigm that shows great promise. The program offers large numbers of self-represented litigants quality (albeit limited) legal assistance in family law matters. The success of this program demonstrates the need to "think outside the box" to find better solutions in this arena. Critical to the success of the program are its legislative underpinnings.

In an attempt to alleviate California's burgeoning pro se problem, the 1996 California Legislature passed the Family Law Facilitator Act ("the act"), [12] mandating the establishment of an Office of the Family Law Facilitator in every California county. [13] Since that time, the act has been amended and rules added to further define the office.

As creatures of statute, the family law facilitator programs differ greatly from traditional legal services programs and avoid many of the common roadblocks encountered by such programs:

- The Office of the Family Law Facilitator is an arm of the superior court; [14] facilitators are neutral and impartial persons assisting the court in its duty to provide due process of law and equal access to the court for all members of the community.

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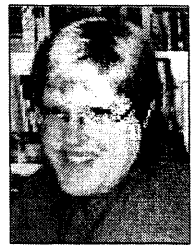

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As courts struggle to serve increasing numbers of pro se family law litigants, California has instituted a statewide court-based program of family law facilitators. Facilitators are experienced family law attorneys employed by the courts to bring direct assistance to pro se individuals in cases involving child and spousal support.

This article sets out the history of California's Family Law Facilitator Act, describing

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two legislatively mandated pilot projects as well as other local precursor programs. In addition, it examines current facilitator service models and presents data on customer demographics, volume, and service delivery. The authors also discuss ethical and practical issues created by this new role for attorneys in the court, including how best to deliver services to pro se litigants, how to avoid the appearance of advocacy, and how to provide information and education while maintaining the independence and impartiality of the court. ■

- The Office of the Family Law Facilitator provides services to both parties or, if there is a joinder, all parties to an action. [15]
- The family law facilitator does not represent any party. [16]
- The act provides that "[n]o attorney-client relationship is created between a party and the family law facilitator as a result of any information or services provided to the party by the family law facilitator." [17]
- The emphasis of the family law facilitator programs is on providing legal information and education, not legal advice and strategy, to litigants. [18]
- Facilitator services are available to all self-represented litigants; the act does not require an income qualification test. [19] Although many of the litigants served would qualify for traditional poverty legal services, many others have incomes above poverty guidelines but fall into a category that can best be described as "the working poor." [20]

This article presents a description of the California facilitator programs. It shows how the facilitator programs provide an alternative perspective and focus that resolve many of the concerns raised by traditional legal services programs and suggests a plan for future development.

HISTORY

In their search for a solution to the pro se issue, California court administrators, judges, legal services groups, and legislators viewed with interest a project undertaken by the Maricopa County, Arizona, superior court in 1995. Small local programs also began to evolve throughout California during the 1990s.

THE PILOT PROJECTS

The development of California's statewide program began in 1994 with two statutory pilot projects in Santa Clara and San Mateo Counties. [21]

In San Mateo County, the court was given authority to appoint a family law evaluator to assist with hearings on motions for temporary child support, spousal support, and health insurance in cases where at least one of the parties was not represented by an attorney. [22] The court was to designate the evaluator's duties by local rule.[23] Certain duties were suggested by the statute; however, the court's assignment of duties was limited only by the subject matter and type of hearing to which they applied.[24] Although the statute provided that the evaluator would "be available to assist parties," the duties suggested by the statute made it quite clear that the primary focus of the project was on providing assistance to the court.[25] Because the facilitator would review the paperwork and prepare support schedules, stipulations, and formal orders, however, there were also anticipated benefits for litigants: the expedited proceedings meant less time off work and more efficient dispositions. [26]

In San Mateo County, it rapidly became apparent that the scope of the project had been defined too narrowly. For a party to obtain an order for child and spousal support, he or she must often file an underlying paternity, dissolution of marriage, legal separation, nullity, or domestic violence action and initial requests for child custody and visitation. [27] Furthermore, the office quickly became an all-purpose clearinghouse for parties who had been referred to the courthouse by a variety of sources, ranging from child protective services, law enforcement, domestic violence support groups, and the family support division of the district

attorney's office to private attorneys, family court services, schools, bar associations, legal aid, and other community agencies.[28]

The San Mateo family law evaluator pilot project has become the Office of the Family Law Facilitator. It currently provides services to self-represented individuals on a drop-in basis in two court locations. The facilitator's office handles child support matters and related issues such as custody and visitation and domestic violence restraining orders. The office also now handles underlying actions such as establishment of paternity, dissolution of marriage, legal separation, and annulment. Spanish-language service is available.

The facilitator's office is staffed by the facilitator, an assistant facilitator attorney, and a research attorney. Self-help information sheets and Judicial Council forms are available at the centers; recorded information is available by telephone. The facilitator's office provides referrals to attorneys, family law alternative dispute resolution services, and other community-based services.[29]

The Assembly defined the Santa Clara project more broadly. The project applied to all hearings for temporary or permanent orders, and the subject matter was expanded to include custody and visitation.[30] The statute provided for the hiring of an "attorney-mediator" to "assist the court in resolving child and spousal support disputes, to develop community outreach programs, and to undertake other duties as assigned by the court."[31] As with the San Mateo project, the Santa Clara project was designed to provide assistance to the court; there was, however , a new emphasis on attempting extrajudicial resolution of disputes.[32] Again, the statute suggested certain duties,[33] and the superior court was given the power to designate the duties of the attorney-mediator by local rule.[34]

Santa Clara County launched its project in February 1994 with $80,000 in state seed funding. The program was headed by the attorney-mediator, required by statute to be a licensed attorney with substantial experience in mediation and family law.[35] A qualified attorney was hired part-time on a contract basis to develop the project. The attorney-mediator began assisting the court with child support disputes between parents, helping parties with paperwork, and providing procedural information in actions under the Family Law Act,[36] the Uniform Parentage Act,[37] and the Domestic Violence Prevention Act.[38]

The Santa Clara project found that the need for services had been greatly underestimated. Indeed, the need was so great that the attorney began donating almost half her time. In 1995, the court supplemented the funds with an additional $19,000. By fiscal year 1995–1996, the superior court's judicial officers had persuaded the county board of supervisors that the project merited a full-time contract financed with local funds. The project had become indispensable to the Santa Clara family court, which was striving to meet increasing demand for services. At that time, pro se litigants accounted for more than 65 percent of initial filings.[39]

The project became known as the Family Court Clinic. The program's initial priority was to mediate child support disputes and achieve resolution without court hearings. The attorney prepared child support schedules based on statutory guidelines and drafted stipulations when agreement was reached. When agreement was not reached, the attorney advised the court regarding the disputed issues that were ready to proceed. The parties returned to the courtroom armed with their support calculations and factual information the court would need to make a decision. The attorney-mediator, assisted by volunteer law students, paralegals, and family law attorneys, educated the parties and assisted them with forms for court hearings to obtain child support, spousal support, health insurance, domestic violence restraining orders, paternity, and custody and visitation matters.

The Family Court Clinic is now the Family Law Facilitator's Office for Santa Clara County. It currently offers the same range of services it did before passage of the Family Law Facilitator Act. The act allocated Title IV-D[40] funds to the court for facilitator services regarding child support, spousal support, and health insurance only. Consequently, the program offered only the statutorily specified services until the Santa Clara County Superior Court provided additional funding for assistance with nonsupport issues such as Domestic Violence Prevention Act restraining orders and custody/visitation orders. It has also added two attorneys and a domestic violence legal assistant to the staff. Volunteers from the local bar and law student interns provide additional assistance.

Currently, the Santa Clara County facilitator's program operates five days a week. Staff members or interpreters provide foreign language assistance (Spanish, Vietnamese, and Farsi). Litigants[41] may drop in from 8:00 to 9:00 A.M. or at 1:30 P.M., Monday through Thursday, to receive same-day assistance with forms, to obtain procedural information, or to make an appointment. Fridays are reserved for administrative duties.

Litigants may also pick up informational handouts and refer to sample completed forms posted outside the facilitator's office. Additional help is available from the Family Court Web site and an automated telephone information line. Judicial officers refer individuals to the program directly from courtrooms for a variety of services, including mediation of support, drafting of written stipulations, and preparation of written orders after hearing.[42]

OTHER PRECURSOR PROGRAMS

Other programs designed to offer assistance to self-represented litigants were developed by legal assistance groups. Most of these programs followed the traditional model of adversarial advocacy with resulting conflict-of-interest issues and selective representation of poverty-guideline clientele.

San Diego Volunteer Lawyer Program (SDVLP)

Also in 1994, a program to fund alternative dispute resolution (ADR) programs to serve self-represented litigants was established in the San Diego courts using money from filing fees.[43] The family law portion of the funds was awarded to the San Diego Volunteer Lawyer Program (SDVLP), a traditional low-income legal services organization then primarily designed for placing clients with pro bono counsel. Under the direction of a certified California Family Law Specialist,[44] the program opened in July 1994 with one family law attorney[45] and one paralegal plus a large, previously established network of volunteer attorneys.

As in the pilot program counties, it was quickly determined that there was overwhelming demand for a broad range of family law services. Paramount among these was access to the courts.[46] Whether an issue is to be litigated or resolved by alternative methods, an underlying action such as dissolution of marriage, legal separation, nullity, or paternity must be filed. Once filed, additional motions for custody and support are frequently required, especially if the other party refuses to cooperate or the party's whereabouts are unknown. Although California family law is essentially form-driven, those forms, and the procedures associated with them, can be complex.

At the request of the family law judges, the family law ADR grant was interpreted very broadly and was later amended to permit a wider range of services.[47] The SDVLP operated within a legal representation format, providing services only to one party to an action, and only to persons meeting the low-income test. This "representation," however, did not include court appearances by the attorneys.[48] Many litigants unable to obtain courthouse services from SDVLP viewed the selective representation as a violation of the court's impartiality.[49]

With the assistance of many family law attorney volunteers, the SDVLP program operated from counter space in the court's business office until June 30, 1999. During Summer 1998, the facilitator program opened at Family Court. As the facilitator program grew, the SDVLP was able to focus more on mediation. At the time of this writing, the SDVLP operates a mediation program in conjunction with the San Diego Mediation Center. The program is located across from the court and handles family law mediation cases referred by judges, facilitators, attorneys, community agencies, and other sources. Cases that present a conflict of interest to SDVLP or exceed the poverty guidelines are handled by the San Diego Mediation Center.

Alameda County Bar Association Volunteer Legal Services Corporation (VLSC)

One of the earliest of the precursor programs was the Alameda County Bar Association's Volunteer Legal Services Corporation. Like San Diego's program, this program was originally designed for case placement to pro bono counsel. Quickly realizing that it could serve more litigants in clinics, VLSC opened its first clinic in December 1983. By 1991, VLSC was serving approximately 800 clients per year; by 1996, the number had more than doubled.[50] VLSC currently provides four clinics per month for pro se litigants with dissolution-of-marriage cases, three clinics per month on child custody and visitation matters, four clinics per month for domestic violence assistance, and one general family law advice clinic per month. Clients remain pro se but receive assistance with paperwork and procedural information. VLSC also provides assistance to individuals in guardianship cases, foreclosure rescue, elder law, and consumer/debt counseling.

The office of the Alameda County facilitator now collaborates with VLSC to coordinate services. Since the implementation of the facilitator program, VLSC clinic numbers have diminished to some degree, which has given VLSC more time to devote to individual counseling and advice and to focus on issues not covered by the facilitator.[51] Because Alameda County's facilitator's office is funded only for the child and spousal support services specified in section 10004 of the Family Code, it cannot assist individuals seeking domestic violence restraining orders without child support, individuals presenting only custody/visitation issues, individuals seeking only resolution of (or preparation of judgments involving) property issues, grandparents seeking visitation orders, or individuals needing help with guardianships.[52] All such cases are referred to VLSC's pro se programs. In fact, VLSC conducts its domestic violence restraining order clinics in the office of the facilitator. On the other hand, VLSC refers to the facilitator all inquiries about Title IV-D child support and related issues as well as those individuals with support problems not eligible under the VLSC's income limitations.

Alameda County Family Law Financial Mediation Program

Another precursor program was the Alameda County Family Law Financial Mediation Program. This program

was primarily a mediation program rather than a pro se assistance program. The program was a collaboration of the family law judges, family court services, the Alameda County Family Law Association, and the University of San Francisco Law School. The program was designed to provide in-court mediation services on financial issues to pro se litigants, to assist both the court and litigants by providing procedural information and child support calculations, and to provide education and training to law student interns in both mediation and family law. An attorney-supervisor provided training and supervision in family law, and a family court services mediator provided training and supervision in mediation techniques. The court, the students, and the litigants were all stakeholders in this program, creating a symbiotic relationship that exists today in many facilitator programs.

The court already had clustered pro se matters for hearing on a specified day of the week, a calendaring technique that made the program possible. On those days, the mediator-supervisor, volunteer attorney-supervisor, and law student interns took cases assigned to the program by the judicial officer and attempted to mediate the financial issues related to support or temporary use of personal property. When agreements were reached, the interns prepared written agreements for signature. Interns also prepared written orders after hearing and provided procedural information.

The financial mediation program continued until October 1997, when the attorney-supervisor was appointed to the position of family law facilitator for the Alameda County Superior Court.

THE FAMILY LAW FACILITATOR PROGRAMS

The concept of on-site help at courthouses in Santa Clara County and San Mateo County shaped the Family Law Facilitator Act. In 1996, the California Legislature created a new statewide family law facilitator program to begin on July 1, 1997.[53] The stated legislative intent was to "make the services provided in the family law pilot projects in the Counties of Santa Clara and San Mateo available to unrepresented parties in the superior courts of all California counties."[54] In reality, the Family Law Facilitator Act mandated services only for establishing parentage and establishing, modifying, and enforcing child and spousal support.[55] Although the courts were authorized to designate additional duties for the facilitator,[56] another provision of the act placed a practical limitation on this power. It required the director of the state Department of Social Services to seek federal approval "to utilize funding under Title IV-D of the Social Security Act for the services provided pursuant to this division."[57] Title IV-D funding is available only for establishing or enforcing child support, for enforcing child support–related spousal support, and for orders for children's health insurance.[58] To date, the Legislature has provided funds only for the facilitator services mandated by Family Code section 10004. Any additional services provided by the Office of the Family Law Facilitator must be funded from the budgets of the individual courts.

The facilitator program operates in all of California's 58 counties. Although the enabling legislation told the facilitators what they were required to do[59] and what in addition they were permitted to do,[60] the facilitators were not told *how* they were to implement the statutes. September 1997 marked the first statewide AB 1058 conference of child support–enforcement district attorneys, child support commissioners, and facilitators. The attorneys who had established the pilot projects, together with one of the earliest facilitators,[61] spoke on their experiences, held roundtable discussions, and distributed materials they had created for use in their programs. Each county's facilitator was then left to design a program to meet the needs of his or her own county.[62] The design of programs in counties that had had pilot projects or other precursor programs was clearly influenced by each county's experience with its own earlier programs.

The facilitators were well qualified. The act requires California facilitators to be attorneys with experience in family law litigation and/or mediation.[63] On average, the facilitators have over 12 years' prior family law experience,[64] and six are Certified Family Law Specialists. Many of the facilitators have served as pro tem judges or commissioners, a number have taught family law–related subjects at California law schools, and others have taught at the college level. Two of the facilitators have taught family law topics for California judges' continuing education courses. Most of the facilitators have participated in pro bono or volunteer programs related to family law as well as other community service work.[65] Armed with materials and suggestions from the pilot projects and information about projects in other jurisdictions and the precursor programs, the facilitators opened their offices and began work on the courts' steadily increasing family law pro se problem.[66]

Information from the pilot projects regarding the income and education levels of the litigants proved to be extremely valuable. Published studies of projects outside of California seemed to suggest that the majority of pro se divorce litigants were reasonably well educated. A 1991 study found that the most common educational level for self-represented litigants was one to three years of college.[67] An even earlier study found that 76 percent of self-represented litigants had

at least some college education.[68] A 1996 survey found the median household income of a pro se center's litigants to be between $25,000 and $40,000, and at least 60 percent to have had some college experience.[69]

The experience of the pilot projects, as well as early pro bono efforts, showed facilitators that the need for pro se assistance in the lower income and education levels had been seriously underestimated in these studies. The 1991 study was limited to litigants whose divorce cases were completed during a particular four-month period.[70] No analysis was made of pro se litigants who were unable to access the system or unable to complete their divorces. The 1996 study was drawn from an exit survey of persons leaving the Maricopa County, Arizona, court's self-service center—a center providing assistance primarily through written materials and computer-driven kiosks.[71] It is likely that the studies identified the population that was most able to use the provided services, not the population most in need of them. Written materials, educational classes, Web sites, kiosks, and the like are useful primarily to sophisticated, well-educated, and computer-literate litigants. Litigants with income slightly above the poverty level, often with marginal education and unable to afford attorney fees, usually found themselves with nowhere to turn for assistance.

In 1998 and 1999, all the facilitators statewide met three times a year for training and exchange of information and materials. These meetings and the exchange of ideas, information, and materials have proved to be exceptionally valuable. The facilitators also communicate with one another by telephone, e-mail , fax, and Internet bulletin board. The Administrative Office of the Courts regularly provides educational materials.

Also with the assistance of the Administrative Office of the Courts, the facilitators are working toward uniformity in policy and are attempting to identify and implement "best practices." Uniformity in method of delivery of services is less likely. By February 2000, the facilitators had tried many models for service delivery.[72] Although the optimum service delivery model varied with the size of the county and with many other factors such as the education, literacy, sophistication, and emotional state of the recipient, all counties found that the most effective model required some one-on-one personal contact with the individual litigant.[73]

Fortunately, California family law practice has characteristics that facilitate delivery of limited legal assistance to pro se litigants:

- California family law is form-driven . There are some 176 family law forms adopted or approved by the Judicial Council,[74] so it is rarely necessary to draft a traditional pleading. The forms, though sometimes complicated and difficult to understand, make possible the assistance of large numbers of pro se litigants.[75]
- A number of California family law courts " *Reiflerize*"[76] their hearings—that is, they receive evidence at hearings other than trial by sworn declaration. It is far easier to assist a litigant to organize his or her thoughts for a written declaration prepared on the spot than to help the litigant prepare for oral testimony to be given at a later time.[77]
- Many counties accept forms that have been filled in with hand-printed as well as typewritten information.

THE ALAMEDA COUNTY MODEL

Alameda is a medium-sized county with a population of approximately 1,421,000.[78] The Alameda facilitator program is funded only for services mandated under Family Code section 10004; all services provided must, therefore, have some support component.

The Alameda County Superior Court appointed two family law facilitators to implement its pro se assistance program. These attorneys were both long-time family law practitioners in the county. One of the facilitators, a Certified Family Law Specialist,[79] had been the attorney-supervisor for the financial mediation program. The other had background in legal services and administration at the Alameda County Bar Association. The program the facilitators developed was therefore influenced by the service delivery experiences of both VLSC and the financial mediation program. The models employed by facilitators throughout the state have been frequently influenced by whatever pro se services were in existence locally prior to the implementation of the Family Law Facilitator Act.

Both of Alameda County's facilitators believed that pro se litigants need assistance at all phases of the legal process and did not want to limit services to the pleading stages. Furthermore, it was clear that the enormous need for such services would create a volume not amenable to a purely one-on-one assistance system. A three-pronged service delivery model was developed:

1. A help line that provides nonautomated live assistance over the telephone
2. Subject-matter workshops to provide assistance with paperwork
3. A courtroom assistance program

The Help Line

Telephone calls are answered four afternoons a week. The telephone contact serves two purposes. The first is to provide as much assistance as possible over the phone. Exam-

ples of such assistance are general information about the court, case status information, procedural information, and appropriate referrals. This is particularly useful to those who are employed during facilitator office hours, who have day-care problems, or have some other difficulty coming in to the office.

The second function of the help line is to do a preliminary triage of the needs of the litigant and schedule an appointment for additional services. The staff member begins an interview with the caller, asking the marital status of the litigant in relation to the other parent, the sex and ages of the children, and whether the litigant is currently represented by counsel. In the course of the conversation the interviewer also determines whether the district attorney (local child support agency) is involved in the case, asks what issues are of concern to the person, and locates the case in the court's automated registry of actions. The interviewer also identifies any other cases pending in the court, finds orders that may need to be modified, determines whether an initial filing is required, and inquires about cases in other venues. [80] If the person needs additional assistance, an appointment is made for participation in a facilitator workshop. If an issue requires immediate attention, it will be handled at a drop-in intake session. The help line is also a single point of contact for people to talk to a "real person" about their experiences at the court and gain appropriate perspective by learning about court procedures.

Subject-Matter Workshops

Workshops have been established to provide assistance with paperwork. These clinics are similar in many ways to those originated by VLSC. Workshops were implemented to help with

- Starting a divorce or legal separation
- Starting a private paternity case
- Making or responding to a motion for support in non–Title IV-D cases
- Responding to Title IV-D child support actions
- Drafting motions for relief in Title IV-D cases

There are approximately eight workshops per week, two of which are in Spanish. Workshops last between one and three hours and provide assistance with paperwork, legal education about relevant issues, and answers to specific questions posed by workshop participants. Workshops are limited to approximately 15 persons.

Crowding can occur when participants bring relatives or children with them. Such conditions detract from the learning environment the facilitator is trying to create, so customers are asked not to bring children or others with them to workshops. Only about 60 percent of those with workshop appointments actually attend the workshop. Interestingly, the percentage of individuals failing to appear at the workshops approximates the percentage of pro se litigants who do not show up for their hearings in court.

One function of the workshop is to conduct a further analysis of the litigant's needs in order to determine what action is to be taken, what procedure is to be followed, and what forms are to be filed. Information given at the intake may not be complete, or the litigant may need a remedy entirely different from what he or she had thought.[81] The workshops, while organized by case type, are broad enough to allow for appropriate flexibility once additional or different needs are ascertained. Individual help is available when the procedural problems are too complex for the workshop setting. The most common examples are multiple IV-D cases over numerous counties.

A portion of the workshop time is conducted classroom-style. The workshop leader explains each form, item by item, and discusses the meaning of each item with the participants. Individual questions are answered as they arise. In workshops designed to prepare papers for a motion, the facilitator works with the participants on the construction of their declarations. Toward the end of the workshop, the facilitator explains how to present the cases in court, what to expect on the day of the hearing, and what will be expected from the litigant. He or she also explains the process of the family law court as it is expected to affect the individual litigant. Some participants need more information about the function of the district attorney's office in the establishment and collection of child support orders, others about family court services, and still others just need information about what happens in court so they have a context in which to think about their matter. Not only do the workshops allow service to a larger number of individuals, but they also enable pro se litigants to obtain more legal education related to their cases than they would otherwise receive.

The facilitator's office experimented with additional classes on legal issues and court procedures, but they were poorly attended. Facilitators found that education was best combined with forms assistance. In addition, it was observed that many of the individuals attending the workshops were benefiting from the group process. Those with more difficulty reading, writing, or understanding may receive assistance from others in the workshop who are more at ease with the material. The participants benefit from the general question-and-answer sessions in the workshops.

A collateral benefit is that participants learn that they cannot expect a confidential relationship with the facilita-

tor because questions are asked in the group setting. They understand that their communications with the attorneys and staff are not privileged, that the facilitators do not represent them, and that the same services would be available to the opposing party.

The Courtroom Assistance Program

The courtroom assistance program has grown out of the financial mediation program. The facilitators provide courtroom assistance to pro se litigants when there are procedural problems such as failure of service or defects in pleadings. The facilitators also mediate support issues, explain guideline support and calculations, write stipulations and orders, and provide supportive human contact during what for many is a frightening experience.

The judicial officers refer the cases to the facilitator; participation with the facilitator is voluntary. If there are issues of domestic violence, the parties are seen separately. When the parties reach an agreement, the facilitator writes the stipulation and order. When no agreement is possible, the facilitator assists the parties in clarifying and narrowing their disputed issues for presentation in the courtroom and writes the court's orders once they are made. The facilitator's office may also review pro se litigants' documents for the court prior to hearing.

The courtroom has proved to be a particularly efficacious location for pro se assistance. Many of the questions answered by the facilitator would otherwise be posed to the judicial officer, who is trying to manage a busy docket. Furthermore, because both parties and the judicial officer are present, they can resolve many procedural problems that might be extremely difficult, or impossible, to solve outside the courtroom setting.

Currently the facilitator's office has two attorneys and four full-time legal assistants. Drop-in intake sessions are held four mornings per week in two court locations. Courtroom assistance services are provided five mornings per week at three court locations. Workshops are held four or five afternoons and one morning per week in two court locations. The help line is available four afternoons per week.

The facilitator's program also operates an internship program for law students and has recently implemented a work-study program. The students are from several local law schools and are recruited through the local Public-Interest Law Day. The students are provided with both didactic and practical education in family law and are supervised by the facilitators. Legal assistants and interns operate the help line under the supervision of the facilitators. Facilitators and/or staff operate the workshops with the assistance of law students. There is always a facilitator on-site during any workshop. Courtroom service is provided primarily by the facilitators. Interns and staff may assist in the courtrooms with appropriate supervision.

THE SAN DIEGO COUNTY MODEL

San Diego is a large county with a population of approximately 3 million.[82] The San Diego County Superior Court has one of the larger and more comprehensive facilitator programs in the state. In addition to state funding for support-related issues, the program receives substantial funding from the court's budget so it can offer services in almost all types of family law matters. In return, the courts are experiencing more efficient case processing, a reduction of conflict between the litigant and the system, faster resolution of cases, and more streamlined court calendars, all of which make more judicial time available for complex cases.[83]

The San Diego County facilitator's office now has seven attorneys, two legal assistants, and six court operations clerks who are full-time employees of the court. In addition, the office has three court-employed part-time student workers (undergraduates) and many unpaid law student interns and volunteer attorneys. The court also cooperates with local law schools in a work-study program.

The facilitator's office provides at least one full-time attorney and a full-time court operations clerk to each of four courthouses. The office cooperates with the Legal Aid Society under an Equal Access Fund Partnership Grant by providing a part-time attorney and a full-time clerk to a fifth court.[84] Another attorney, a Certified Family Law Specialist and lead facilitator for the county, is stationed in the central courthouse and performs administrative and supervisory functions. The lead facilitator also serves as a consultant and resource for the on-site facilitators and occasionally works with litigants to replace an attorney who is unexpectedly absent.

Service Procedure

At all court sites, facilitators serve the public on a first-come, first-served basis. Two sessions are held each day. The number of litigants assisted per session varies with the number of facilitator staff, volunteer attorneys, and law student interns available for the particular session. A supervising attorney is on-site at all times.

When signing in for a session, litigants sign a disclosure form acknowledging they have been informed that there is no attorney-client relationship with the facilitator's office, there is no attorney-client confidentiality, the facilitator will not represent the litigant in court, and the facilitator may assist both parties.[85] The disclosure also informs the litigant that some issues cannot be adequately addressed without the assistance of an attorney.[86] To assist the facilitator's staff in locating the correct court

files, the litigant also provides his or her name, the name of the opposing party, the names and birthdates of children of the relationship in question, and any known existing court case numbers. [87] Finally, the litigant gives a brief statement describing the assistance sought.

The facilitator staff then utilizes a kind of triage process. Cases in which the parties may be amenable to mediation are referred to the county-funded mediation project;[88] others not within the family court purview are referred to the appropriate court or public agency. Emergency domestic violence restraining order requests are given priority. Staff members explain that facilitators are unable to assist with property issues more complex than a division of automobiles or furniture; litigants with complex property cases are told why self-representation is a poor idea. Litigants wishing to begin a dissolution of marriage,[89] legal separation, or annulment are registered for a workshop. Those litigants who require more than the limited services provided by the facilitator are referred for legal representation by a traditional legal services program if they qualify; if the litigant can afford a private attorney, representation by a private attorney is recommended. [90]

The experience of the facilitators confirms the need for the "diagnostic interviews" emphasized by commentators.[91] The diagnostic interview enables the interviewing attorney to make an appropriate decision regarding the limited services to offer the litigant and for the litigant to make an informed decision about how to proceed. [92] As Millemann notes, "[T]he interviewer must understand the whole body of family law and be good at eliciting facts, evaluating people, and probing for hidden issues." [93]

Initiating the Dissolution-of-Marriage Process

Because the procedure is the same regardless of variations in facts, workshops have proved successful for initiation of marriage dissolution actions and actions to establish parental relationship.

The San Diego facilitator's office holds two group workshops each week at the family law courthouse in downtown San Diego. Workshops are held in a large third-story room previously used as a lunchroom, courtroom, and lounge. Experience has shown that 10 participants is about the optimum class size for a three-hour workshop, and 15 is the maximum. [94]

With the aid of an overhead projector and transparencies, the workshop leader explains each form item by item and answers questions. As a form is completed, the leader and a co-worker check each litigant's form for completeness and answer additional questions. After completion of the forms, the instructor gives detailed information on service of process. Workshops may be conducted by an attorney or by a legal assistant. A supervising attorney is always available on site.

Information about the procedural course of the dissolution action and the necessity of obtaining a judgment of dissolution of marriage is also given during the workshop. Facilitators are finding that many pro se litigants, including those who have been assisted by an independent paralegal, have not understood that the filing of the petition and related papers only begins the process, that the marriage is not terminated until a judgment has been entered. Facilitators sometimes find a litigant has numerous marriages and actions to dissolve those marriages, none of which has been completed; what presents as one divorce may, in fact, require an annulment, plus annulment or dissolution of previous marriages. [95]

The goal is for all workshop attendees to complete their paperwork, make copies, and file the action on the same day as the workshop. Litigants who are unable to complete the process by filing on that day are asked to return at a regular session to have their work checked and to review the information on service of process. [96]

Motions

Another type of workshop run by the facilitators is designed to help litigants bring motions for court appearances. Motions,[97] such as those for requesting custody, visitation, or support orders, are far more dependent on the facts of the individual case than are petitions. Motions, especially postjudgment motions, usually require some individualized attention.

After the diagnostic interview is completed, the attorney may instruct a legal assistant or law-student intern regarding the appropriate procedures and forms for that litigant. The legal assistant or intern will, in turn, explain the procedures and "walk through" the forms with the litigant. Litigants are shown how to write a factual declaration, which will serve as evidence. From that point on, the litigants are assisted in a "modified workshop" setting. In Title IV-D cases, the assistance required to make a meaningful response is substantially more complex than in other types of cases and is likely to require preparation of brief points and authorities and possibly some research. At the Family Law Courthouse facility in downtown San Diego, most litigants are assisted at picnic bench–style carrels in the open lobby. Litigants fill out their forms and write their declarations at the carrels. Facilitator staff members, volunteer attorneys, and interns move from litigant to litigant, answering questions and checking paperwork. Litigants can go directly from the facilitator to the court business office to file their papers. When one litigant vacates a carrel, another is seated.

A clerk, intern, or paralegal will review the rules for service of the papers on the opposing party with the litigant. The litigant is given a highlighted proof-of-service form with a preprinted or attached list of the documents being served. The highlighted items must be completed after service by the person who served the papers (not the litigant).

After the litigant has filed the papers, the litigant returns for a staff member to check that the packet of conformed copies of the papers, including any blank forms that must be served, is ready for service on the opposing party. After the opposing party is served, the litigant brings the proof of service to the facilitator's office, where it is checked for completeness before being filed with the court. If the form is not complete, the litigant returns the form to the server to complete it. These procedures ensure that a motion prepared with facilitator assistance will generally reach the judge only when it is in a form that permits the judge to resolve the issues.

Completing the Process

At present, the completion of the dissolution process by default or setting for trial and entry of judgment is handled on an individual basis. The facilitators anticipate that these processes will soon be handled in a workshop setting.

CURRENT ISSUES FOR COURTS AND FACILITATORS

The family law facilitator program responds to conditions that have an increasing impact on the court as the number of pro se litigants grows: [98]

- The need to provide pro se litigants with meaningful access to the courts
- The need to protect the court's ability to provide impartial justice and fairness
- The need for courts to reconnect with the communities they serve [99]

The facilitator program represents a significant change in the role of the court vis-à-vis the litigants who seek its services. Courts have historically taken a passive role; for the first time, courts are now undertaking to provide direct assistance to parties in preparing their pleadings and educating them on their rights and remedies and the court's procedures.

As the number of litigants unable to obtain traditional, full legal representation increases, the duty of the courts to provide fairness and justice for all who come before them becomes more and more difficult to fulfill. [100] Most commentators agree that if "justice and fairness" is not going to become "justice for those with lawyers" or "justice and fairness to the extent permitted by docket control," [101] court personnel must begin to take a more proactive role in assisting pro se litigants. [102] When traditional rules obstruct the goals of justice and fairness, the rules, not the goals, must be changed. [103]

Many commentators also agree that clerks should have an expanded role in providing assistance within the range of their expertise. Many support the idea that judges also must take an active role in ensuring impartiality, justice, and fairness by assisting unrepresented litigants [104] "on procedures to be followed, presentation of evidence, and questions of law." [105] Some recommend that the court call witnesses and conduct direct or cross-examination, examine the papers in the case, and talk to unrepresented parties to help them develop relevant facts and identify potential claims and defenses. [106] All these suggestions should be carefully considered.

The suggestions, however, have drawbacks. As courts move in this direction, these issues must be addressed:

- Many court clerks know a great deal about how their courts operate and can be of great assistance in that regard, but their knowledge of the law and remedies is limited by their experience and carries the danger associated with "a little learning."
- The large dockets faced by most courts do not permit the judge to conduct much of an evidentiary hearing, let alone engage in developing the evidence. In addition, although justice and fairness may be better served by judges' assistance to pro se litigants, it may not be so perceived by litigants appearing in court with counsel, either in the same case or in other cases. [107]

As Russell Engler has noted, the roles of the various court personnel have traditionally been discussed in isolation, whereas in reality the roles are "inextricably intertwined." [108] In this context, what will be necessary and proper conduct for judges will be partly determined by the definition of the roles performed by those court personnel with whom the litigant has dealt before appearing before the judge. [109] The more adequate the assistance the litigant has obtained before appearing before the judge, the easier the role of the judge will be. [110] To the extent that roles of courts and judges cannot or will not be revised, or to the extent the suggested revisions fail to protect the basic rights of the unrepresented poor, the court must identify others within the system who can effectively assist pro se litigants. [111]

Family law facilitators are primary agents in taking California courts in these new directions. Facilitators, who are required by statute to be experienced attorneys,

can take much of the burden of dealing with pro se litigants from the clerks, can serve as an interface with the judges, and can enhance the judge's ability to provide fair and reasoned resolutions of pro se litigants' legal issues. [112]

Facilitators find, however, that the ethical framework set out in the Rules of Professional Conduct of the State Bar, which are applicable to practicing attorneys, does not adequately address the issues involved in providing legal education, information, and assistance in a court setting. More apposite to facilitator attorneys in their role as an arm of the court are canons of the California Code of Judicial Ethics.[113]

From the beginning [114] of the statewide program, a vigorous discussion of new ethical guidelines among facilitators has led to a growing understanding and consensus in some areas and has shed light on those issues that remain unresolved. Many early debates centered around the question whether or not facilitators give "legal advice." [115] There is no "bright line" delineating what is and is not legal advice: the definition varies greatly from jurisdiction to jurisdiction and from context to context. Giving "legal advice" also raises different issues for non-attorney personnel. For non-attorney personnel, the issue is whether the assistance being provided constitutes the unauthorized practice of law in contravention of statutes designed to protect the public against incompetence. [116] In facilitator programs, the "unauthorized practice of law " issue does not arise because non-attorney personnel, paralegals, clerks, and student interns are supervised by licensed attorneys.

For attorney personnel, the critical issue with regard to what constitutes "legal advice" is whether an attorney-client relationship, with all of its subissues, attaches. Although a matter of quite some concern in traditional legal services programs, much of the "legal advice" debate has been resolved for facilitators by the passage of Family Code section 10013, which specifically provides that "[n]o attorney-client relationship is created between a party and the family law facilitator as a result of any information or services provided to the party by the family law facilitator."[117] This does not, however, end the matter for facilitators who must struggle with the nebulous definition of "legal advice"; here, facilitators must use their own lodestars of competence and impartiality.

In the process of defining the role of the attorney-facilitator, it is essential always to keep in mind that the facilitator is above all an employee [118] of the court and as such is creating a new role for the court. A major challenge in creating these ethical guidelines is to keep these two perspectives in their proper relationship. As court employees, facilitators are subject to the Code of Ethics for the Court Employees of California [119] if it is adopted by their local court. Nevertheless, because attorneys bear a special relationship with the court [120] as well as with the public, they are unlike other court employees and have ethical duties that do not apply to others. They are able to speak with authority about the law and are treated with the respect normally afforded members of the bar by the judiciary. Over time, facilitators have adopted a pragmatic approach, and their discussions on ethics have focused on what facilitators actually do, practical ways to avoid misleading or otherwise harming parties, and practical ways to maintain the neutrality of the court. [121]

To the extent that ethical guidelines define a correct way to discharge one's duties, we must examine facilitators' duties.

THE FACILITATOR MUST ACT COMPETENTLY WITHIN THE ROLE'S LIMITED SPHERE

Facilitators must inform litigants of the facilitator's limitations. While providing that facilitators and the litigants they assist do not have an attorney-client relationship, California Family Code section 10013 also requires facilitators to disclose that fact "in a conspicuous manner." Furthermore, the facilitator is required to inform the litigant that facilitator assistance is always available to the other party in the case. [122]

Litigants must understand that not only is the scope of the facilitator's relationship with the litigant limited, but also that the duties of the facilitator and the issues with which the facilitator can competently assist the litigant are limited by the nature and constraints of the program. The facilitator's province is to assist the litigant in gaining access to the court, not to protect all of the litigant's rights. Many family law matters involve complex and valuable legal rights, some of which cannot be adequately protected without the assistance of an attorney. In such situations, facilitators must explain to litigants why self-representation is a poor idea.

Within the facilitator's sphere, however, the facilitator must act competently to provide assistance. As defined by the State Bar's Rules of Professional Conduct, competence in any legal service requires application of the diligence, learning, skill, and mental, emotional, and physical ability reasonably necessary for the performance of the service. It also requires adequate supervision of the work of subordinates, including non-attorney personnel. These standards, and standards for maintaining current continuing legal education, apply to facilitators.

In the facilitator context, acting competently requires a diagnostic interview and a review of the court's file and existing orders to determine the status of the case; it

requires careful education, supervision, and review of paperwork.[123] Given the large number of litigants seeking assistance, there is always pressure to provide less adequate assistance to more people. Facilitators must always be open to new strategies for providing services to maximize the number of people assisted; however, facilitators must ensure that their services provide competent assistance.

THE FACILITATOR AS EDUCATOR

The role of the facilitator is fundamentally that of an educator. Facilitators teach basic family law, procedure, and principles of due process. In addition to being helped with paperwork, litigants are educated about the concept of "notice and the opportunity to be heard." The contents of the pleadings, forms, and declarations must give the other party notice of what the litigant is asking the court to do and what facts the litigant is offering in support of his or her position. The litigant must know what kind of factual information the court will need in order to make a decision. They also receive information on the difference between a "fact" and a "conclusion,"[124] and between a fact "known" and a "fact" the declarant has heard from another person. Information about service-of-process rules and procedures is given and explanation provided as to why the court must be assured that the other party has been served before making any orders. Instruction is also given about what information must be contained in a proof of service.[125]

Part of the role of private attorneys is to educate their clients, but the role of the private attorney goes beyond explaining the law and trying to establish reasonable expectations for their clients. Education is often secondary to case management. Private attorneys take responsibility for ensuring that notices are properly given and received, provide tactical advice and advocacy, draft the necessary motions, declarations, and briefs, and "handle" all aspects of the case on the client's behalf. The facilitator must educate the litigants to handle their own cases and must maintain the neutrality of the court.

Some guides to the facilitator's appropriate role are:

- Consistently avoid giving strategic advice.

  If facilitators carefully explain the importance of the court's neutrality, most parties will understand and accept this restriction. If facilitators explain available options, litigants can usually reach their own rational conclusions about the best way to proceed.

- Ensure that documents are the litigant's own product.

  Facilitators must avoid the strong temptation to just "take over" and do what the litigant needs. Taking over is sometimes the most time efficient way to proceed, but the litigant should be encouraged to complete the forms and write the declaration in his or her own words. Some "taking over" may be unavoidable, as when the litigant cannot write, but if the facilitator explains the choices, the document will be what the litigant has chosen to present, not the product of the facilitator. In such cases, it is often useful to have the litigant dictate the declaration.

- Do not maintain a file on individual cases (other than the court's own official case file).

  From time to time it may be necessary to retain some documents or notes regarding a case to complete a discrete task or to keep a particular document as a sample or model for use in other cases. Routinely creating and maintaining case files in the facilitator's office should be avoided, however, because it could easily lead to an expectation by litigants that they have an ongoing relationship with the office.

- Whenever possible, avoid conducting research and preparing a memorandum of points and authorities tailored to an individual case.

  This practice risks placing the facilitator in the role of an advocate for one party. Some facilitators are unable to avoid doing so, however, because of local rules requiring such memoranda in family law cases[126] or because child support enforcement attorneys take positions that must be refuted by legal arguments. These local requirements not only compromise the role of the facilitator, but they also constitute an unnecessary barrier to court access by pro se litigants.[127]

THE FACILITATOR AS ASSISTANT TO THE COURT

Facilitators in some courts provide assistance to the judicial officer with pro se litigants' cases. Such assistance is usually provided during the calendar at or near the courtroom and may consist of providing procedural information to litigants, making child support calculations, assisting the parties in resolving child support issues or making minor adjustments in the custody/visitation arrangements, or drafting stipulated orders or orders after hearing. Errors, the existence of multiple cases, and other procedural anomalies are often uncovered at this time and are particularly amenable to correction because one or both parties are present and the judicial officer can take appropriate action.

When the court asks the facilitator to work with both parties on some specific issue such as child support, this should not be referred to as mediation. The term "media-

tion" implies a degree of confidentiality, [128] whereas the purpose of the referral is to elicit information for the court and assist the parties in narrowing their issues if resolution is not reached. In such an instance, the facilitator should take steps to protect the rights of the parties and avoid the appearance that the facilitator is making the decision. The facilitator should explain to the parties at the outset that (1) the facilitator is assisting the court; (2) any information they reveal may be shared with the judge; (3) the facilitator does not have any authority to make decisions; and (4) in the event of disagreement over an issue or outcome, the parties have the right to be heard by the judge, who will then make the decision. Furthermore, if the facilitator is to communicate information to the judicial officer, the facilitator must present the information in a way that does not convey any prejudging by the facilitator.[129] The facilitator must take care that each litigant understands that it is the litigants' responsibility to present the case, that the facilitator will not be presenting the case for them. By reviewing with the litigants the issues that each wants to present, the facilitator can help each litigant make a focused presentation and understand that the facilitator's input will be neutral. The facilitator must maintain neutrality, and the appearance of neutrality, throughout the process. [130]

THE FACILITATOR AS PROGRAM ADMINISTRATOR

New legislation has given facilitators the duty to ensure that they and their staff understand and commit to following the canon of the California Code of Judicial Ethics that prohibits public comment about any pending or impending proceeding in any court and any nonpublic comment that might substantially interfere with a fair trial or hearing. [131]

The statute providing that there is no attorney-client relationship formed as a result of facilitator services also requires "conspicuous" notice that communications between the litigant and the facilitator are not privileged. [132] The facilitators have discussed adopting their own ethical guideline to the effect that, despite the lack of an attorney-client privilege, the facilitator and staff should protect the privacy of individual parties by not making unnecessary disclosures of any information provided by a litigant.

Other topics for guidelines in this area may include continuing education for the facilitator and staff in order to maintain competence in the law; proper supervision of staff so that accurate and appropriate legal information is consistently provided to the parties; and maintaining a credible, functioning procedure for the public to bring to the attention of the facilitator and his or her supervisors any complaints of improper practices or behavior by the facilitator or staff.

THE FACILITATOR AS A COMMUNITY SERVICE PROVIDER

The facilitator's function as a no-cost direct service provider parallels that of private, nonprofit community-based organizations (CBOs). One major difference is that most legal services providers perform services only for those who fall within their very low income guidelines, whereas the facilitator's services are available to all.

As a means to leverage resources and fill gaps in services, facilitators have developed many programs in collaboration with CBOs.[133] This places facilitators at a vital crossroads where they further two important goals: they help the courts become more a part of the communities they serve, and they directly and truly facilitate public participation in the legal system. [134] Nevertheless, as facilitators develop community-court collaborations, some aspects may require careful review in order to maintain the integrity and neutrality of the court:

- Does the CBO charge fees for services provided at the court? In counties where more than one CBO provides certain services, such fees could lead to charges of favoritism or other impropriety.
- What are the restrictions on receiving services? Will the collaboration result in an invidious class bias affecting who receives and who is denied needed services? If services may be denied to a class of litigants who would otherwise have no access to their legal remedies, can these services be provided by the facilitator or by some other CBO? An example of this problem would be allowing a domestic violence assistance program to use court facilities to help women obtain domestic violence restraining orders while providing no services to the defendants or to men seeking similar protection.

THE FACILITATOR AS AN ACCESS PROGRAM FOR THE COURT

The Family Law Facilitator Act established the facilitator program to meet "a compelling state interest in having a speedy, conflict-reducing system for resolving issues of child support, spousal support, and health insurance that is cost-effective and accessible to families that cannot afford legal representation." [135]

Family law facilitators have explicitly assumed responsibility for this access function by including it in their ethical guidelines.[136] The extent to which a facilitator may succeed or fail in this role will depend largely on the culture of the court within which he or she operates. Facili-

tators who have met together from around the state have noted the profound influence of local court cultures on the way their programs operate. Ethical guidelines must strive to recognize the importance and significance of these varying cultures and at the same time provide some uniform guidance. Best practices should be identified to promote effectiveness and avoid harm when operating a facilitator program.

One situation in particular has sharply illustrated the need for such guidelines: a litigant seeking information about how to disqualify a judicial officer [137] or family court services mediator or asking about challenging a judicial officer's decision. Some facilitators have felt pressure to avoid giving information or to "soft pedal" such information. Unless one accepts that "access to justice" applies only to justice from certain judicial officers or from trial courts alone, it is clear what the ethical response would be. California facilitators have under consideration an ethical guideline that would mandate they provide such information in response to a request.

OTHER ISSUES FOR FACILITATORS

A highly controversial issue among facilitators has been whether a facilitator should practice law in the same court where he or she is working as a facilitator. What seems to be a compromised appearance of neutrality to some is a serious practical problem for others: a number of counties have populations so small that the facilitator position is only part-time, and the incumbent must engage in other work as a matter of survival. Some counties have made agreements in which one facilitator provides services in more than one county. Other counties have attempted to minimize the appearance of impropriety by providing facilitator services completely outside of the courthouse setting and by having the facilitator serve as a contractor rather than as an employee. To many facilitators, these "answers" merely beg the question. The issue will remain unresolved until funding for a full-time facilitator is provided for every county. Such funding would minimize the effect that radically different social environments, such as isolated rural communities and teeming urban centers, otherwise have on the ability of each court to maintain its neutrality and, therefore, its credibility.

There are other ethical questions as well, such as whether the facilitator should provide services when a former client's opposing party requests them. There is general agreement that in this circumstance written waivers by both parties should be sought. Even more problematic is the case when a facilitator's former client seeks services, as assisting a former client may also raise the issue of continuing representation.

These cases should be referred to another facilitator or a volunteer attorney. Such problems may be particularly acute in counties with small populations, where the facilitator may be one of a very small number of family law attorneys in a large geographical area.

Another question is whether an attorney who was previously a facilitator and enters private practice should provide representation to a party he or she assisted as a facilitator or to any opposing party. Given that the facilitator act provides that there is no attorney-client relationship, theoretically there should be no problem. Moreover, given that facilitators do not keep records on the litigants they assist, there may be no way to determine whether or not services were provided. Best practice would require full disclosure to all parties of the attorney's previous facilitator status and the possibility that in that role he or she may have assisted the parties.

FACILITATOR DATA COLLECTION

The California family law facilitators are developing a unified reporting system for collecting data on their programs. Volume, demographic, and service delivery data are required to assess the needs of the pro se population seeking access to the family law courts. Two data collection methods have been developed for this purpose.

The first, the SCANTRON method, [138] is named for the automated input system it uses. In collaboration with the Judicial Council of California, Administrative Office of the Courts, the Statistics Committee of the California Family Law Facilitator's Association developed a uniform data-reporting form. One form is to be used for each customer contact and is filled out by the customer and facilitator staff. At the end of the month, the forms are input into a database by use of a scanning system. [139] The database is used to generate monthly reports for each participating county, year-to-date reports, and aggregate reports that include and tally the data from all participating counties. Twenty-six counties [140] had signed up for SCANTRON and 21 [141] had begun to use it prior to July 1, 2000. Another 12 counties had signed up to use it as of October 2000.

Los Angeles County is developing the second method of data collection, the ACCESS system. [142] At the time of the client interview, facilitator staff members input volume, demographic, and service delivery data into the ACCESS database. Los Angeles County will make this system available to any of the facilitators who wish to use it. To date, the data from SCANTRON and ACCESS have not been combined into a single database for analysis and are therefore reported separately. Combining these data should be the next step in the facilitator data project.

The statistics cited in this article are taken primarily from the SCANTRON data available at the time of writing.[143] There are various limitations on this information. For example, input from the 21 counties came from the months of March through June 2000. Some counties responded in March only, some in April only, some only in May or June, some in combinations of two or three of these months. Some did not use SCANTRON for the entire month reported. Several of the larger SCANTRON counties significantly underreported their volume because of inexperience with the forms. Therefore, the aggregate figures are extremely conservative and will tend to underestimate facilitator customer volume for these 21 counties.

Nevertheless, given these inconsistencies, the enormity of facilitator customer volume does begin to become apparent. The total number of customer contacts derived from these early reports is 35,688. On average these 21 programs reported approximately 11,605 customers per month, by which we may make a conservative projection of 139,805 per year. Data received to date from Los Angeles County increase this monthly average by 6,805 customers,[144] which increases the yearly projection to 221,465. The 21 SCANTRON counties and Los Angeles account for approximately 75 percent of California's population. Based on population size, the remaining 36 counties would be expected to add an additional 73,834 customers to the yearly volume, for a statewide estimate of 295,299. As facilitators become more familiar with this system and reporting is more routine, the quality of this data will continue to improve. Full reporting is expected to show a volume of between 300,000 and 400,000 customer contacts per year.

Since the preliminary sample size from the 21 SCANTRON counties (35,688) is so large, it would be expected that the data could provide reliable information about demographics and service delivery. Complete reports from Los Angeles were unavailable at the time of the writing of this article; however, when the data become available, they will be reported.

A variety of data limitations will be noted throughout this section. Data were reviewed and sorted by grouping the 21 SCANTRON counties according to population size and whether they were urban, rural, or mixed.

FACILITATOR CUSTOMERS

According to the aggregate SCANTRON data, an individual seeking assistance from a facilitator is about equally likely to be male or female. This person would be between 30 and 39 years of age and have two children. He or she would most likely be Caucasian, Hispanic, or African American. The individual would be a high school graduate and be employed, reporting a gross monthly income of under $1,500 per month. Most would have district-attorney involvement in their cases, and many would be involved in dissolution proceedings. About half would never have been to court before; the other half would have been at least once. This individual would have been referred to the facilitator by the court clerk's office, the District Attorney Family Support Division or the local child support agency, a judicial officer, or a friend. He or she would be expected to ask for help with child support, child custody and/or visitation, starting dissolution proceedings, or getting a domestic violence restraining order. The type of assistance provided by the facilitator's office would vary among counties depending on various local factors, including the existence of additional funding by courts over and above the AB 1058 funding.[145]

DEMOGRAPHIC DATA

The following sections refer to tables located in the appendix to this article.[146]

Age (Table 1)

The largest overall percentage (40.1%) of facilitator customers are between the ages of 30 and 39. This was true in all counties regardless of population size, geographic region, or type of county (urban, rural, or mixed). The highest percentages in this age group were reported by the urban counties and counties with populations of over 1 million, primarily located in Southern California and the Bay Area.[147] The second-largest percentage (28.5%) of customers overall were individuals between the ages of 20 and 29. Counties reporting the highest percentages of 20- to 29-year-olds were primarily located in Central California, were rural (30.1%), and had populations between 250,000 and 499,000 (30%).

The third-largest percentage (21.9%) of customers overall were individuals between the ages of 40 and 49. Counties with populations under 250,000 reported the highest percentage (approximately 26%) of customers between 40 and 49 years of age. Only 6.8% of facilitator customers were over 50 years of age. Counties with populations under 100,000 reported the highest percentage (12%) of customers in this age group.[148] One of the limitations of these data is presented in the low number of customers over the age of 50 years. Individuals in this age group often present issues not covered by AB 1058 funding. Examples are family law cases in which the children are no longer minors; where pension or other property matters from a dissolution remain pending; or where grandparents are seeking visitation with, or guardianship of, a minor. It should not be inferred from these data,

therefore, that there are few unrepresented individuals over age 50 who need assistance with their family law matters. The need may be far greater.

Income (Table 2)

Overall, 82% of facilitator customers have a gross monthly income of under $2,000. Over 67% of facilitator customers have gross monthly incomes of under $1,500. Over 45% of facilitator customers have gross monthly incomes of under $1,000, and approximately one-fifth report gross monthly income of $500 or less.

In Los Angeles County, 77% of the customers report gross monthly incomes of under $2,000. Approximately 62% of Los Angeles customers report gross monthly incomes of under $1,500, 35% have incomes under $1,000, and 23% report incomes of $500 per month or less.

Rural counties, particularly in Central California, with populations between 100,000 and 499,000, report the highest percentages of customers with incomes under $1,000 per month. Over 50% of facilitator customers in these counties report incomes that fall within this range. The highest percentages of monthly incomes of $500 or less were also reported in these counties.

Only 18% of facilitator customers overall have gross monthly incomes of over $2,000. The highest percentages of those reporting gross monthly incomes between $2,000 and $3,000 per month are in urban counties (11.9%) and counties with populations over 1 million (12.7%), in both Southern California and the Bay Area. Los Angeles reports that 15% of its customers are in this income group. Only 6.8% of customers report gross monthly incomes of over $3,000. The highest percentages in this category are reported by counties with populations between 500,000 and 1 million (7.9%), primarily in the Bay Area (11.2%) and in Los Angeles County (8%). This suggests that facilitators in areas where the cost of living is higher and legal representation is more costly may see more individuals in this category. Nevertheless, in all but two Bay Area counties where the cost of living is extremely high, over 90% of facilitator customers had gross monthly incomes under $3,000.

For the most part, facilitator customers are not likely to have income sufficient to afford full-service legal representation; however, their incomes may be just high enough to make them ineligible for assistance from Legal Services Corporation or IOLTA-funded [149] legal services programs.

Ethnicity (Table 3)

There appears to be substantial ethnic diversity among facilitator customers. No ethnic group constitutes a majority of all facilitator customers. Overall, the largest percentage of individuals is Caucasian (44.1%), followed by Hispanic (33.7%) and African American (13.9%). These three groups account for 91.7% of facilitator customers. There are notable differences in the distribution of these percentages, however.

There was no ethnic majority of customers in any urban county or county with a population over 500,000. In urban counties and counties with populations of over 500,000, there was an approximately equal distribution of Caucasian customers (between 36 and 41%) and Hispanic customers (between 34 and 38%). This was particularly true for Southern California. The highest percentages of Hispanic customers were reported in these counties. The next-largest percentages in those counties were African-American customers (between 15 and 19%). The remaining percentages were distributed among Asian/Pacific Islander, Native American/Eskimo, multiethnic, or undefined other.

Data from urban counties with populations over 500,000 are similar in the Bay Area and Southern California, except that there are slightly larger percentages of African-American customers (35%) and Asian/Pacific Islander customers (6%)in the Bay Area. The largest percentages of African American and Asian/Pacific Islander customers were reported in these Bay Area counties. There are correspondingly smaller percentages of Caucasian customers (31%) and Hispanic customers (23%). The remaining percentages were distributed among Native American/Eskimo, multiethnic, or undefined other.

Counties with populations between 250,000 and 499,000 reported percentages showing a small Caucasian majority (52.8%). Rural counties reported a larger Caucasian majority (60.2%). In Central California, Caucasian customers made up about 52% of facilitator customers, followed by Hispanic customers (36%) and African-American customers (5%). The remaining percentages were distributed among Asian/Pacific Islander, Native American/Eskimo, multiethnic, or undefined other.

In Northern California, a majority of facilitator customers are Caucasian (66%). The largest percentage of Caucasian customers is reported in these counties with populations under 100,000 (79.8%). The next-largest groups in Northern California are Hispanic (14%) and African American (3%). The remaining percentages were distributed among Asian/Pacific Islander, Native American/Eskimo, multiethnic, or undefined other.

Source of Income (Table 4)

In total, the majority (63.7%) of facilitator customers are employed. Highest employment figures are found in urban counties (69%) and counties with populations over 1 million (68.9%). Lowest employment (54.5%) and highest unemployment (approximately 24%) were found in rural

counties and counties with populations between 250,000 and 499,000 respectively. These counties were located primarily in Central California.[150] Nevertheless, in all but three rural counties with populations under 100,000, the majority of facilitator customers reported they were currently employed. Overall, approximately one-fifth (19.7%) of facilitator customers are unemployed. Only 2.1% report they receive unemployment benefits, and only 8.9% report public assistance. Urban counties (5.3%) and counties with populations of over 1 million (6.1%) report the smallest percentages of customers receiving public assistance. These percentages are about equal in Southern California and the Bay Area.[151] Rural counties (12.8%) and counties with populations between 100,000 and 249,999 (12.7%) report the largest percentages of customers receiving public assistance. These percentages are about equal in Central and Northern California.[152] Facilitator customers also received income from various sources, such as retirement (1.3%), disability or workers' compensation (7.6%), family or friends (3.9%), or child or spousal support (4.1%), or were students (4.4%).

Children (Table 5)

Overall, most people were likely to have one or two minor children. The largest percentage (30.2%) report having two children and 22.8% report one child. Another 24% had three or more children. Only 9.4% of facilitator customers report having four or more.

The number of children appears related to population size and urbanization. The largest percentages of customers with only one child were reported in urban counties (36%) and counties with populations over 1 million (35.2%). The largest percentages of customers reporting four or more children were in rural counties (10.6%) and counties with populations under 100,000 (13.2%).

Education (Table 7)

Most facilitator customers reported graduating from high school (84.6%). Many (41.4%) had some college but did not have a college degree. Overall, 10.4% of the customers had completed college and 2.4% had some graduate-level education. There was not much variance among the groups.

One limitation of the data applies here: There is no way to control for the functional educational level reported by the customer. Some litigants have had schooling in a foreign country and may be unable to read or write in English. Moreover, all facilitators have encountered functional illiteracy in individuals with high school diplomas.

Gender (Table 8)

In the aggregate, the facilitators see approximately the same percentage of men (49%) and women (51%). The data seem to suggest that when the facilitator customer is female, child support is more likely to be sought through a dissolution case; whereas when the customer is male, the child support issue is more likely to be found within a local child support agency case. This variance may be the result of population demographics, issues related to AB 1058 funding limitations, or factors yet to be determined.

Case Types and Hearings (Tables 6 and 8)

The district attorney is in some way involved in the cases of the majority of facilitator customers (51% report a public IV-D case). Many (40.5%) are involved in an action for dissolution or legal separation; 9.9% are involved in actions under the Uniform Parentage Act,[153] and 7.5% are involved in cases filed under the Domestic Violence Prevention Act. Los Angeles reports that 73% of facilitator customers are involved in a Title IV-D case; 28% have an action for dissolution, 1% have a Uniform Parentage Act case, and 2% have cases filed under the Domestic Violence Prevention Act.

Statewide, 17.4% of facilitator customers are involved in more than one case. Urban counties report that 20.5% of customers have more than one case; counties with populations over 1 million report that 19.4% have more than one case; counties with populations under 100,000 report that 29.7% have multiple cases.

Approximately 48% of facilitator customers have been to court for at least one hearing regarding their family law matters. Of those, 28% have been at least twice and 17% have had three or more hearings. Counties with populations under 249,999 report the highest percentages of customers who have had six or more hearings.

FACILITATOR SERVICE DELIVERY

Assistance Requested by Customer (Table 9)

The largest percentage of facilitator customers were requesting assistance with child support, spousal support, and support-related issues. Child support, spousal support, and related issues include motions concerning driver's licenses, arrears, and wage assignments. Some 55% of customers requested assistance with such child support–related issues. Only 6.3% were requesting help with spousal support issues; 46.2% were requesting assistance with issues of child custody and visitation. Nearly 24% asked for help with a divorce, 5.4% for help in establishing paternity, 10.1% with preparing responsive pleadings to papers with which they had been served, and 10.3% with help related

to domestic violence issues. The need for assistance in both setting child support and making custody/visitation arrangements for the children is clearly expressed in the data. One of the data's limitations, however, is that without further statistical study, it is unclear how many of those asking for assistance with child support also needed assistance with custody/visitation. The link between these issues is nevertheless guaranteed by the fact that the California child support guideline algorithm includes time spent with the child as a factor in setting child support.

Help Actually Provided by Facilitator (Table 10)

Facilitators are not necessarily able to provide the assistance requested by a facilitator customer, especially if the program is limited to funding under AB 1058. As a result, most assistance provided by facilitators was related to child support (63.7%), child-care expenses (1.7%), health insurance (5%), spousal support (11.6%), and support arrears (10.8%). Another 24% addressed custody/visitation issues only insofar as was necessary to calculate child support. Approximately 38% addressed other issues unspecified in the data. These would be cases where referrals were made to other sources capable of dealing with non–AB 1058 issues or where counties have supplemented funding to allow facilitator assistance with such issues.

Types of Services (Tables 11–14)

Forms Assistance (Table 11). Assistance with forms was provided by facilitators in about 43% of total customer contacts. In Los Angeles County, 47% of facilitator customers received help in preparing forms. It is the second most common assistance provided by the facilitators. The most common is giving procedural information. As would be expected, most forms were related to child support. About half of those receiving forms assistance needed help with forms required to place a motion onto the court's calendar (49.7%). About 32% received help with fee waiver forms, 33.5% with income and expense declarations. Additionally, 18.1% needed assistance with an initial pleading to start a dissolution, legal separation, or paternity case. Assistance with responsive pleadings was required by 13.4%, ex parte applications by 8.4%, and completion of judgments by 8%. The other forms with which facilitators provided assistance were license revocation review motions, stipulations and orders, orders after hearings, and wage assignments. There were 25.6% of unspecified other types of forms, which may be related to non–AB 1058 issues.

Courtroom Assistance (Table 12). Some of the facilitators provide assistance either inside the courtroom or by taking referrals immediately from the courtroom. The most common form of courtroom assistance these facilitators provide is giving the litigant procedural information (49.3%). Facilitators also review cases for readiness for hearing (44.5%), interview the litigants (37%), write orders after hearing (31.4%), and do support calculations (16.3%). What the data indicate is that courtroom assistance usually involves interviewing litigants, assessing cases for readiness for hearing, working up support calculations, providing the litigant with procedural information, and preparing orders after hearing. Some courtroom assistance may also include financial mediations and preparation of stipulations, providing educational materials, and referrals.

Telephone Assistance (Table 13). Most telephone assistance provided by facilitators gives customers general information about the court or the facilitator's program (66.9%). Information about court procedures is also given over the telephone (29.9%), and appointments for further assistance are made (21.7%). Some counties provide referrals and support calculations over the phone. In Los Angeles County, 40.5% of telephone assistance provided the customer with general information about the court, 28.7% provided information about court procedures, 20.7% made appointments for further assistance, and 8.8% provided referrals.

Other In-Office Assistance (Table 14). Providing customers with information about court procedures is the number-one in-office service provided by facilitators (85.1%). This is also the largest category of service provided overall to facilitator customers, accounting for the majority (52%) of total customer contacts. When combined with courtroom and telephone assistance, providing procedural information to customers accounts for 63% of all customer contacts. This underscores the role of the facilitator as a educator of the public on court procedure.

The second most common in-office service is review of documents presented to the facilitator by the customer (62.6%). Documents may be numerous pages of pleadings and orders from multiple cases or pleadings that the customer has prepared on his or her own and wishes the facilitator to check for sufficiency. Other services include support calculations or calculation of arrearages (22.4%), support mediations and preparation of stipulations (3%), educational literature or videos (11.2%), and referrals (13.4%).

Time (Table 15)

The majority of customer contacts take facilitators under 30 minutes (76.1%). Another 13.4% take between 30 minutes and an hour, and only 10.5% take over 1 hour. Not surprisingly, the time per contact is related to the

service delivery mode being used by the facilitator: one-on-one attention takes more facilitator time than informational workshops on common forms or giving a simple procedural instruction, for example.

Referrals (Table 16)

Referrals to the facilitator's office come from the clerk's office (24.6%), the District Attorney Family Support Division or local child support agency (22.3%), judicial officers (10.1%), friends (15.3%), family court services (8.5%), and unspecified sources (18.6%).

PLANNING FOR THE FUTURE

Lacking meaningful access to the court system, many current pro se litigants previously "solved" their family law issues outside the court system. If they could not access the system, they simply avoided it. Programs to establish and enforce child support have brought many poverty-level and "working poor" litigants into the family law system; increased access to domestic violence restraining orders has brought many more.

Fundamental to these programs is the recognition by the courts of the societal value of equal access to justice and not merely equal justice for those who can afford it. When setting goals and formulating strategic plans, courts have emphasized programs designed to increase access and assist litigants. Facilitators see daily the positive responses of parents who find that the system can be used to assist them and is not there simply to extract something from them or to be used punitively against them. The court itself also benefits from pro se programs, not just in its day-to-day operations, but in its community relations as well.

Our legal system, as it has evolved, is designed to operate with intermediaries between the court and the litigant—the lawyers. Lawyers present cases to the court in a condition ready for resolution; they marshal the facts and provide the applicable law; they ensure that notice and an opportunity to be heard have been given; and they argue the legally cognizable issues to the court. [154] After a decision is rendered, they draft written orders or judgments to memorialize the court's rulings. Ideally, all litigants would have lawyers to help maintain docket control and preserve the impartiality of the court.

Unfortunately, that is not a reasonably foreseeable possibility: the court of the 21st century is simply not going to have the same physiognomy as the court of the 20th century. Changes are needed to meet the challenge of increasing numbers of pro se litigants. The facilitator programs have given us some direction in how this might be accomplished.

In developing a facilitator program, one must keep in mind the enormous variance in the demographics of the California courts. California has 58 counties. One has a population of fewer than 1,500; another, over 9 million. The model set out below is most applicable to large urban areas; however, many of the ideas may also be useful to those in other settings as they develop programs to meet the needs of their own courts and communities.

The development of up-to-date computer, software, and information systems technology is of enormous importance to court-based pro se assistance. The creation of interactive automated assistance in preparation of forms, electronic filing capacity, and resource kiosks in courthouses that assist pro se litigants in accessing community services all serve to increase access to justice for pro ses. In addition, the ability of the court to access its own records, maintain electronic files, sort and organize information relating to families within the system, and generate its own written court orders all serve to increase the ability of the court to effectively manage a large pro se litigant caseload. The ongoing effort to modernize in these ways is central to the creation of a model facilitator program.

The authors propose that facilitator programs should be expanded and further integrated into the fabric of the court to provide assistance in four areas:

1. In-courtroom assistance to the court, including drafting stipulations, orders after hearing, and judgments in pro se cases
2. Assisting pro se access to the court
3. Legal research: Case workup and research prior to hearing and research and assistance to the court after hearing when necessary in all cases
4. Program administration and outreach

Ideally, each facilitator would serve in only one of these capacities at any given time and would rotate among them on some regular basis. The facilitator program should be a viable career track in order to retain capable and experienced facilitator attorneys and support staff. [155]

IN-COURTROOM ASSISTANCE TO THE COURT

Entry-level facilitator attorney trainees [156] should have a minimum of two years' family law litigation [157] experience prior to application and would begin service in the in-courtroom assistance segment of the program. Working under the supervision of an experienced facilitator, the attorney would assist the court as needed by drafting stipulations, orders after hearing, and judgments. This also would be a valuable training ground for law student interns. Entry-level facilitators would gain additional

experience on how to best organize materials for clear and effective presentation to the court—skills that will be useful in educating pro se litigants when the facilitator moves to the access portion of the program.

ASSISTING PRO SE ACCESS TO THE COURT

The attorney would next move to the access component of the program. This component would be staffed by at least one highly experienced family law attorney-supervisor; paralegals and clerks, assisted by volunteer attorneys and law student interns, would operate under guidelines such as those previously discussed. The program would also serve as a training ground and mentoring program for less-experienced attorneys and law students in exchange for volunteer services. Training would emphasize issue-spotting, jurisdictional problems, procedural problems, correct use of forms, and what constitutes competent assistance to the litigant.

Access programs should continue to be open to all pro se litigants with no income qualification test. An unassisted pro se litigant creates docket control and impartiality problems for the court regardless of income.

LEGAL RESEARCH

Research attorneys are a valuable asset to a judge, especially where they are assigned on a one-on-one basis. In pro se cases, few motions or trial briefs will come with attached memoranda of law. Facilitator research attorneys could review files, clarify the issues, direct the court to the supporting facts in the declarations, and provide the applicable law. Even pro se cases can present complex legal issues, and necessary in-depth research could be done prior to hearing. The assistance of the research attorney, however, should not be limited to pro se cases, but should be available to the court in all family law cases. Providing research assistance on all cases will increase the breadth of the facilitator's knowledge of family law and, again, will be valuable to the facilitator on return to the access portion of the program.

PROGRAM ADMINISTRATION

Attorneys usually come to the court with little or no background in administration or management. Working within a court structure is very different from almost all other legal environments. Training in administration and management must be ongoing throughout the facilitator's employment at the court. By the time the facilitator has completed the first full rotation, he or she should have participated in numerous in-house training programs. Because facilitators must function as an integral part of the court, candidates for supervisory positions should be selected on the basis of their management skills as well as their legal and professional skills. Ultimately, the program manager or director must have an accurate perspective on how the program fits into the framework of the court as a whole and must be prepared to participate in court administrative duties.

Program administrators are key to making the system work better for unrepresented litigants: they can assist the court in making systemic changes designed to make the system more accessible to the public. For example, administrators should provide suggestions for local family law rules, assist in developing methods of obtaining testimony in less intimidating ways, and assist in expanding court services to evenings and weekends so they are more accessible to working litigants. Fresno County has developed a facilitator's Office on Wheels that travels to outlying communities on certain days of the week.

Facilitators have the ability to be a force for positive change in the court's relationship to the community it serves. The facilitator's office should be a resource through which the community can access family-related services and provide outreach and develop ties to community-based organizations that provide services to families. Such ties will help improve the community's understanding of the courts and assist in development of therapeutic court models. Facilitators should also coordinate services with local traditional legal assistance groups to maximize their resources.

A number of California facilitators have developed prison outreach programs to educate inmates who have parental responsibilities, assisting them with obtaining suspensions of their support orders during incarceration and with preparing to meet their obligations after release. [158]

Facilitators are in a particularly good position to assist the schools in development of curricula that will prepare students for adult life by teaching practical, applied due process of law, how the courts function, and how to access the court system. Programs should be developed to educate students about law and the family, parental rights regarding custody and visitation with their children, and obligations of support.

Finally, facilitators can assist in opening a dialogue with other court-based legal assistance groups and those planning to establish such groups at other courts throughout the country. The ideas presented in this article are not necessarily the entire solution to the pro se problem facing the courts in the 21st century, but they show what one state has accomplished thus far and can form the basis of that dialogue.

NOTES

1. *See* Robert B. Yegge, *Divorce Litigants Without Lawyers*, 28 FAM. L.Q. 408–10 (1994).

2. Known in California as "dissolutions of marriage." *See* CAL. FAM. CODE §§ 2000–2129, 2300–2406 (West 1994 & Supp. 2000).

3. The term "pro se," meaning "for oneself," refers to self-represented litigants. California uses the term "pro per."

4. *See* Maggie Vincent, Note, *Mandatory Mediation of Custody Disputes: Criticism, Legislation, and Support* , 20 VT. L. REV. 280 (1995).

5. Based on San Diego County Superior Court data. The variation in pro se cases from court to court within the county is also interesting. The family court in downtown San Diego is close to the offices of many attorneys; the percentage of self-represented litigants in that court has been comparatively low. Recently, San Diego has begun to require filing in a "district" (the boundaries approximate those of the former municipal court districts) where at least one of the litigants lives. The downtown family court is experiencing an overall decrease in number of cases filed; however, a larger percentage of those cases may now be self-represented.

6. *See* Vincent, *supra* note 4; *see also* Gillian K. Hadfield, *The Price of Law: How the Market for Lawyers Distorts the Justice System*, 98 MICH. L. REV. 954, 957 (2000).

7. *See* Paul R. Tremblay, *Acting "A Very Moral Type of God": Triage Among Poor Clients*, 67 FORDHAM L. REV. 2475 (1999); *see also* ACCESS TO JUSTICE WORKING GROUP, STATE BAR OF CALIFORNIA, AND JUSTICE FOR ALL (1996) (estimating that an additional $250 to $300 million (in 1993 dollars) would be required to fill the gap between the 1993 level of funding (about $100 million) and the amount required to provide justice to almost 6 million poor people in California).

8. The conference was co-sponsored by 10 different entities and involved close to 100 individual participants. Articles relating to the conference theme and recommendations growing out of the conference meetings were subsequently published as *Conference on the Delivery of Legal Services to Low-Income Persons: Professional and Ethical Issues*, 67 FORDHAM L. REV. 1713 (1999). This special issue is a valuable compendium and overview of the programs, issues, and recommended solutions at that time. The California family law facilitator program had been operating for only about one year; some counties had not yet appointed facilitators. The conference participants mention the program only in passing. The conference addressed several considerations distinctive to providing services to low-income persons. These considerations were:

(1) [L]ow-income persons generally cannot afford a lawyer;

(2) [C]onsequently, to the extent that legal assistance is available to them, it is likely to be funded by a third party (e.g., a government entity, a private foundation or other private contributors, or a private lawyer or law firm);

(3) [B]ecause of the limited availability of outside funding, the demand for legal assistance will far exceed the supply of lawyers available to serve individuals who cannot afford to pay; and

(4) [I]n the absence of adequate legal resources, some low-income persons may seek assistance from (a) other institutions and agencies, including personnel of the courts or administrative agencies in which they appear; or (b) representatives of the social service agencies from which they may seek assistance with respect to nonlegal problems that are related to their legal problems.

Bruce A. Green, Foreword, *Rationing Lawyers: Ethical and Professional Issues in the Delivery of Legal Services to Low-Income Clients*, 67 FORDHAM L. REV. 1716 (1999).

9. Michael Millemann et al., *Rethinking the Full-Service Legal Representational Model: A Maryland Experiment*, 30 CLEARINGHOUSE REV. 1180 (1997). Professor Millemann is director of the Clinical Law Program at the University of Maryland School of Law and was a member of the Working Group on Limited Legal Assistance at the Fordham conference. Co-author Nathalie Gilfrich is director of the Family Law Assisted Pro Se Project; co-author Richard Granat was a consultant on the project. The Maryland project was developed "to help pro se litigants protect basic rights, to identify the types of cases in which the assisted pro se approach might work, and to give [the school's law] students experiences with alternative representational models."

10. *Id.*

11. *Id.*

12. AB 1058, 1996 Cal. Stat. 957, § 9 (codified as amended at CAL. FAM. CODE §§ 10000–10015 (West Supp. 2000)).

13. CAL. FAM. CODE § 10002.

14. *Id.*

15. The act speaks of services to "parents," "litigants," and "parties." *See id.* §§ 10004–10005. Section 10008 states that "[i]n cases in which the services of the district attorney are provided pursuant to Section 11475.1 of the Welfare and Institutions Code, either parent may utilize the

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services of the family law facilitator that are specified in Section 10004." *Id.* § 10008(b).

16. *Id.* § 10013.

17. *Id.*

18. *See id.* § 10004.

19. *See id.* § 10003. The lack of an income test was controversial early in the program. Many feared that litigants who could afford to hire their own counsel would use the program. As shown in the demographics portion of this article, these fears have proved to be unfounded. Most of the very few higher-income litigants seeking facilitator assistance learn that self-representation is inadvisable. Some come to ask whether they need an attorney and, if so, how to go about finding one. The services facilitators provide simply cannot meet the needs of litigants with even moderate assets.

The lack of an income test has also gone far to eliminate resentment and complaints about court access by working litigants, who, although employed, may actually have fewer expendable dollars than litigants on public assistance.

20. *See infra* Appendix, Table 2 (Facilitator Customers, by Monthly Income) and Table 4 (Facilitator Customers, by Source of Income). Also unable to afford traditional legal services are litigants whose incomes are well above poverty guidelines but who have expended all their resources and are in debt to attorneys for previous services. In some cases these litigants are referred to the facilitator's office by attorneys who seek to be relieved of the burden of providing services for which they may never receive payment.

21. *See* CAL. FAM. CODE §§ 20010–20026, 20030–20043 (West 1994).

22. *Id.* § 20010.

23. *Id.* § 20012.

24. *See id.* §§ 20010, 20012.

25. Section 20012 of the Family Code provides that the duties of the family law evaluator "may include, but are not limited to," the following:

(a) Requiring litigants in actions which involve temporary child support, temporary spousal support, and temporary maintenance of health insurance in which at least one litigant is unrepresented, to meet with the Family Law Evaluator prior to the support hearing.

(b) Preparing support schedules based on standardized formulae accessed through existing up-to-date computer technology.

(c) Drafting stipulations to include all issues agreed to by the parties.

(d) Prior to, or at, any hearing pursuant to this chapter, reviewing the paperwork by the court, advising the judge whether or not the matter is ready to proceed, and making a recommendation to the court regarding child support, spousal support, and health insurance.

(e) Assisting the clerk in maintaining records.

(f) Preparing a formal order consistent with the court's announced oral order, unless one of the parties is represented by an attorney.

(g) Assisting the court with research and any other responsibilities which will enable the court to be responsive to the litigants' needs.

Id. § 20012.

26. *Id.* § 20026(a)(2).

27. Judith Whitmer Kozloski, *Report of the Presiding Judge: Rita Mah and the San Mateo Family Law Pilot Project*, 34 DOCKET 8 (1998).

28. *Id.*

29. Conversations with Rita Mah, Family Law Facilitator, San Mateo, California (July 2000).

30. CAL. FAM. CODE § 20031.

31. *Id.* § 20034(a).

32. *See id.* §§ 20034(a), 20034(c)(1).

33. Section 20034(c) suggests the following duties:

(1) Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance. Actions in which one or both of the parties are unrepresented by counsel shall have priority.

(2) Preparing support schedules based on statutory guidelines accessed through existing up-to-date computer technology.

(3) Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Section 20031.

(4) If the parties are unable to resolve issues with the assistance of the Attorney-Mediator, prior to or at the hearing, and at the request of the court, the Attorney-Mediator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed.

(5) Assisting the clerk in maintaining records.

(6) Preparing formal orders consistent with the court's announced order in cases where both parties are unrepresented.

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(7) Serving as a special master to hearing proceedings and making findings to the court unless he or she has served as a mediator in that case.

(8) Assisting the court with research and any other responsibilities which will enable the court to be responsive to the litigants' needs.

(9) Developing programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to Family Court. These programs shall specifically include information concerning underutilized legislation, such as expedited temporary support orders ..., modification of support orders ... and preexisting, court-sponsored programs, such as supervised visitation and appointment of attorneys for children.

Id. § 20034(c)(1)-(9).

34. *Id.* § 20034(c).

35. *Id.* § 20034(b).

36. CAL. FAM. CODE §§ 2000-2406 (West 1994 & Supp. 2000).

37. *Id.* §§ 7600-7730.

38. *Id.* §§ 6200-6390.

39. Records of the Superior Court of California, County of Santa Clara.

40. *See* Child Support Enforcement Act, 42 U.S.C. §§ 651-669 (1994 & Supp. III 1997).

41. Because the word "client" implies representation, all the facilitator programs have adopted some other term to refer to the persons for whom they provide services, such as "customers," "litigants," "parties," or "consumers." Santa Clara County uses the term "customers"; however, for purposes of clarity and comparison, the term "litigants" is used throughout this article.

42. Information provided by attorney Connie Jimenez, Facilitator, Santa Clara County.

43. The Dispute Resolution Programs Act was passed in 1986. *See* 1986 Cal. Stat. 1313 (codified as amended at CAL. BUS. & PROF. CODE §§ 465-471.5 (West 1990 & Supp. 2000)). The act permits counties (not courts) to add between $1 and $8 to their civil court filing fees for the purpose of supporting community dispute resolution programs. The money goes into a pot that each county distributes in the form of matching grants to local community and government entities that provide dispute resolution services for no fee or on a sliding fee scale. Participation in the funded dispute resolution programs must be voluntary.

44. Attorney Katherine Yavenditti, certified by the Board of Legal Specialization, State Bar of California.

45. Barbara Funkenstein.

46. Conversations with Barbara Funkenstein, Attorney, SDVLP, San Diego (July 2000). In addition, one of the authors, Frances Harrison, worked as a volunteer early in this program, which was called the Family Law Access Project.

47. Conversations with Katherine Yavenditti, Attorney, SDVLP, San Diego (July 2000).

48. The experience of the SDVLP was of great value to the facilitator program. For example, the SDVLP helped identify the characteristics of the target population and showed that there was a large, low-income, frequently non-English-speaking population in need of services.

49. Irate litigants asked, "Why is the court giving my [husband/wife] a free attorney, and why won't they give me one?" The "working-poor" litigants questioned why someone on public assistance received help from the court when the working litigant, also unable to afford an attorney, did not.

50. Hon. Julia Spain, History of the Volunteer Legal Services Corporation—Heart of the Bar (1996) (unpublished paper on file with the Alameda County Bar Ass'n).

51. Personal communication of author Deborah Chase with Marina Jimenez, Legal Assistant, VLSC, Oakland, California (June 2000).

52. *See* CAL. FAM. CODE § 10004 (West Supp. 2000).

53. Assembly Bill 1058 contained the legislation eventually codified as the Family Law Facilitator Act. *See* 1996 Cal. Stat. 957, § 9 (codified as amended at C AL. FAM. CODE §§ 10000-10015 (West Supp. 2000)). The bill enacted California's child support enforcement system in compliance with Title IV-D of the federal Social Security Act, 42 U.S.C. §§ 651-669 (1994 & Supp. III 1997).

54. CAL. FAM. CODE § 10001(4)(b).

55. *Id.* § 10004.

56. *Id.* § 10005.

57. *Id.* § 10011.

58. *See* Child Support Enforcement Act, 42 U.S.C. §§ 651-669.

59. CAL. FAM. CODE § 10004.

60. CAL. FAM. CODE § 10005.

61. Attorney Gay Conroy of Ventura County.

62. Statewide, a total of 50 full-time-equivalent (FTE) facilitator positions exists. Not all counties have a full-time

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facilitator; some have more than one. Some counties share a facilitator with another county or counties; some counties have one or more part-time facilitators. The total number of facilitators (persons) is 69.

63. CAL. FAM. CODE § 10002.

64. JUDICIAL COUNCIL OF CALIFORNIA, CALIFORNIA'S CHILD SUPPORT COMMISSIONER SYSTEM: AN EVALUATION OF THE FIRST TWO YEARS OF THE PROGRAM 33–34 (May 2000).

65. *Id.* at 34–35.

66. The 1998 statistics for San Diego County family law cases (excluding district-attorney-established or -enforced child support cases) show that 72 percent of the filings were made by self-represented petitioners. There is no meaningful data regarding self-represented respondents; however, it is readily observable that most cases filed by self-represented petitioners also have self-represented respondents. In addition, the great majority of respondents in district-attorney-established or -enforced child support cases are not represented by an attorney. (Statistics are available from the Superior Court of California, County of San Diego.)

67. Bruce D. Sales et al., *Is Self-Representation a Reasonable Alternative to Attorney Representation in Divorce Cases?*, 37 ST. LOUIS U. L.J. 564 (1993).

68. Ralph C. Cavanagh & Deborah L. Rhode, Project, *The Unauthorized Practice of Law and Pro Se Divorce: An Empirical Analysis*, 86 YALE L.J. 161 n.225 (1976).

69. Margaret Martin Barry, *Accessing Justice: Are Pro Se Clinics a Reasonable Response to the Lack of Pro Bono Legal Services and Should Law School Clinics Conduct Them?*, 67 FORDHAM L. REV. 1884 n.31 (1999).

70. Sales et al., *supra* note 67, at 563.

71. Barry, *supra* note 69, at 1891–94.

72. Information on service delivery by county may be found on the California Courts Web site at www.courtinfo.ca.gov/programs/community/.

73. *Id.*

74. *See* California Courts Web site at www.courtinfo.ca.gov/cgi-bin/forms.cgi for a listing.

75. Professor Millemann concluded from his work on the Maryland project that an assisted pro se's success depends heavily on the use of simplified pleading forms:

> The law students would have been unable to help many pro se litigants if the parties had been required to prepare and file traditional pleadings. With limited help, most litigants understood and properly completed the check-the-box forms that were relevant in their cases.

Millemann et al., *supra* note 9, at 1182.

76. Reifler v. Superior Court, 114 Cal. Rptr. 356 (Cal. Ct. App. 1974).

77. The Maryland project litigants often did not effectively handle court hearings in which production of documents and testimony of witnesses were required. "It quickly became apparent to most students that the hearings themselves served little purpose." Millemann et al., *supra* note 9, at 1184 n.4.

78. CALIFORNIA DEP'T OF FINANCE, INTERIM COUNTY POPULATION PROJECTIONS (1997).

79. Certified by the State Bar of California, Board of Legal Specialization.

80. For a discussion of "diagnostic interviews," see *infra* text accompanying notes 91–93 and 123.

81. *See id.*

82. Population figures as of January 1, 2000, are available on the San Diego Association of Governments (SANDAG) Web site. *See* www.sandag.cog.ca.us/data_services/estimates/dof_estimates.pdf (estimating San Diego County's population to be 2,911,468).

83. JUDICIAL COUNCIL OF CALIFORNIA, *supra* note 64, at 39, 49–50, 56; conversations with San Diego County commissioners and judges.

84. Situating the facilitator assistance centers inside courthouses has greatly enhanced the facilitator's ability to provide services to litigants and to the court.

85. The full text of the San Diego County disclosure form, based on the Judicial Council–approved disclosure form, is as follows:

> The Family Law Facilitator is available to help both parents and all other parties who have questions about family law issues, including child support, spousal support, and health insurance and the availability of community resources to help families. The Family Law Facilitator can help you in preparing your own forms and can give you general information. The Family Law Facilitator cannot go with you to court.
>
> The Family Law Facilitator IS NOT YOUR LAWYER but is a neutral person who does not represent any parent or party. There is no attorney-client relationship between you and the Family Law Facilitator.
>
> The Family Law Facilitator may provide information and services to the other party in your case.
>
> Communications between you and the Family Law Facilitator are not confidential. You should consult with your own attorney if you want personalized advice or strategy, to have a confidential conversation, or to be represented by an attorney in court.
>
> The Family Law Facilitator is not responsible for the outcome of your case.

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[The following is taken only from San Diego County's version:]

> Many family law matters involve complex and valuable legal rights. You should consult with an attorney before attempting to use assisted self-help. Some rights cannot be adequately protected without the assistance of an attorney. To find out how to hire an attorney, and/or to obtain a free one-half-hour consultation with a Family Law Attorney, call the Lawyer Referral and Information Service of the San Diego County Bar Association at (619) 231-8585 or in North County at (760) 758-4755.
>
> I have read this Disclosure or have had it read to me. I understand this document.
> [Date]
> [Name] [Signature]
>
> I have translated or read the statement to the person requesting services.
> [Date]
> [Name] [Signature]

86. *Id.*

87. In a large county such as San Diego, the litigant's name may not be sufficient to locate the correct file.

88. *See* CAL. FAM. CODE § 20034(a) (West 1994).

89. *See supra* note 2.

90. Facilitators do not recommend specific attorneys. They give litigants information about the Lawyer's Referral and Information Service of the San Diego County Bar Association and the volunteer facilitator attorneys. They discuss the attorneys' education, experience, and usual retainer and hourly fees for retained cases; the types of family law cases they handle; and whether or not they will do partial representation in an "unbundled" case.

91. Millemann et al., *supra* note 9, at 1180; *see also* Mary Helen McNeal, *Having One Oar or Being Without a Boat: Reflections on the Fordham Recommendations on Limited Legal Assistance*, 67 FORDHAM L. REV. 2620 (1999). A diagnostic interview is also required under the recommendations of the *Conference on the Delivery of Legal Services to Low-Income Persons*, 67 FORDHAM L. REV. 1777 (1999) (Recommendation 60(b)).

92. Millemann, et al., *supra* note 9, at 1182.

93. *Id.*

94. Other researchers have found that numbers of participants must be limited for the clinics to be effective. *See* Barry, *supra* note 69, at 1897 n.107. Dissolutions with children are more complex and require more forms than dissolutions without children. A higher number of litigants probably could be handled in a clinic on dissolutions without children. A clinic on dissolutions with children would be better with fewer litigants.

95. A chart showing the steps to a divorce (by default, uncontested, or contested) helps the litigant understand the process and mark his or her progress. Litigants need assurance that the facilitator will assist them at each step. A University of Florida study found that when litigants are given instruction but no additional assistance, fewer than half succeed in getting a divorce. *See* Elizabeth McCulloch, *Let Me Show You How: Pro Se Divorce Courses and Client Power*, 48 FLA. L. REV. 488–89 (1996).

96. Facilitators have found that forms prepared and filed on the same day are more likely to be correct and complete. Often, when litigants take forms home, they lose them, forget instructions, and make errors. Litigants sometimes find the entire process so daunting that they simply give up in frustration only to return months later to try again. Similar reactions have been reported elsewhere. *See id.* at 483.

97. California family law courts often use noticed motions and orders to show cause interchangeably, although some courts have a preference for one or the other. San Diego prefers the use of orders to show cause; however, for consistency, all are referred to as "motions" here.

98. Jessica Pearson, *Court Services: Meeting the Needs of Twenty-first Century Families*, 33 FAM. L.Q. 620 (1999); Donald B. King, *Is Justice Served by More People Representing Themselves in Court?*, 33 FAM. & CONCILIATION CTS. REV. 163 (1995).

99. *See* Veronica S. McBeth, *Judicial Outreach Initiatives*, 62 ALB. L. REV. 1379 (1999); *see also* CAL. R. CT. 6.700(a), which mandates that "[t]rial courts shall manage their budgets in a manner that is both responsive to local needs and ensures equal access to justice."

100. *See* Russell Engler, *And Justice for All: Revisiting the Roles of the Judges, Mediators, and Clerks*, 67 FORDHAM L. REV. 1987–2070 (1999).

101. *Id.* at 2070.

102. *See generally Conference*, *supra* note 8, at 1713–2791.

103. Engler, *supra* note 100; *see id.*

104. *See generally Conference*, *supra* note 8.

105. Engler, *supra* note 100, at 2028.

106. *Id.* at 2028–29 (citing cases). *See generally Conference*, *supra* note 8.

107. *See generally Conference*, *supra* note 8.

108. Engler, *supra* note 100, at 1989.

109. *Id.*

110. *Id.* at 2031.

111. *Id.* at 1991.

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112. *Id.*

113. The Code of Judicial Ethics focuses on maintaining and promoting the competence, independence, and impartiality of judicial officers. As attorneys providing legal assistance to the public from the court, facilitators must also maintain competence, independence, and impartiality. The duties of an advocate do not impact the facilitator, as the facilitator never forms an attorney-client relationship with a customer. Facilitators have found the Code of Judicial Ethics extremely helpful when forming their own ethical guidelines.

In 1999, the California Legislature took steps to clarify the status of facilitator attorneys by passing section 10013 of the Family Code. This section provides that no attorney-client relationship exists between the facilitator and those seeking the facilitator's assistance. In addition, section 10014 of the code defines the facilitator's confidentiality requirement as that applicable to judges, not practicing attorneys. See Cal. Fam. Code §§ 10013–10014 (West Supp. 2000).

114. The first gathering of newly appointed facilitators took place in Sacramento, California, in September 1997.

115. John M. Greacen, in *"No Legal Advice From Court Personnel": What Does That Mean?,* 34 JUDGES' J. 10 (Winter 1995), discusses the concept of "legal advice" from a court clerk's perspective. Greacen persuasively argues that the effort to make operative the admonition that "court clerks may not give legal advice" has negatively affected the ability of the court to deliver full and consistent service to the public. He argues that the term "legal advice" has no inherent meaning.

116. *See, e.g.,* Carol A. Needham, *Permitting Lawyers to Participate in Multidisciplinary Practices: Business as Usual or the End of the Profession as We Know It?*, 84 MINN. L. REV. 1331 (citing Spivak v. Sachs, 211 N.E.2d 329, 331 (N.Y. 1965) (stating that the purpose of New York's unauthorized-practice-of-law (UPL) provision is to "protect our citizens against the dangers of legal representation and advice given by persons not trained, examined and licensed for such work")).

117. The complete text of section 10013 provides:

> § 10013. Facilitator; attorney-client relationship; notice
>
> The family law facilitator shall not represent any party. No attorney-client relationship is created between a party and the family law facilitator as a result of any information or services provided to the party by the family law facilitator. The family law facilitator shall give conspicuous notice that no attorney-client relationship exists between the facilitator, its staff, and the family law litigant. The notice shall include the advice that the absence of an attorney-client relationship means that communications between the party and the family law facilitator are not privileged and that the family law facilitator may provide services to the other party.

CAL. FAM. CODE § 10013; *see also supra* note 85.

Another related issue is whether the party should be required to acknowledge receipt and understanding of the notice. Some feel that this is the best way to ensure that these points are understood. Others feel that it looks too much like an attempt at a waiver, which would in turn imply that some right is being waived, when in fact there is nothing to be waived.

118. Although some facilitators are still independent contractors rather than employees, that status should not relieve them of the ethical duties applicable to court employees when those facilitators are serving in an employee-like capacity.

119. The code antedates the existence of court-employed facilitators and needs certain revisions to include them. For example, Tenet Seven should be revised to clarify that it relates to the unauthorized practice of law by non-attorney personnel, and, if necessary, one or more tenets specific to attorneys should be considered. As it stands, the code consists of 12 tenets:

> Tenet One: Provide impartial and evenhanded treatment of all persons;
>
> Tenet Two: Demonstrate the highest standards of personal integrity, honesty, and truthfulness in all our professional and personal dealings, avoiding the misuse of court time, equipment, supplies, or facilities for personal business;
>
> Tenet Three: Behave toward all persons with respect, courtesy, and responsiveness, acting always to promote public esteem in the court system;
>
> Tenet Four: Safeguard confidential information, both written and oral, unless disclosure is authorized by the court, refusing ever to use such information for personal advantage, and abstain at all times from public comment about pending court proceedings, except for strictly procedural matters;
>
> Tenet Five: Refrain from any actual impropriety, such as:
>
> - breaking the law,
> - soliciting funds on the job,
> - receiving gifts or favors related to court employment,
> - accepting outside employment that conflicts with the court's duties, or
> - recommending private legal service providers;
>
> Tenet Six: Avoid any appearance of impropriety that might diminish the honor and dignity of the court;
>
> Tenet Seven: Serve the public by providing procedural assistance that is as helpful as possible without giving legal advice;

Tenet Eight: Furnish accurate information as requested in a competent, cooperative, and timely manner;

Tenet Nine: Improve personal work skills and performance through continuing professional education and development;

Tenet Ten: Guard against and, when necessary, repudiate any act of discrimination or bias based on race, gender, age, religion, national origin, language, appearance, or sexual orientation;

Tenet Eleven: Renounce any use of positional or personal power to harass another person sexually or in any other way based on that person's religious beliefs, political affiliation, age, national origin, language, appearance, or other personal choices and characteristics;

Tenet Twelve: Protect the technological property of the court by preserving the confidentiality of electronically stored information and abstain from personal use of court computer systems and hardware.

120. An attorney is "an officer of the court, and, like the court itself, an instrument of justice." Cohen v. Hurley, 366 U.S. 117, 124 (1961).

121. The need to avoid giving strategic advice serves as an important boundary between what is permissible and what is not. "Strategic advice" is most easily understood as an answer to the question "What should I do?" Facilitators and their staff, in the course of explaining the law and applicable procedures to litigants, are frequently asked what the litigant should do or what the best course of action would be. This type of inquiry is best handled with a uniform response: that the facilitator's office does not provide advice but only presents options; the litigant must make the choice.

Another practical method to avoid giving strategic advice is not to make statements to one party that the facilitator would not make if the other party were also present, i.e., information designed to give one party an advantage over the other. This test relies on each individual's subjective sense of neutrality in any situation, and as imprecise as it is, it provides guidance in an area that calls for individual judgment and common sense.

122. CAL. FAM. CODE § 10013 (West Supp. 2000); *see supra* note 85.

123. *See supra* text accompanying notes 91–93.

124. "The child's mother is an alcoholic" is a conclusion. "I see the child's mother regularly drink three fifths of whiskey a week" is a fact.

125. Judges tell facilitators that most pro se paperwork fails at the proof of service.

126. Some courts continue to require a memorandum of points and authorities even though the California Rules of Court do not. *See* CAL. R. CT. 1225, 1280.3.

127. King, *supra* note 98.

128. *See* CAL. EVID. CODE § 1119 (West Supp. 2000).

129. For example, if the issue is support, often the most helpful information is a computer printout of support calculations. If the parties are in disagreement about the information used to make the calculation, then the printout should provide alternative results using each party's inputs. Each party should be given a copy of the printout, and the facilitator should explain in detail any other information he or she is providing to the judicial officer.

130. One situation that presents particular difficulty in maintaining the facilitator's role arises when one party is represented by counsel and the other is referred by the judge to the facilitator in the courtroom setting for on-the-spot assistance. In such a situation it is nearly impossible for the facilitator to avoid the appearance that he or she is speaking for the self-represented party.

131. CAL. FAM. CODE § 10014 (West Supp. 2000); *see* CAL. CODE JUD. ETHICS Canon 3(B)(9): "A judge shall not make any public comment about a pending or impending proceeding in any court, and shall not make any nonpublic comment that might substantially interfere with a fair trial or hearing."

132. Section 10013 requires conspicuous notice "that the absence of an attorney-client relationship means that communications between the party and the family law facilitator are not privileged." CAL. FAM. CODE § 10013.

133. This type of collaboration was anticipated in the Family Law Facilitator Act, which speaks of "[d]eveloping programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to family court." CAL. FAM. CODE § 10005(b)(2).

134. *See* McBeth, *supra* note 99.

135. CAL. FAM. CODE § 10001(a)(4).

136. Ethical guidelines adopted at the facilitators meeting on Feb. 17, 1999, defined one of the duties of a facilitator to be "[b]ringing to the attention of the Court any rule, practice or policy which tends to restrict access of pro se litigants to their legal remedies, and acting in a manner most likely to assist the Court in removing such barriers."

137. *See, e.g.*, CAL. CIV. PROC. CODE § 170.6 (West 1982 & Supp. 2000).

138. Recently renamed the Family Law Facilitator Survey Project.

139. Kris Pierson, the technical expert for this project, is handling SCANTRON input in Stanislaus County. She

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works closely with Suzanne Whitlock, the Stanislaus County family law facilitator. Their tireless efforts have earned the respect and gratitude of facilitators statewide.

140. Alameda, Amador, Contra Costa, Humboldt, Kern, Lake, Marin, Merced, Mono, Napa, Nevada, Orange, Plumas, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, Santa Barbara, Shasta, Sierra, Sonoma, Stanislaus, Trinity, Tulare, Ventura.

141. Alameda, Contra Costa, Kern, Lake, Marin, Merced, Napa, Nevada, Orange, Sacramento, San Bernardino, San Diego, San Francisco, Santa Barbara, Shasta, Sierra, Sonoma, Stanislaus, Trinity, Tulare, Ventura.

142. The Los Angeles system is being developed with the assistance of Family Law Facilitator Julie Paik.

143. *See supra* note 141 and accompanying text.

144. Los Angeles preliminary ACCESS data reports, Aug. 2000; raw data available in Los Angeles County.

145. Facilitators funded by AB 1058 alone may only assist customers with child support, spousal support, and health insurance matters.

146. Data are derived from the 21 SCANTRON counties. Data for Los Angeles are identified and reported separately.

147. The geographic regions of the responding counties are as follows:

Northern California—Lake, Nevada, Sacramento, Shasta, Sierra, Trinity

Bay Area—Alameda, Contra Costa, Marin, Napa, San Francisco, Sonoma

Central California—Merced, Stanislaus, Tulare

Southern California—Kern, Orange, San Bernardino, San Diego, Santa Barbara, Ventura

148. While the smaller counties (populations under 100,000) report the highest percentage of customers over 50 years of age, in terms of *actual volume* of customers served, the urban counties (populations over 1 million) see nearly ten times as many customers over age 50.

149. Interest on Lawyers' Trust Accounts (IOLTA) funds are administered by the State Bar of California, Legal Services Trust Fund Commission, to support qualified legal services in California.

150. As a group, the Central California counties reported 53% employment and 25.7% unemployment.

151. As a group, the Southern California counties reported that 7.8% of their customers receive public assistance, and the Bay Area counties reported 5.1%.

152. As a group, the Central California counties reported that 12.9% of their customers receive public assistance, and the Northern California counties reported 11.1%.

153. Private Establishment of Paternity actions.

154. *See supra* text accompanying notes 125–126.

155. Facilitators in smaller courts will rightly raise the point that their courts cannot afford sufficient staff to avoid having overlapping positions; however, one of the major problems currently encountered by some smaller-court facilitators is that they are trying to "wear all hats" at once.

156. The California Rules of Court require that a facilitator have a minimum of five years' practice, including substantial family law litigation and/or mediation experience. CAL. R. CT. 1208.

157. Although the statute requires litigation or mediation experience (*see* CAL. FAM. CODE § 10002 (West Supp. 2000)), litigation experience has proven to be far more important than mediation experience. In addition, the separation of the more extended mediation functions such as custody (usually done by Family Court Services counselors with training in psychology or social work) and "whole case" mediation (a very time consuming process that includes preparation of the paperwork) have been shown to work very well. Mediation done by facilitators is usually part of courtroom assistance and usually involves single issues only.

158. For example, Marin, San Francisco, and Napa Counties.

APPENDIX

Table 1. Facilitator Customers, by Age

	POPULATION								
AGE	GROUP A *n*=11,209	GROUP B *n*=6,083	GROUP C *n*=4,470	GROUP D *n*=1,383	GROUP E *n*=602	URBAN *n*=12,360	RURAL *n*=5,090	MIXED *n*=6,297	AGGREGATE TOTALS *n*=23,747
15–19	1.7%	3.5%	2.6%	1.7%	1.7%	1.5%	2.7%	3.6%	2.3%
20–29	29.9%	26.7%	30.0%	24.0%	19.6%	27.5%	30.1%	29.1%	28.5%
30–39	40.7%	38.6%	40.5%	40.6%	39.5%	41.4%	39.0%	38.6%	40.1%
40–49	21.0%	22.8%	20.9%	25.8%	26.6%	22.3%	21.6%	21.2%	21.9%
50–59	4.9%	5.7%	4.6%	6.7%	9.5%	5.5%	5.2%	5.2%	5.3%
60+	1.3%	2.2%	1.1%	1.2%	2.5%	1.5%	1.2%	1.8%	1.5%
Data Missing	0.4%	0.3%	0.2%	0.1%	0.7%	0.3%	0.3%	0.5%	0.4%

Table 2. Facilitator Customers, by Monthly Income

	POPULATION								
MONTHLY INCOME	GROUP A *n*=11,298	GROUP B *n*=6,029	GROUP C *n*=4746	GROUP D *n*=1,463	GROUP E *n*=1,145	URBAN *n*=12,413	RURAL *n*=5,951	MIXED *n*=6,317	AGGREGATE TOTALS *n*=24,681
$0–500	18.2%	20.7%	24.4%	21.4%	15.5%	18.3%	23.6%	20.2%	20.1%
$501–1,000	23.9%	26.2%	27.6%	29.0%	28.4%	23.8%	29.1%	26.1%	25.7%
$1,001–1,500	22.4%	21.0%	20.2%	18.6%	24.9%	22.5%	20.6%	20.3%	21.5%
$1,501–2,000	14.6%	13.2%	12.0%	11.8%	15.5%	14.5%	11.8%	13.9%	13.7%
$2,001–3,000	12.7%	9.7%	9.7%	11.0%	11.1%	11.9%	9.6%	11.3%	11.2%
$3,000–over	7.0%	7.9%	5.6%	7.0%	3.8%	7.7%	4.7%	7.0%	6.8%
Data Missing	1.2%	1.2%	0.4%	1.3%	0.7%	1.2%	0.6%	1.2%	1.0%

KEY: POPULATION

GROUP A
Over 1,000,000
Alameda, Orange, Sacramento, San Bernardino, San Diego

GROUP B
500,000–999,999
Contra Costa, Kern, San Francisco, Ventura

GROUP C
250,000–499,999
Santa Barbara, Sonoma, Stanislaus, Tulare

GROUP D
100,000–249,999
Marin, Merced, Napa, Shasta

GROUP E
Under 100,000
Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

APPENDIX

KEY: POPULATION

GROUP A
Over 1,000,000
Alameda, Orange, Sacramento, San Bernardino, San Diego

GROUP B
500,000–999,999
Contra Costa, Kern, San Francisco, Ventura

GROUP C
250,000–499,999
Santa Barbara, Sonoma, Stanislaus, Tulare

GROUP D
100,000–249,999
Marin, Merced, Napa, Shasta

GROUP E
Under 100,000
Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

Table 3. Facilitator Customers, by Ethnicity

	POPULATION								
ETHNICITY	GROUP A *n*=11,075	GROUP B *n*=6,280	GROUP C *n*=4,374	GROUP D *n*=1,353	GROUP E *n*=878	URBAN *n*=12,253	RURAL *n*=5,257	MIXED *n*=6,450	AGGREGATE TOTALS *n*=23,960
Asian/ Pacific Islander	5.0%	3.3%	2.2%	2.9%	1.1%	5.6%	2.2%	1.8%	3.8%
Black/ African	19.0%	14.7%	4.7%	6.6%	0.8%	18.6%	3.8%	13.1%	13.9%
Hispanic (all)	33.8%	38.1%	35.0%	20.2%	14.5%	35.0%	28.4%	35.3%	33.7%
Native American/ Eskimo	1.2%	1.1%	1.8%	2.4%	2.6%	1.2%	2.3%	1.1%	1.4%
White (non-Hispanic)	37.3%	40.6%	52.8%	65.3%	79.8%	36.4%	60.2%	45.7%	44.1%
Other	2.2%	1.4%	2.2%	1.0%	0.3%	1.9%	1.8%	1.7%	1.8%
Multiethnic	1.4%	0.9%	1.4%	1.8%	0.8%	1.3%	1.4%	1.2%	1.3%

Table 4. Facilitator Customers, by Source of Income

	POPULATION								
SOURCE OF INCOME	GROUP A *n*=12,714	GROUP B *n*=7,048	GROUP C *n*=5,577	GROUP D *n*=1,747	GROUP E *n*=1,343	URBAN *n*=13,985	RURAL *n*=7,068	MIXED *n*=7,376	AGGREGATE TOTALS *n*=28,429
Unemployed	18.5%	18.9%	24.5%	22.2%	13.5%	18.0%	23.6%	19.5%	19.7%
Unemployment Insurance	1.7%	1.8%	3.1%	2.6%	2.5%	1.7%	3.1%	1.8%	2.1%
Employed	68.9%	62.1%	55.0%	57.3%	65.7%	69.0%	54.5%	62.0%	63.7%
Retired	1.3%	1.5%	1.3%	1.6%	0.4%	1.4%	1.1%	1.3%	1.3%
Public Assistance	6.1%	11.1%	11.5%	12.7%	8.3%	5.3%	12.8%	12.1%	8.9%
Disability/Workers' Compensation	6.3%	7.3%	9.3%	8.3%	15.1%	6.7%	10.2%	7.1%	7.6%
Family/Friends	3.8%	3.9%	4.2%	4.5%	4.0%	4.1%	4.4%	3.2%	3.9%
Child/Spousal Support	3.6%	3.5%	5.2%	6.5%	5.4%	3.7%	5.9%	3.3%	4.1%
Student	4.4%	4.8%	5.2%	4.7%	2.9%	4.0%	5.0%	4.6%	4.4%

Table 5. Facilitator Customers, by Number of Children

NUMBER OF CHILDREN	POPULATION								
	GROUP A n=11,399	GROUP B n=6,274	GROUP C n=4,852	GROUP D n=1,486	GROUP E n=1,155	URBAN n=12,608	RURAL n=6,061	MIXED n=6,497	AGGREGATE TOTALS n=25,166
None	10.8%	12.2%	9.5%	8.4%	4.7%	10.4%	8.8%	12.2%	10.5%
One	35.2%	32.9%	33.8%	33.2%	27.2%	36.0%	31.0%	32.3%	22.8%
Two	29.5%	29.4%	30.9%	28.7%	40.3%	29.3%	32.5%	29.8%	30.2%
Three	14.0%	14.5%	15.5%	17.6%	13.1%	13.9%	15.9%	14.7%	14.6%
Four or More	8.8%	9.4%	9.4%	11.1%	13.2%	8.8%	10.6%	9.6%	9.4%
Parentage Contested	0.6%	0.1%	0.1%	0.1%	0.3%	0.6%	0.2%	0.1%	0.4%

Table 6. Facilitator Customers, by Number of Court Hearings

NUMBER OF COURT HEARINGS	POPULATION								
	GROUP A n=11,109	GROUP B n=5,937	GROUP C n=4,852	GROUP D n=1,438	GROUP E n=656	URBAN n=12,047	RURAL n=5,204	MIXED n=6,263	AGGREGATE TOTALS n=23,514
None	53.7%	48.4%	53.2%	50.5%	41.8%	51.9%	51.9%	51.2%	51.7%
One	20.4%	22.8%	20.0%	16.5%	21.0%	20.2%	18.0%	23.0%	20.5%
Two	10.0%	13.1%	11.9%	9.5%	7.3%	10.6%	11.1%	11.7%	11.0%
Three	5.4%	6.4%	5.4%	6.8%	4.1%	5.7%	5.5%	6.0%	5.7%
Four	3.0%	3.1%	3.3%	3.3%	3.2%	3.3%	3.2%	2.6%	3.1%
Five	1.5%	1.2%	1.2%	2.1%	1.5%	1.4%	1.5%	1.3%	1.4%
Six or More	5.3%	4.3%	4.6%	10.3%	29.4%	6.2%	8.1%	3.5%	5.9%
Unreadable Errors	0.8%	0.8%	0.4%	1.0%	0.6%	0.7%	0.6%	0.8%	0.7%

KEY: POPULATION

GROUP A
Over 1,000,000
Alameda, Orange, Sacramento, San Bernardino, San Diego

GROUP B
500,000–999,999
Contra Costa, Kern, San Francisco, Ventura

GROUP C
250,000–499,999
Santa Barbara, Sonoma, Stanislaus, Tulare

GROUP D
100,000–249,999
Marin, Merced, Napa, Shasta

GROUP E
Under 100,000
Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

APPENDIX

KEY: POPULATION

GROUP A
Over 1,000,000
Alameda, Orange, Sacramento, San Bernardino, San Diego

GROUP B
500,000–999,999
Contra Costa, Kern, San Francisco, Ventura

GROUP C
250,000–499,999
Santa Barbara, Sonoma, Stanislaus, Tulare

GROUP D
100,000–249,999
Marin, Merced, Napa, Shasta

GROUP E
Under 100,000
Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

Table 7. Facilitator Customers, by Educational Level

	POPULATION								
HIGHEST EDUCATIONAL LEVEL COMPLETED	GROUP A *n*=11,108	GROUP B *n*=5,910	GROUP C *n*=4,398	GROUP D *n*=1,443	GROUP E *n*=597	URBAN *n*=12,143	RURAL *n*=5,067	MIXED *n*=6,246	AGGREGATE TOTALS *n*=23,456
3rd Grade	1.4%	2.0%	2.0%	1.2%	2.0%	1.5%	1.7%	1.9%	1.7%
6th Grade	3.7%	3.7%	3.0%	1.1%	0.3%	4.0%	2.3%	2.8%	3.3%
8th Grade	9.1%	9.2%	12.0%	8.6%	10.7%	9.2%	11.7%	9.0%	9.7%
12th Grade	42.1%	47.7%	40.8%	40.0%	42.7%	41.1%	41.7%	48.4%	43.2%
Some College	32.5%	27.5%	30.8%	34.4%	31.1%	32.1%	31.4%	28.6%	31.0%
College Graduate	8.2%	6.7%	8.1%	10.1%	10.0%	8.7%	7.7%	6.8%	8.0%
Postgraduate/ Professional	2.3%	2.3%	2.2%	3.4%	2.8%	2.7%	2.3%	1.7%	2.4%

Table 8. Facilitator Customers, by Gender and Case Characteristics

	POPULATION									
	GROUP A	GROUP B	GROUP C	GROUP D	GROUP E	URBAN	RURAL	MIXED	*n*=	AGGREGATE TOTALS
GENDER										
Male	53%	43%	47%	48%	54%	55%	46%	40%	26,109	49%
Female	47%	57%	53%	52%	46%	45%	54%	60%		51%
D.A. Involvement (any case)	49%	48%	51%	60%	75%	53%	56%	41%	21,852	51%
CASE TYPE										
Dissolution/Legal Separation/Nullity	42.8%	49.1%	29.7%	33.1%	49.3%	38.0%	34.5%	54.6%	34,496	40.5%
Private Paternity	11.7%	8.5%	8.1%	9.3%	10.1%	8.9%	9.2%	13.3%		9.9%
Domestic Violence Prevention Act	8.8%	9.8%	5.4%	3.1%	3.9%	7.9%	5.5%	9.4%		7.5%
Title IV-D Action	36.7%	27.0%	16.9%	38.3%	43.6%	41.3%	19.9%	17.6%		30.2%
Other	3.9%	3.3%	0.9%	1.9%	2.7%	3.8%	1.4%	2.4%		2.8%
Two or More Cases	19.4%	15.3%	11.5%	17.8%	29.7%	20.5%	14.1%	12.5%	20,120	17.4%

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Table 9. Assistance Requested by Facilitator Customers

	POPULATION								
ISSUE	GROUP A *n*=11,380	GROUP B *n*=6,490	GROUP C *n*=4,836	GROUP D *n*=1,490	GROUP E *n*=1,166	URBAN *n*=12,545	RURAL *n*=6,074	MIXED *n*=6,743	AGGREGATE TOTALS *n*=25,362
Child Support	39.1%	35.1%	34.2%	39.0%	69.8%	40.8%	38.5%	34.5%	38.5%
Spousal Support	5.5%	6.6%	6.7%	6.5%	9.9%	5.7%	6.9%	6.8%	6.3%
Child Custody	26.8%	27.0%	28.7%	33.3%	14.8%	25.5%	27.8%	29.2%	27.0%
Child Visitation	20.6%	21.7%	15.3%	19.9%	8.3%	20.5%	13.8%	21.7%	19.2%
Divorce	24.9%	23.5%	25.7%	20.4%	12.7%	20.4%	24.4%	29.8%	23.9%
Establish Paternity	6.1%	5.6%	3.9%	4.2%	5.7%	6.1%	4.2%	5.1%	5.4%
Responsive Papers	10.8%	8.4%	10.0%	11.7%	10.8%	11.1%	10.0%	8.3%	10.1%
Driver's License	3.3%	2.0%	2.6%	1.8%	2.7%	3.8%	2.3%	1.1%	2.7%
Arrears	7.5%	6.7%	6.8%	7.3%	21.4%	8.5%	9.0%	5.4%	7.8%
Wage Assessment	7.0%	6.1%	5.4%	4.3%	11.6%	6.8%	6.1%	6.4%	6.5%
Violence	1.9%	2.7%	2.1%	1.7%	1.5%	2.0%	2.2%	2.3%	2.1%
Restraining Order	6.5%	12.3%	8.9%	6.9%	1.9%	6.9%	8.3%	10.7%	8.2%
Other	10.8%	18.4%	9.0%	12.0%	5.7%	11.7%	9.1%	16.1%	12.2%

KEY: POPULATION

GROUP A
Over 1,000,000
Alameda, Orange, Sacramento, San Bernardino, San Diego

GROUP B
500,000–999,999
Contra Costa, Kern, San Francisco, Ventura

GROUP C
250,000–499,999
Santa Barbara, Sonoma, Stanislaus, Tulare

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Marin, Merced, Napa, Shasta

GROUP E
Under 100,000
Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
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MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

APPENDIX

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GROUP B
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URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

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Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

Table 10. Assistance Provided by Facilitator

	POPULATION								
ISSUE	GROUP A n=12,094	GROUP B n=5,435	GROUP C n=5,012	GROUP D n=1,881	GROUP E n=1,657	URBAN n=14,454	RURAL n=6,319	MIXED n=5,306	AGGREGATE TOTALS n=26,079
Child Support	60.9%	51.5%	73.1%	74.9%	82.7%	61.1%	75.6%	56.6%	63.7%
Spousal Support	8.5%	7.5%	23.4%	9.7%	13.9%	7.5%	22.0%	10.2%	11.6%
Custody/ Time Share	17.3%	11.2%	57.2%	16.0%	22.9%	19.6%	45.2%	10.6%	24.0%
Health Insurance	4.3%	3.8%	7.1%	3.2%	10.5%	3.3%	6.9%	7.5%	5.0%
Support Arrears	9.4%	13.8%	7.7%	14.6%	15.9%	13.3%	7.8%	7.7%	10.8%
Child-Care Expenses	1.2%	1.5%	2.8%	3.1%	0.6%	1.8%	1.5%	1.7%	1.7%
Multijurisdictional	1.5%	2.3%	1.0%	0.7%	2.9%	1.8%	0.9%	1.8%	1.6%
Other	44.6%	61.9%	9.0%	29.0%	12.0%	44.0%	11.1%	54.7%	38.2%

Table 11. Assistance With Forms

	POPULATION								
TYPE OF FORM	GROUP A n=6,724	GROUP B n=4,468	GROUP C n=3,128	GROUP D n=655	GROUP E n=500	URBAN n=7,294	RURAL n=3,431	MIXED n=4,750	AGGREGATE TOTALS n=15,475
Fee Waiver	33.7%	28.0%	39.0%	20.0%	27.0%	31.2%	36.4%	31.1%	32.3%
Income and Expense	40.5%	23.1%	34.2%	21.4%	41.8%	39.6%	32.7%	24.7%	33.5%
Petition	19.1%	17.5%	16.6%	22.8%	13.2%	15.8%	18.5%	21.4%	18.1%
Response/ Answer	14.4%	11.3%	12.0%	20.5%	19.0%	14.5%	13.8%	11.5%	13.4%
OCS/Motion	50.9%	48.5%	53.8%	44.2%	27.0%	53.5%	49.5%	44.6%	49.7%
Ex Parte	6.4%	5.9%	18.6%	3.5%	0.2%	7.6%	16.7%	3.7%	8.4%
License Revocation Review	3.8%	.8%	1.3%	0.3%	0.2%	3.9%	0.8%	0.4%	2.1%
Stipulation & Order	2.4%	2.8%	3.8%	4.9%	12.0%	3.3%	4.5%	2.2%	3.2%
Order After Hearing	1.7%	7.0%	2.6%	1.8%	1.4%	3.3%	2.5%	4.2%	3.4%
Wage Assessment	4.7%	4.1%	2.7%	1.4%	6.0%	3.9%	2.6%	5.3%	4.0%
Judgment	8.0%	7.9%	8.5%	4.4%	9.2%	6.3%	8.6%	10.0%	8.0%
Other	24.0%	31.9%	24.0%	7.2%	25.4%	23.2%	20.2%	33.1%	25.6%

Table 12. Courtroom Assistance

COURTROOM SERVICE PROVIDED	POPULATION								
	GROUP A n=1,378	GROUP B n=459	GROUP C n=196	GROUP D n=149	GROUP E n=121	URBAN n=1,746	RURAL n=398	MIXED n=159	AGGREGATE TOTALS n=2,303
Readiness Review	47.5%	25.3%	79.6%	3.4%	76.9%	41.6%	59.5%	38.4%	44.5%
Interview Litigants	28.2%	29.0%	65.8%	68.5%	82.6%	28.9%	79.1%	21.4%	37.0%
Financial Mediation	5.9%	11.8%	4.6%	1.3%	24.0%	6.8%	9.5%	11.9%	7.6%
Support Calculations	9.5%	18.1%	52.6%	6.7%	39.7%	11.2%	38.4%	17.0%	16.3%
Order After Hearing	40.7%	12.9%	51.5%	0.7%	0.8%	35.1%	25.6%	5.0%	31.4%
Financial Stipulations	2.1%	7.4%	3.6%	2.7%	3.3%	3.3%	2.5%	6.3%	3.4%
Procedural Information	42.3%	65.5%	55.1%	27.5%	86.0%	47.7%	57.8%	45.9%	49.3%
Educational Materials	1.6%	9.2%	44.4%	2.7%	0.0%	3.6%	21.9%	3.1%	6.7%
Special Master	0.1%	0.0%	0.5%	0.0%	0.0%	0.1%	0.3%	0.0%	0.1%
Referrals	7.4%	8.5%	15.3%	0.7%	4.1%	7.6%	8.8%	5.7%	7.7%
Other	3.9%	15.3%	12.2%	5.4%	9.9%	7.6%	5.3%	9.4%	7.3%

Table 13. Telephone Assistance

SERVICE REQUESTED	POPULATION								
	GROUP A n=3,226	GROUP B n=872	GROUP C n=3,657	GROUP D n=770	GROUP E n=585	URBAN n=4,607	RURAL n=3,622	MIXED n=881	AGGREGATE TOTALS n=9,110
General Information	52.2%	81.1%	75.3%	91.2%	41.7%	65.0%	66.7%	77.3%	66.9%
Procedural Information	27.6%	57.2%	24.4%	39.6%	20.0%	26.8%	25.7%	60.7%	29.7%
Case Registry Status Information	4.8%	28.0%	2.5%	5.9%	17.6%	8.0%	5.1%	10.1%	7.0%
Support Calculations	0.7%	5.5%	1.2%	3.1%	1.2%	1.2%	1.2%	5.4%	1.6%
Referrals	11.6%	5.8%	2.9%	19.0%	8.4%	11.4%	3.9%	6.8%	8.0%
Call Back/ Follow-up	71.3%	27.6%	2.1%	23.2%	19.1%	54.8%	3.9%	27.8%	32.0%
Make Appointment	38.3%	12.6%	7.3%	29.0%	25.0%	35.0%	8.6%	6.4%	21.7%

KEY: POPULATION

GROUP A
Over 1,000,000
Alameda, Orange, Sacramento, San Bernardino, San Diego

GROUP B
500,000–999,999
Contra Costa, Kern, San Francisco, Ventura

GROUP C
250,000–499,999
Santa Barbara, Sonoma, Stanislaus, Tulare

GROUP D
100,000–249,999
Marin, Merced, Napa, Shasta

GROUP E
Under 100,000
Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

APPENDIX

KEY: POPULATION

GROUP A
Over 1,000,000
Alameda, Orange, Sacramento, San Bernardino, San Diego

GROUP B
500,000–999,999
Contra Costa, Kern, San Francisco, Ventura

GROUP C
250,000–499,999
Santa Barbara, Sonoma, Stanislaus, Tulare

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100,000–249,999
Marin, Merced, Napa, Shasta

GROUP E
Under 100,000
Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

Table 14. Other In-Office Assistance

	POPULATION								
ASSISTANCE REQUESTED	GROUP A *n*=9,685	GROUP B *n*=5,233	GROUP C *n*=4,527	GROUP D *n*=1,270	GROUP E *n*=983	URBAN *n*=11,191	RURAL *n*=5,390	MIXED *n*=5,117	AGGREGATE TOTALS *n*=21,698
Document Review	61.6%	69.0%	67.0%	34.4%	53.7%	58.4%	59.6%	74.8%	62.6%
Support Calculations	14.3%	16.6%	11.3%	18.3%	35.3%	18.0%	11.6%	13.7%	15.4%
Financial Mediation	2.0%	2.4%	0.5%	0.7%	7.1%	2.7%	1.4%	1.0%	2.0%
Financial Stipulations	0.8%	1.8%	0.5%	0.9%	0.5%	1.3%	0.2%	1.1%	1.0%
Procedural Information	87.7%	79.7%	89.4%	81.6%	72.1%	87.9%	87.9%	75.9%	85.1%
Educational Literature	9.4%	6.7%	6.4%	8.6%	1.3%	11.7%	2.5%	4.5%	7.7%
Educational Videos	7.3%	0.3%	0.7%	0.2%	1.0%	6.6%	0.2%	0.3%	3.5%
Referrals	20.7%	6.3%	6.5%	15.8%	7.3%	21.9%	5.4%	3.0%	13.4%
Arrearages	6.5%	9.4%	2.6%	9.2%	16.1%	9.6%	3.5%	5.0%	7.0%
Judgment Set-asides	2.7%	3.5%	0.5%	0.6%	2.7%	3.5%	0.7%	1.3%	2.3%
Other	10.4%	9.2%	2.1%	7.0%	15.8%	10.4%	3.6%	9.1%	8.4%

Table 15. Time per Customer Contact

	POPULATION								
TIME	GROUP A *n*=14,046	GROUP B *n*=6,840	GROUP C *n*=8,057	GROUP D *n*=2,064	GROUP E *n*=1,645	URBAN *n*=16,351	RURAL *n*=9,454	MIXED *n*=6,847	AGGREGATE TOTALS *n*=32,652
0–15 min.	53.8%	51.0%	50.7%	47.9%	39.8%	54.1%	52.2%	43.7%	51.4%
16–30 min.	17.9%	29.6%	30.6%	27.3%	29.8%	18.5%	31.5%	29.8%	24.7%
31–60 min.	12.6%	11.4%	14.1%	15.1%	22.5%	13.3%	12.0%	15.4%	13.4%
1–2 hrs.	8.5%	5.2%	3.8%	8.0%	7.0%	7.2%	3.6%	9.1%	6.6%
2–3 hrs.	3.6%	1.8%	.3%	1.0%	0.4%	3.4%	0.3%	1.3%	2.1%
3–4 hrs.	1.9%	0.3%	0.0%	0.0%	0.1%	1.7%	0.0%	0.1%	0.9%
4+ hrs.	1.4%	0.1%	0.0%	0.1%	0.0%	1.2%	0.0%	0.1%	0.6%
Unreadable/ Errors	0.4%	0.6%	0.4%	0.5%	0.4%	0.5%	0.4%	0.5%	0.5%

Table 16. Sources of Referrals

	POPULATION								
SOURCE OF REFERRAL	GROUP A *n*=11,319	GROUP B *n*=6,634	GROUP C *n*=4,955	GROUP D *n*=1,531	GROUP E *n*=1,305	URBAN *n*=12,636	RURAL *n*=6,339	MIXED *n*=6,769	AGGREGATE TOTALS *n*=25,744
Judge	10.8%	7.9%	9.7%	6.2%	21.5%	11.4%	11.2%	6.5%	10.1%
Clerk's Office	23.5%	30.1%	24.1%	14.6%	19.4%	21.9%	23.3%	30.6%	24.6%
D.A. Family Support	20.7%	19.8%	23.2%	30.3%	37.1%	24.0%	25.2%	16.5%	22.3%
Bar Association	0.4%	0.4%	0.1%	0.2%	0.2%	0.5%	0.1%	0.3%	0.3%
Attorney	4.0%	2.9%	3.5%	3.4%	5.0%	4.1%	3.4%	2.9%	3.6%
Friend	14.7%	15.8%	16.2%	19.1%	10.6%	13.5%	16.2%	17.8%	15.3%
Family Court Services	10.2%	6.3%	8.0%	10.2%	4.6%	9.7%	7.5%	7.3%	8.5%
Other Facilitator	2.7%	2.3%	3.2%	3.3%	2.0%	2.7%	3.1%	2.3%	2.7%
Newspaper	0.1%	0.3%	0.6%	0.1%	0.0%	0.2%	0.5%	0.2%	0.3%
Pamphlet	2.4%	1.6%	3.9%	1.8%	3.0%	2.7%	2.9%	1.7%	2.5%
Other	17.7%	22.6%	15.9%	20.3%	13.6%	17.8%	16.6%	21.9%	18.6%

KEY: POPULATION

GROUP A
Over 1,000,000
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GROUP B
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Lake, Nevada, Sierra, Trinity

URBAN
Alameda, Contra Costa, Marin, Orange, San Diego, San Francisco, Santa Barbara, Ventura

RURAL
Lake, Merced, Nevada, Shasta, Sierra, Stanislaus, Trinity, Tulare

MIXED
Kern, Napa, Sacramento, San Bernardino, Sonoma

Expanding Family Law Services through Collaboration

The Courts and Legal Services – a Natural Partnership

Partnership between Sonoma County Legal Aid and the Family Law Facilitator and Sonoma County Superior Court has expanded the availability of family law services to low income litigants in several ways.

The Facilitator played an integral role in establishing a **Family Law Clinic** at Legal Aid. The Clinic, established in early 1998 is still in operation today. This collaboration is described in the "Worthy Practices" paper. The Video tape project described in the paper has not implemented yet, but is still in our future plans. The Clinic serves 100 Legal Aid eligible litigants each year.

The second major collaboration was the development of an annual **Family Law Seminar**. This day long training seminar for attorneys and paralegals provides a recruitment tool for both the Facilitator and Legal Aid. Participants receive a registration fee discount in return for a volunteer commitment. The 4th Annual Family Law Seminar was held February 24, 2000. Unfortunately, because of space limitations, the Facilitator can not accommodate volunteers this year.

A third joint project was to establish a **Child Support Modification & Information Clinic** at Legal Aid The Facilitator worked with the DA Family Support staff to develop a full day training program for volunteer attorneys. Legal Aid developed the required administrative structure for the Clinic and recruited the volunteers. The Facilitator facilitated the Clinic staffed by volunteers. The clinic was held twice a month, outside normal business hours (one evening clinic and one Saturday clinic) and served primarily Dad's with difficulties paying their court ordered support. The Clinic was discontinued after 8 months of sporadic attendance. This is a particularly difficult audience to reach. Clients are still served through the Family Law Clinic and the SHAC.

The fourth and most significant collaboration has been to establish a **Self Help Access Center** (SHAC) at the courthouse. This partnership included Legal Aid, the Facilitator, Family Law Judge (Hon. Cerena Wong), the Executive Officer of the Court, the Law Librarian, and the local Law School Dean. The attached grant application, details the cooperative efforts entailed in establishing this exciting new Center. Although $80,000 was requested, Legal Aid received $56,750 to establish the SHAC in the first year. The SHAC provides primarily family law services. While information (brochures, fact sheets, self help library) and referrals are available to the general public, legal advice and legal form preparation are available only to Legal Aid eligible litigants under our current funding restrictions. The SHAC provided services to 309 eligible litigants and 182 members of the public in the first 4 months of operation (September - December 2000.) Please see the enclosed SHAC brochure for current operation details.

The close partnership between the Facilitator, the Court and Legal Aid has been a great success. The key is not only a common commitment to improving the lives of families in our community, but the willingness to work together to make it happen.

This paper was presented at the National Legal Aid & Defender Association's Annual Conference in 1997. It describes the beginning of the collaboration between Legal Aid and the Family Law Facilitator.

"WORTHY PRACTICE" DESCRIPTION

Organization Name: Sonoma County Legal Aid

Address: 37 Old Courthouse Sq. #100
Santa Rosa, CA 95404

Director: Andrea M. Agloro

Contact Person: Andrea M. Agloro

Telephone: (707) 542-6664 **Fax:** (707) 542-1195

Subject Area: Collaborative Efforts

Title: **Family Law Facilitator -- A New Opportunity for Collaboration**

A. Problem:

There is very little help available for low and lower income people experiencing family law problems in Sonoma County. Many people attempt to represent themselves in Family Court with little success. Pro per (pro se) litigants are unfamiliar with the law, legal forms, local rules, and the protocol for court appearances. The result is a clogged pro per calendar, frustrated clients, judges and attorneys.

B. "Worthy Practice"

The California legislature created and funded a "Family Law Facilitator" position in each county to assist those representing themselves in Family Court (primarily in child support matters.) Legal Aid received a small grant from the Sonoma County Human Services Commission to establish a Family Law Clinic to assist low income clients who represent themselves in family matters.

Legal Aid's Clinic is comprised of three components: 1) consultation with a volunteer attorney, 2) assistance with court form preparation, and 3) a community education workshop to instruct clients to represent themselves effectively. The Facilitator provides advice and assistance on a drop-in basis at the courthouse. Legal Aid contacted the Facilitator to coordinate services and avoid duplication. During the discussion, it became clear that Legal Aid's Clinic format was an ideal way to help meet the Facilitator's community education requirements. The Facilitator has developed a detailed set of instructions for completing the paperwork for a number of family law matters (paternity, order to show cause for support, custody and visitation (and response), modification, and set asides, along with information sheets. We both need volunteer attorneys to provide services. The collaboration was born.

We are still in the development phase of the collaboration. We are working together to create the format for Legal Aid's community education workshop for those representing themselves in Family Court. The Facilitator has obtained the commitment of the Family Law Judge to be video taped for the workshop. The Facilitator's budget includes funds for video production. Legal Aid is drafting handout materials including:

- Preparation for Your Day in Court
- Where is the Courthouse Anyway?
- What to Expect During Your Hearing?
- You're On...A Step by Step Guide for Your Day in Court
- Tips for Representing Yourself in Family Court

The Facilitator will facilitate the workshops until a pool of volunteers can be recruited. Legal Aid will advertise the workshop along with it's other regularly scheduled workshops. The workshop will held once each month at the Legal Aid office initially. The video tape will also be shown on Public Access television and in the Facilitator's waiting room.

We are also working together to design and implement a 6 hour, Basic Family Law Seminar to be held in late February, 1998. (Sample materials have been obtained from the Public Law Center in Santa Ana, CA and the Bar Association of San Francisco Volunteer Legal Services Program - NEVER reinvent training materials!.) The seminar is a training and recruitment vehicle for both projects. We are collaborating with the Sonoma County Bar Association (for MCLE accreditation) and the Family Law Committee (for design assistance and trainer recruitment.) The D.A.'s Family Support Division will provide a trainer for the child support section. The YWCA's staff attorney will present the domestic violence section. Legal Aid will provide logistical coordination, participant support, and materials production. Legal Aid is working with the local Community Media Center to recruit volunteers to videotape the seminar for future viewing. The registration fee will be discounted for those who provide volunteer services for Legal Aid and/or the Facilitator. Fees will fund staff support for Legal Aid's Clinic.

C. Anticipated Results:

We anticipate that those who attend Legal Aid's Clinic and/or meet with the Family Law Facilitator will be better prepared to represent themselves in Family Court, will file properly completed forms, will have a greater understanding of their rights, the court process and their role in obtaining the results they desire. A client satisfaction survey will obtain evaluative information.

Another result will be the availability of trained family law lawyers to provide additional services through Legal Aid and the Family Law Facilitator.

D. Replication:

A similar collaboration can be replicated in many other legal services programs. Collaboration for training is always a great recruitment vehicle. Local bar association sections or training committees are natural partners along with affiliate organizations. Experienced attorneys enjoy teaching and mentoring new lawyers (and new lawyers appear every year...)

Working with other affiliated organizations to develop community education materials is always a cost effective way to leverage limited resources, strengthen working relationships, and broaden the network of services available to the low income community.

E. Materials Available:

Pro Per Workshop handouts will be available in mid-January. The Family Law Seminar training materials will be available on disk (WordPerfect 6.1) in mid March. A modest fee will cover production and handling - call for more information.

THE LEGAL SERVICES TRUST FUND COMMISSION

EQUAL ACCESS FUND - PARTNERSHIP GRANTS

1999 - 2000 GRANT APPLICATION

December 15, 1999

Self Help Access Center

submitted by

Sonoma County Legal Aid
37 Old Courthouse Square, Suite 100
Santa Rosa, CA 95404
(707) 542-6664
Fax (707) 542-1195

THE LEGAL SERVICES TRUST FUND COMMISSION
EQUAL ACCESS FUND - PARTNERSHIP GRANTS
1999 - 2000 GRANT APPLICATION

FORM A - PROJECT ABSTRACT

1. Name of Applicant Legal Services Program: Sonoma County Legal Aid
   Name of contact: Andrea M. Agloro
   Phone number: (707) 542-6664

2. Name of Cooperating Court: Sonoma County Superior Court
   Name of Presiding Judge: Hon. Laurence K. Sawyer
   Phone number: (707) 565-7040

   Name and phone number of Contact Person: Greg Abel
   (707) 565-1160

3. Project Title: Self Help Access Center

4. Amount Requested: $80,000

5. Please indicate: [X] New Project
   [ ] Existing Project

6. Brief Summary:

The Self Help Access Center, located at the Sonoma County main court complex (Hall of Justice), will provide direct and immediate assistance to qualified low income litigants as well as referral to more in-depth existing services provided by affiliate organizations. The need for immediate, on-site assistance at the courthouse has increased as the number of *pro per* litigants has grown. Minimal assistance can empower *pro per* litigants to more effectively represent themselves while reducing the burden on judges and court clerks. Currently, walk-in *pro per* service at the courthouse is only available to a limited number of litigants for family law matters through the Family Law Facilitator. Center users will be screened for eligibility and problem identification by intake interns. Services will be provided to residents of Sonoma County and those with cases in this jurisdiction. The Center Coordinator/Paralegal will determine the appropriate service: information, consultation/advice, legal form preparation, or referral for additional services.

The Center will feature a comprehensive library of self help materials, *pro per* instruction packets, video tapes, and periodic information workshops and clinics conducted by volunteer attorneys. The Center staff attorney will provide individual consultation and advice as appropriate. Required legal forms will be prepared by the Center Coordinator assisted by interns. Referrals will be made for ineligible applicants and those who need more comprehensive services. Referral assistance may include helping the litigant to contact other agencies and making appointments.

Initial services will be offered in the areas of family law, elder law, housing, personal injury and probate. It is anticipated that a satellite office will be established at the Petaluma branch court facility to serve south county residents in the future.

THE LEGAL SERVICES TRUST FUND COMMISSION
EQUAL ACCESS FUND - PARTNERSHIP GRANTS
1999 - 2000 GRANT APPLICATION
FORM B - PROJECT NARRATIVE

Applicant Name: **Sonoma County Legal Aid**

1. **Program's Qualifications**

Sonoma County Legal Aid, established in 1958, is a Legal Services Trust Fund recipient and an experienced provider of legal services to low income *pro per* litigants. Current programs include: community education workshops; an uncontested dissolution clinic; a family law clinic; a mediation panel; an eviction defense clinic; a criminal record expungement clinic; and beginning in January, 2000, a child support establishment, modification and information clinic. These *pro per* assistance programs are augmented by referrals to a family law *pro bono* panel for representation. Legal Aid has successfully established five (5) new *pro per* assistance programs in the past three (3) years. Andrea Agloro, Legal Aid's Executive Director, has more than 25 years experience in the development and implementation of legal services programs.

2. **Needs Assessment**

As part of the Judicial Council's effort to build greater public trust and confidence through local court/community focused strategic plans, Sonoma County Superior Court established a process for obtaining community input for the development of their plan. Beginning in October 1998, about 50 representatives from the community were invited to attend an afternoon brainstorming session to initiate the process. Using that meeting as a springboard for further direction, some of these community members volunteered to assist with the twelve town hall style meetings that were conducted throughout Sonoma County during September 1999.

During these meetings, discussion focused on improving the court's service delivery, litigants' challenges in using the court system and strategies to accommodate the growing trends relative to criminal justice issues and court services. In addition to the meetings, in August, September and October, surveys were distributed throughout the community to obtain similar information. Target court users included jury pools and other public members, community based organizations, legal clinics, the bar association, the police chiefs' association and court staff. Judicial and employee input was also gained through focus groups.

The result of these processes clearly indicates a need for expanded public education about the judicial system and assistance for those representing themselves in court. With respect to access to the court, the majority of the public respondents rated the court as difficult to access, largely due to economic and facility location factors. Many also indicated that the difficulty in navigating the court system prohibited them from self-representation as an alternative. The court plans to pursue more *pro per* and self-help assistance as part of its proposed community focused strategic plan. A joint venture through this Partnership Grant will provide the opportunity to move ahead with *pro per* assistance in a common direction.

Representatives of the major legal services providers in the County report that the majority of calls for assistance fall into one of the traditional "poverty law" areas: family, consumer, public benefits,

bankruptcy, housing, probate, small claims or employment.

Research was conducted to determine the types of *pro per* assistance provided in legal services and/or court based programs in other states/jurisdictions. Discussions then explored the types of service that made the most sense for Sonoma County, considering the existing services and the resources available.

The court reports the following number of civil cases filed:

Period 7/1/98 - 6/30/99	**Total Filings**	**Fee Waivers Granted**	**Percentage of Waivers**
General Filing *probate, guardianship personal injury, family* ***(no DAFS)***	5,082	1,595	***31%***
Limited Filing *unlawful detainers other matters under $25,000*	3,920	1,136	***29%***

Demographics of 2,187 clients served by Legal Aid in 1998:

Male 27% Female 73%

Caucasian 80% Hispanic 13% Black 4% Asian 2% Other 2%

According to Statewide Office of Family Court Services estimates, between 60 and 80 percent of family law litigants represent themselves in California. It is further estimated that 62 percent of family court filings in which the parties dispute custody or visitation issues also include allegations of domestic violence. The Family Law Facilitator estimates that one-third of her clients are Hispanic with Spanish as the primary language.

The Self Help Access Center will serve residents of Sonoma County and those with cases in Sonoma County Superior Court jurisdiction.

It is clear from the information gathered from a variety of sources that the need for immediate *pro per* assistance at the courthouse is great. Each of the new *pro per* programs Legal Aid has established in recent years has reached its capacity in client attendance. Clients must wait up to 6 weeks for an appointment. The Superior Court's Family Law Facilitator turns away people seeking assistance each day. The court clerks and judges report a constant flow of *pro per* litigants in need of assistance. Current resources do not meet the need presented every day.

3. Goals and Objectives

A planning team including a Family Law Judge, the Court Executive Officer and Deputy Court Executive Officers, the Family Law Facilitator, the Managing Attorney of the local office of California Rural Legal Assistance, the Law Librarian, the Court's Civil Division Manager, the Dean of a local law school, and the Executive Director of Sonoma County Legal Aid met to determine the following goals and objectives of the project:

A. Improve Access to the Courts for Low Income *Pro Per* Litigants.

1. Centralize and coordinate services.
2. Provide specific and consistent assistance.

OUTCOME: Empower low income *pro per* litigants to participate more effectively in solving their legal problems.

B. Establish a Solid Programmatic Foundation Upon Which to Build in the Future.

1. Establish basic level of services.
2. Develop fundraising plan to support future and expanded services.
3. Develop plan to involve other community organizations in future planning.

OUTCOME: Establish a creative and evolving project that will respond to the changing needs of the low income community.

C. Demystify the Justice System.

1. Develop and distribute various forms of bilingual community education media.
2. Provide hands on assistance in navigating the system.

OUTCOME: The client community will better understand the court system and have a more positive experience with the process.

We anticipate providing information and assistance to an average of sixty (60) people each week or 3,120 people in the first year.

4. Type of Services and Resources Available

This project will create a walk-in Self Help Access Center at the court complex Hall of Justice. The Access Center will be staffed by an attorney, project coordinator, and volunteers and will be open four (4), half days a week. Staff and volunteers will develop and maintain an information and referral directory/system as well as a comprehensive library of bilingual and multimedia community education materials. In addition to information & referral, services will include assistance with legal forms preparation, brief legal advice (individual consultation), self help workshops (group setting), and space, equipment, and time for Access Center participants to receive adequate help. Services will be available at specific, consistent, posted times. Some individual consultation with the Access Center attorney will be available by appointment. "Emergencies" will be handled as resources allow.

Subject Areas: Family law, elder law, probate, housing, personal injury & consumer.

Kinds of Cases Anticipated: Landlord/tenant, including unlawful detainers, 3 day notices, 30 day notices; family law, including dissolutions and motions regarding child support, spousal support, and child custody and visitation; conservatorship; guardianship; personal injury; and consumer/small claims matters.

Services will include:

A. **Eligibility Screening & Intake** (conducted by interns)
- Intake interview
- Problem identification & service determination

B. **Information Services** (provided by interns and Center Coordinator)
- Help to navigate the process
- Directions
- Interpreter services information
- Filing assistance
- Workshops (group setting - conducted by attorney)

C. **Referral to Other Agencies for Additional *Existing* Services** (all staff)
- Sonoma County Legal Aid
  - Family Law Clinic
  - Uncontested Dissolution Clinic
  - Eviction Defense Clinic
  - Child Support Modification & Information Clinic
  - Family Law Pro Bono Referral Panel
  - Pro Bono Mediation Panel
- California Rural Legal Assistance
  - Bankruptcy Clinic
  - Landlord/Tenant Clinic
  - Public Benefits Counseling
- Small Claims Advisor
- Family Law Facilitator
- Council on Aging
- Temporary Restraining Order Clinic
- Lawyer Referral Service

D. **Consultation** (provided by attorney)
- Individual consultation with attorney
- Determination of additional assistance/referral required

E. **Forms Assistance** (provided by staff or volunteer)
- Preparation
- Copies & organization

F. **Self Help Materials** (available to general public)
- Brochures
- *Pro Per* Instruction Packets

G. **Outreach to Other Organizations** (conducted by Coordinator)
- Schools
- Governmental Agencies
- Community Based Organizations

H. **Resource Library** (located at law library & available to public)
- Local Rules
- Self Help Books
- Videos (regular viewing schedule will be posted)

Services will be delivered on an individual basis or in a group setting as indicated above. Legal assistance will be provided by the Access Center staff attorney or by legal staff of referral agency. Assistance over the telephone will be available on a limited basis in cases where a qualified user cannot come to the Access Center because of a disability or other extenuating circumstance..

An extensive library of self help and information brochures from affiliate organizations will be compiled by Access Center staff and made available to Access Center participants. Staff will work with Legal Aid and other organizations to take advantage of existing material. Additional materials will be developed and produced by a combination of Access Center staff, consultants and volunteers. Most materials will be available in Spanish and English.

Video tapes will also be available for viewing at the Law Library and in the Center on topics such as eviction defense and a new video series produced by the Administrative Office of the Courts Statewide Office of Family Court Services. The series was developed to help family law litigants navigate family court procedures and to assist local courts in developing information packets for litigants. The videos, in Spanish and English, will provide information about divorce, legal separation or annulment proceedings and domestic violence issues. The videos, which are accompanied by brochures, will help pro per litigants make decisions that are in their best interest. These materials will also complement the Title IV-D child support information and forms preparation services provided by the Family Law Facilitator.

Two computer stations and copier will be available for legal forms production by Access Center staff and volunteers. A computer is currently available for public use to prepare Dissomaster reports near the Access Center. Computer terminals are available for public use in the court clerks' office for determining status of case filings. Typewriters are also available for public use near the Center.

5. Staffing, Training and Supervision

The Center will be staffed by one full time Coordinator, one half-time attorney (.50 FTE), and two volunteer/intern intake assistants. In addition, volunteer attorneys will be recruited to conduct specific topic workshops. The staff attorney will be provide on-site supervision.

Staff and volunteer training will be provided by the Family Law Facilitator, Legal Aid, Empire Law School faculty, CRLA staff, and others as appropriate. Staff will attend the annual Family Law Seminar sponsored by Legal Aid. The Sonoma County Bar Association will make its video tape training library available to Center staff at no charge. Training funds are budgeted for Benchmark Institutes' Summer Institute and College of Advocacy. The Court, Empire Law School and CRLA have committed *pro bono* training assistance.

6. Cooperating Court

Recent collaboration between the Sonoma County Superior Court and Legal Aid was established in 1997. Judge Cerena Wong, Child Support Commissioner Cynthia Denenholz, and Family Law Facilitator, Louise Bayles-Fightmaster, were on the faculty of Legal Aid's first Family Law Seminar in 1997 and continue to participate in Seminar planning and implementation. The 3rd Annual Seminar will be held on February 26, 2000. The Seminar provides training for the family law bar and serves as a recruitment tool for Legal Aid volunteers.

Legal Aid's Executive Director participated in the recent Court/Community Outreach Project.

The Family Law Facilitator has generously provided assistance to Legal Aid in developing and implementing their Family Law Clinic (established in 1997) and most recently, their Child Support Modification and Information Clinic (to open January, 2000). The Facilitator provides training and written materials for Clinic volunteers as well as provides Clinic services. The resources of a recently hired Court legal assistant will be made available to the Center on a limited basis.

The Court will provide space, personnel, furniture, equipment, and computer access to the County's integrated justice system at the main courthouse. The Court will also commit the resources of a ½ time legal assistant to the Access Center upon confirmation of funding for that position. It is anticipated that a satellite office will also be available at the Petaluma court facility in the future. Court staff will provide referrals to the Access Center and assist in recruiting volunteers for the Access Center. Court staff will manage any space sharing issues that may arise and provide equipment maintenance and technical assistance.

Legal Aid will retain primary responsibility for staffing the Access Center, establishing and monitoring the administrative systems and procedures, developing the required forms, and monitoring grant compliance.

Legal Aid's Executive Director will provide for financial management including, payroll services, accounts payable, budget/expense tracking and comparison, monthly reports, annual financial review, and annual tax return preparation. Legal Aid uses Quickbooks 99 financial software (Y2K compliant). Payroll and quarterly tax deposits are handled by an outside service vendor. Legal Aid's accountant will prepare annual tax returns.

The Access Center Coordinator will maintain service records using Legal Aid's project service reporting system produced using Quatro Pro 8. Satisfaction survey results will be compiled and reports prepared using Legal Aid's existing compilation formats in Quatro Pro 8.

7. Collaborative Partners

These organizations/entities will collaborate to establish and operate the Access Center:

Family Law Facilitator:	The Court's Family Law Facilitator, Louise Bayles-Fightmaster, provides legal information and assistance to a limited number of litigants representing themselves in family law regarding: child and spousal support, paternity, and wage assignments. In addition, the Court's Family Law Facilitator assists the Court with training and education of Family Court staff.
California Rural Legal Assistance:	CRLA is a federally (LSC) funded, staff attorney program providing legal services to low income residents of Sonoma County. CRLA specializes in services to migrant farm workers, and also provides assistance to those with general housing, education, employment, health, bankruptcy and public benefits problems. The contact person at CRLA is Managing Attorney, Robert Lotero.

Court Administration:	Sonoma County Superior Court Administration is responsible for court operations, staffing, budgeting, and planning. A Deputy Court Executive Officer, Civil Division Manager and Legal Assistant will work together with the collaborative partners in implementing and enhancing the Self Help Center.
Law Library:	Sonoma County Law Library is open to the public, is mandated by statute to provide public access to legal materials and is heavily used by non-attorneys representing themselves in legal matters. The Law Library works cooperatively with various Sonoma County Court departments including the Small Claims Advisor and Family Law Facilitator to serve county low-income litigants and to ensure their access to legal research information. The contact person at the Law Library is Librarian, Marilyn Josi.
Empire Law School:	Empire Law School is fully accredited by the California Committee of Bar Examiners. The law school was established in 1973 and has a student population between 150 and 200 students. Empire Law School is committed to providing student interns to work with the Self Help Access Center. Over 25% of the Sonoma County Bar Association is comprised of Empire Law School graduates. The contact person at the Law School is Dean Patrick M. Broderick.

Representatives of partner organizations comprise the Access Center Planning Team. Team members will be involved in all aspects of Access Center operations. Team members will meet periodically to determine progress of Access Center development and operations, address duplication of services issues, and develop a marketing plan that will provide clear description of services. As the team includes the primary legal services providers, any issues of duplication will be resolved easily.

A "Self Help" brochure will be developed to describe the services provided at the Access Center and other existing service providers and the independent role of the Court to deter possible confusion.

8. Financial Eligibility and Subject Matter Screening

Intake interns at the Access Center will screen participants for financial, subject matter, and residence/jurisdiction eligibility. Legal Aid intake forms will be modified for use at the Access Center. Partners will conduct general screening prior to referral to the Access Center.

9. Conflict Checking

No attorney-client relationship will be established at the Access Center. No conflict checking system is required. However, volunteer attorneys will be required to comply with the Rules of Professional Conduct regarding any existing attorney/client relationship. This will be the attorneys' responsibility.

An Access Center service agreement will clearly describe the specific services to be provided and will clearly state the role of the Access Center attorney and staff. (i.e. I understand that **the Center attorney does not represent me in this action** and that I am responsible for the accuracy of all information on the completed forms. I understand the services provided by the attorney, volunteers and other staff are for instruction and advice during Access Center hours only. **I understand that I will represent myself in this action. The Access Center or volunteer attorney will not represent me.)** The agreement will be signed by both the Access Center staff and the participant.

10. Referral Protocols

Those ineligible for Access Center services will be referred to other organizations for assistance whenever possible. A comprehensive list of referral organizations will be developed and maintained by Access Center staff. Staff will expedite the referral by providing a telephone for use in obtaining additional information and assistance. Access Center staff will personally contact other agencies when appropriate. General information materials will be available to all regardless of eligibility for additional services.

11. Technology and Equipment

The Court will provide equipment including a telephone, computers, VCR & monitor, fax and copier. The computer will have Legal Solutions software for legal forms preparation and Dissomaster for child and spousal support calculations. The VCR and monitor will be used to show self help videos in the Law Library and the Access Center. The telephone will be available to clients referred to other agencies for setting up appointments, etc. Access Center supplies will include general office supplies and be purchased by Legal Aid.

A separate computer is currently available for public use to prepare Dissomaster reports near the Access Center. Computer terminals are available for public use in the court clerks' office for determining status of case filings. Typewriters are also available for public use near the Access Center.

The space and equipment, when not in use by the Access Center, will be shared with the Temporary Restraining Order Clinic (operated by the YWCA) staff and the Family Law Facilitator staff. Court staff will coordinate equipment use and provide technical assistance.

12. Site and Accessibility

The Self Help Access Center will be located in a secure area at the main courthouse close to the Family Law Court and the Family Law Facilitator's office. Users will have passed through metal detectors and security screening prior to entering the Access Center. Nearby restrooms are completely accessible. The County and city buses stop at the courthouse. It is contemplated that a satellite office will be established in the Petaluma branch court later in the year.

Every effort will be made to hire bilingual staff. Staff requirements will include an ability to work successfully with a diverse population. Most self help materials will be translated to Spanish.

13. Evaluation

The Access Center evaluation will include three components. A two-part client satisfaction survey form, a court staff survey form, and a Partnership Planning Team evaluation discussion. The proposed draft client survey is attached.

The client survey form will be distributed during the intake process at the Access Center. Participants will be asked to complete the first part of the survey before they leave. Part two will be completed and mailed to the Access Center after the court process (for which they sought help) is complete. The forms will be reviewed by the Access Center Coordinator, compiled monthly and discussed with the Planning Team quarterly.

The court staff survey will be distributed to appropriate staff monthly for the first quarter, then quarterly. The surveys will be completed and returned to the Access Center Coordinator for review, compiled monthly, then quarterly, and discussed with the Planning Team quarterly.

The Planning Team will meet monthly for the first quarter to review survey results and make adjustments in operations as needed. Subsequent meetings will be held quarterly.

14. Timetable

Planning and development activities will begin when the grant year begins (February 1). The Self Help Access Center will begin providing limited services on March 15, 2000.(assumes staff is in place)

First Quarter
- visit Access Center facility to determine client flow, self help material placement, client workspace, intake location, etc.
- develop job descriptions, recruit, hire & train staff.
- develop administrative procedure & forms
- collect existing self help materials & videos
- identify additional self help materials need & arrange for production
- recruit and train volunteers
- evaluate operations monthly and make adjustments as needed
- publicize Access Center activities to human services community

Second Quarter
- evaluate operations and make adjustments as needed
- develop fundraising plan and implement
- contact other court based self help centers to obtain "best practices" and discuss successes and shortcomings

Third Quarter
- evaluate operations and make adjustments as needed
- continue fundraising activity
- publicize Access Center activities to human services community

Fourth Quarter
- evaluate operations and make adjustments as needed
- continue fundraising activity

15. Project Continuity

The Planning Team has discussed options for obtaining additional and/or replacement funding for the Access Center. The Court will apply to the Judicial Council's Modernization Fund for Partnership Grant recipients. The Court will include *pro per* assistance in its proposed community focused strategic plan and related funding priorities.

A fundraising plan will be developed during the 2nd quarter of the grant year. Options include the Sonoma County Human Services Commission, Sonoma County Community Foundation, United Way, and the County of Sonoma. Funding opportunities will also be explored as they arise prior to that time.

16. Planning for Joint Project

The issues identified in the Request for Proposal have been discussed at length with the cooperating Court and are addressed in the context of this proposal.

Greg Abel, Court Executive Officer, Sonoma County Superior Court, will oversee the project for the Court.

The Sonoma County Superior Court has a strong history of establishing programs that provide information and assistance to both parties in civil matters. Some examples of existing programs are: the Small Claims Advisor, the Temporary Restraining Order Clinic, the Family Law Mediation Program, and the Family Law Facilitator. The Court is committed to providing *pro per* assistance to all parties and has demonstrated the ability to remain impartial.

As noted in number 9. above, Access Center participants will be screened for Legal Aid eligibility and be required to sign a service agreement which clearly outlines the limitation of Access Center services and the role of the Court. As noted in number 7. above, a self help brochure will be produced to further clarify the respective roles of all the organizations participating in the Access Center operations.

The Court has already established a Bias Committee to receive concerns and complaints from the community related to unfair or priority treatment by any Court personnel.

The Planning Team will review operations periodically to insure the independence and impartiality of the Court.

Superior Court
State of California

LAURENCE K. SAWYER
JUDGE
COURTROOM 19
(707) 565-7040

COUNTY OF SONOMA
COURT ANNEX
1450 GUERNEVILLE RD.
SANTA ROSA, CALIFORNIA 95403

December 14, 1999

Ms. Judy Garlow, Director
Legal Services Trust Fund Program
State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Dear Ms. Garlow:

The Superior Court of California, County of Sonoma, wishes to express its strong support for the Partnership Grant Proposal submitted by Sonoma County Legal Aid.

This proposal was developed by Andrea M. Agloro, Executive Director of Sonoma County Legal Aid, in collaboration with our local California Rural Legal Assistance office and various Court staff including our Family Law Facilitator and Court Administration. This proposal is a true partnership and we are very excited about the prospect of implementing a comprehensive self-help center to serve our indigent population.

The judges of this Court have long since considered the development of a civil/family law self-help center to be one of our top priorities. The need for such a center was voiced time and time again by the public at our recent community outreach forums which were held at 12 locations throughout the county as part of the development of our Court's Strategic Plan.

We are committed to implementing the services described in this proposal and to pursue additional sources of funding to augment and enhance the program. As part of that effort, we are collaborating with Legal Aid on a grant proposal to the Judicial Council for a matching partnership grant from the Modernization Fund to provide additional resources for the proposed self-help center.

We hope you will give Sonoma County Legal Aid's proposal strong consideration and we anxiously look forward to the opportunity to help provide these much needed services to our local community.

Yours very truly,

Laurence K. Sawyer, Presiding
Sonoma County Superior Court

LKS/kh

Tips on Representing Yourself in Court

- Dress the way you want to be treated - professionally. Be aware that shorts, tank tops, and bare feet are not allowed.
- BE ON TIME! Be seated in the courtroom with your documents (bring at least 3 copies) at least 10 minutes before court is scheduled to begin. Check the calendar.
- Make sure you are in the right courtroom. The clerks or SHAC can help you if you have any questions.
- Be prepared! Read over your papers before court and make a list of the things you are asking for. Make notes for your arguments on each point. Bring a pen and paper for notes.
- Talk only to the judge. Do not argue with or interrupt the judge, the other party, or attorney. Each side will have an opportunity to talk.
- Keep your comments positive and respectful. Do not engage in name calling or make demeaning comments.
- Do not get emotionally upset or become physically or verbally threatening. If you need a break, ask the judge for a recess.
- Behave professionally. Do not slam pens, papers, or doors. Do not laugh, sigh loudly or makes faces. The judge will be observing how you act. Your behavior will impact on your credibility.
- NEVER lie to a judge, even if you are not under oath. Do not try to misrepresent the facts of your case.
- Do not try to talk to the judge about your case unless the other party or attorney is present. The judge cannot talk to you alone.
- Do not bring young children into the courtroom.
- Do not take negative comments personally. Reply to legal and factual issues.
- Take the time to watch a court hearing before your court date so you know what to expect.
- Whenever possible bring a support person with you to your court date. They won't be able to sit at the table with you or speak out in court, but they can give you support needed by their presence.
- If you have difficulty reading, hearing or speaking English bring a friend who can translate for you or help you.

SELF HELP ACCESS CENTER

Room 209J
Hall of Justice
600 Administration Drive
Santa Rosa, CA 95403

Tuesday ~ Wednesday ~ Thursday
8:30 a.m. to 12 noon

A Project of

Sonoma County Legal Aid

37 Old Courthouse Square #100
Santa Rosa, CA 95404
(707)542-1290

Helping Others to Help Themselves

Self Help Access Center
(SHAC)

A walk-in Center for those representing themselves in Civil Court

Services available to the public:

* Information
* Resources
* Referrals
* Support
* English & Spanish educational materials, books, videos

* Bilingual/Spanish translators available on Tuesdays & Thursdays

Additional assistance with forms, 'how to' questions answered and other supportive services available ***ONLY*** *for low income litigants*

SHAC

- Self Help Access Center hours are: Tuesday, Wednesday and Thursday from 8:30 am to 12 noon. "Information only" clients will be seen after 11:30 a.m. unless it is determined that you have limited need for assistance. You may be asked to return for more in-depth assistance or provided a referral.
- You will be seen on a "first come, first served" basis. You may have to wait.
- Types of services available: written information, videos, books and referral information available to everyone. *Individual legal advice and paper work in family law and housing matters for eligible low income clients only.*
- Please have with you a recent pay stub or verification of income and all of your court paper work. We may not be able to help you without this documentation.
- If you have an existing case, but do not know the case number, a Family Law clerk in Room 108J can assist you in obtaining the case number.
- Form preparation and advice are not available if you already have an attorney assisting you, either formally or informally.
- For issues of domestic violence and civil harassment, the Temporary Restraining Order clinic is open from 1:00 p.m. to 4 p.m. Monday through Friday. You must arrive for the clinic by 1:00 p.m.
- Childcare is **not** provided at the SHAC. You are encouraged to arrange childcare for your children. You will not be turned away from the Center if you bring children; however, out of respect to other individuals using the SHAC you will be asked to leave if your child becomes disruptive.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF NAPA

Jessica Loring
FamilyLawFacilitator

825 Brown Street
Napa, CA 94559-3031

HOW TO REQUEST A SUSPENSION OF YOUR CHILD SUPPORT ORDER WHILE YOU ARE IN JAIL, PRISON OR REHABILITATION.

To request that the District Attorney stop the ongoing support order while you are in jail, prison, or rehabilitation program, complete the enclosed form and mail it to the following address:

NAPA COUNTY DISTRICT ATTORNEY
FAMILY SUPPORT DIVISION
P.O. BOX 5720
NAPA, CA 94581

If the District Attorney grants your request they will send you a Stipulation and Order to sign. Once filed with the court this new order will only "SUSPEND" your order. **IT WILL NOT MODIFY IT. IT WILL SIMPLY MEAN THAT NO PAYMENTS WILL BE DUE FOR THE PERIOD OF TIME THAT YOU ARE IN JAIL, PRISON OR REHABILITATION.** If the custodial parent is not receiving public assistance their permission is required to suspend the support payments.

When you are released payments of the amount due under the order will automatically start again. There will be no automatic review of your financial situation when you are released.

The District Attorney will only agree to suspend your payments if you will be incarcerated or in rehabilitation for **MORE THAN SIX MONTHS.** If you will be incarcerated for less than six months, please contact this office for assistance with filing a motion.

NOTE: SEE ATTACHED INFORMATION SHEET ABOUT HOW THE DISTRICT ATTORNEY'S OFFICE CHARGES INTEREST ON YOUR UNPAID BALANCE WHILE YOU ARE INCARCERATED AND WHAT YOU **CAN** AND **CANNOT** DO TO AVOID THIS ADDITIONAL CHARGE.

MAIL TO: DISTRICT ATTORNEY, FAMILY SUPPORT DIVISION
P.O. BOX 5720
NAPA, CA 94581
929 PARKWAY MALL, SUITE 247, NAPA, CA 94559

ATTENTION: DISTRICT ATTORNEY, FAMILY SUPPORT DIVISION.

DATE: _____

My name is: _____.

My case name is: _____.

My District Attorney case number is: _____.

My Court case number is: _____.

I am asking for a suspension of my child support order due to my incarceration, or residential rehabilitation for a period of at least six months. I am currently unable to work and, therefore, have no ability to pay child support.

I am currently in jail ___ prison ___ residential rehabilitation ___.
(Please check the one which applies.)

I am in jail or prison for the following convictions:

_____

_____.

I will be in jail from _____ until _____.

I will be in prison from _____ until _____.

I will be in residential rehabilitation from _____ until _____.

Name, address and phone number of jail or prison is:

_____

_____

_____.

Name, address and phone number of rehabilitation facility is:

_____

_____

_____.

Name, address and phone number of my attorney (either Public Defender or private attorney, if any) is:

_____

_____

_____.

Name, address and phone number of my probation or parole officer (if any) is:

_____

_____

_____.

My monthly child support obligation is: $_____ per month for the following children (please list names and ages):

_____

_____

_____

_____

_____

Sincerely,

_____ _____

Print your name here Sign your name here

jail.doc.

_____
Name

_____
Street Address

_____
City, State, Zip Code

_____
Social Security Number

_____
Date

_____ County District Attorney

FAMILY SUPPORT DIVISION

_____

_____

Re: Case No. _____

OTHER PARENT: _____

I have a child support case in _____ County. I have been incarcerated in the Marin County jail since _____.

My expected release date is _____.

I have no current ability to pay child support and would like to enter into a stipulation, which will modify my child support to zero until I am released and have had an opportunity to find work. Thank you for your assistance.

_____
Signature

_____

_____

Mcj-no ability
1/6/00

Child Support Assistance for Inmates

Many of my customers who had large arrears were former inmates, who did not modify their child support order when they became incarcerated and no longer had any ability to pay support. I contacted the Director of Prisoner Services at the Marin County Jail, Peggy Harlson about providing assistance to the inmates. She was very receptive to the proposal and took care of getting the necessary clearances for me to come into the jail. I made posters that she put up for the inmates with the times I would be available. I go to the jail every other week for one hour and I go into the pods and make an announcement that I am available to assist with child support issues.

I also contacted our DA Family Support Division about the project. They were also very receptive as they too would like to have fair, enforceable orders and not have massive uncollectable arrears. We worked out a simple form letter for the inmate to fill out and enter the information necessary for the Family Support Division to modify or stipulate to an inmate's child support order. Also the inmate needs to complete a Simplified Financial Declaration under oath that he has no income.

When I go into the jail I explain to the inmates what they need to do to modify their support order. If it is a Marin case I drop the forms off at the FSD office (there is one Family Support Officer who is assigned to these cases). If it is not a Marin case, I take a list of child support agency addresses and stamped envelopes so we can complete the forms and mail them right there. If it is a public assistance case the family support agency will draw up a stipulation of no ability and reduce the order to zero. They will contact the other parent if it is not a public assistance case, to ask if she will stipulate to a no ability order. The inmate also stipulates that he will contact the child support agency office within ten days of his release from incarceration and/or residential treatment program.

HOW TO GET INTO JAIL OR PRISON

MARIN COUNTY JAIL

When I heard that Jessica was going into the Napa County Jail I thought it was a great service and I wanted to find out if it were a need in my county. I spoke to the Family Support Commissioner and the attorneys at the Family Support Office who felt it would be helpful for all concerned to provide the service here. I called the jail and left messages with several offices but got no response. Then I asked the court bailiffs who I should talk to about gong into the jail to help prisoners with child support problems and one referred me to the Office of Prisoner Services. No one else had told me about this office and I assume every jail has an Office of Prisoner Services that sets up educational programs and provides assistance for prisoners with problems. As you can well imagine this is not a heavily funded program.

I contacted the office and explained what I wanted to do. the director asked me to send several pieces of identification so they could do a security check on me. All this took quite a long time, but finally I was cleared. I made some fliers that were posted in the jail and gave the office a stack of brochures about the service I could provide.

We agreed that I would start in the jail pod where the prisoners who are low risk and transitioning out of jail are housed. Most of these prisoners have substance abuse problems and will be either going into residential treatment or to a penitentiary. I also go into the women's pod occasionally because their children are often in foster care and they now have support orders as well.

I made up some forms to have the prisoners fill out stating that they had a case in the county and that they were incarcerated and had no ability to pay child support and they request a modification. I gave them a Financial Statement to sign under oath. I then forward this information to the Family Support Office involved.

The Marin FSD assigned one Family Support Officer to assists with prisoner modifications. I turned them in and the DA processed them and would take a stipulation to the jail to have the prisoner sign. The stipulation included a temporary reduction in support based on his inability to work and a provision that the party will keep the FSD informed of his address. The party also agrees to contact the FSD office within ten days of his release from either the jail or the Residential Treatment Facility so the Family Support Division can monitor his work search and establish a new child support order. If the inmate does not contact the FSD within 10 days the previous child support order automatically goes back into effect.

Restraining Order Clinic
100 37th Street
Richmond, CA 94805
(510) 374-3364

DOMESTIC VIOLENCE RESTRAINING ORDER CLINIC

The Domestic Violence Restraining Order Clinic ("Clinic") is a collaboration between Bay Area Legal Aid (BayLegal) and Contra Costa Superior Court, funded by a Legal Services Trust Fund Commission, Equal Access Fund-Partnership Grant from the State Bar of California. The goal of the Clinic is to prevent domestic violence by providing low-income litigants better access and information regarding restraining orders. The Clinic has been operating since June 2000 and has assisted approximately 173 people between June and December 2000.

The Clinic assists pro per litigants in Contra Costa County with limited financial resources in domestic violence restraining order actions. The Clinic assists with restraining order applications, reviews all pleadings to ensure that they are complete and appropriate for filing, prepares proposed orders, provides resource information and instructional materials about restraining order actions, explains court procedures and provides referrals to relevant community agencies. The Clinic does not establish an attorney-client relationship. The Clinic assists petitioners on Mondays and Fridays between 8:00 a.m. and 3:30 p.m. The Clinic assists respondents in a group workshop every Thursday from 3:00 p.m. and 5:00 p.m. The Clinic is currently working to provide resource materials in multiple languages.

The Clinic provides both a unique and much needed service in Contra Costa County. The development and operation of the Clinic results in the following benefits:

- Improved access to the Court by domestic violence litigants, particularly those individuals from Richmond/West County, reducing transportation barriers faced by many pro per litigants;
- Same day assistance for pro per litigants in restraining order actions;
- Increased availability of information to domestic violence litigants regarding forms, court procedures, instructional and resource materials;
- File-ready pleadings and prepared proposed orders, promoting judicial efficiency in processing domestic violence matters;
- Services to ALL domestic violence litigants, preserving the impartiality of the Court; and
- Augmentation of pro per services currently offered through the Contra Costa County Court, which focus primarily on family law/child support matters.

Restraining Order Clinic
100 37th Street
Richmond, CA 94805
(510) 374-3364

PROTOCOL
DOMESTIC VIOLENCE RESTRAINING ORDER CLINIC

A Partnership between Bay Area Legal Aid and Contra Costa Superior Court

A. Clinic Hours

Assistance for Petitioners: Mondays/Fridays 8:00am-3:30pm.
If Monday is a holiday, the Clinic will operate on the following Tuesday.
Overflow: assistance offsite at BayLegal by appointment.

Assistance for Respondents: Thursdays 3:00pm-5:00pm

B. Clinic – Court Procedures

1. Litigant Starts at the Clerk's Office.
   Litigants who come to the Clinic first will be directed to the Clerk's Office.
   Clerk's Office tracks total # litigants requesting RO's in Richmond.
   Clerk gives litigant Clinic Intake and Domestic Violence forms packet.
   Clerk checks court database for prior court actions/orders pursuant to existing Court procedures. If no prior actions/orders, clerk notes zero hit on Intake ("ϕ"). If prior actions/orders, clerk attaches printout to Intake.
   Clerk escorts or directs litigant to the Clinic.

2. Litigant Receives Clinic Assistance.
   Discuss Notice of Scope of Services form with litigant.
   Review Intake form to verify eligibility: income, domestic violence criteria, and existing orders.
   Explain Clinic process.
   Assist with preparation of pleadings. Explain court process.
   Prepare proposed order (OSC&TRO).
   Review forms with litigant.
   Explain court procedures. Provide instructional materials.
   Distribute resource materials.
   Make referrals when appropriate.
   Record level of service on Intake form.

3. Litigant Takes Completed Restraining Order Papers to Clerk's Office.
   Clinic may send litigants to Clerk's Office to file up until 3:15pm.
   Contact Clerk's Office if emergency and need to send later than 3:15pm.
   All applications will be reviewed and returned on same day.

4. Restraining Order Papers Reviewed by Judge
   Clerk takes applications to Judge Hiramoto for review.
   Judge Berger is backup when Judge Hiramoto is unavailable.
   Clinic staff will be available for consultation with Judge.

5. Restraining Order Papers Filed and Returned to Litigant.
   Clerk retrieves applications from Judge.
   Clerk assigns a case number, sets hearing date and location, makes copies, files, enters info into ICMS, and forwards original documents to Martinez.
   Clerk prepares "DV Clinic Case Number and Court Date" form and puts in Clinic mailbox in Clerk's Office.
   Restraining orders available for pick up in the Clerk's Office.

6. Clinic Staff Prepares ROAH Forms.
   Clinic staff obtains "DV Clinic Case Number and Court Date" form.
   Clinic staff prepares proposed orders (ROAH) weekly and gives to Judge.

C. BayLegal – Stand Referral Procedures

Stand will make staff available at its Richmond office to accept referrals from the Clinic every Monday afternoon from 1:30pm-5:00pm.
BayLegal may refer to Stand litigants falling into the following criteria:

- Survivor Respondents,
- Monolingual Spanish speaking or limited English speaking litigants,
- Litigants with complicated child custody/support cases,
- Litigants also involved in juvenile dependency proceedings,
- Litigants in immediate crisis, with disabilities, or would otherwise benefit from more on-going, in-depth services provided by Stand.

When referral is appropriate, while litigant is in the Clinic, Clinic staff will review intake and then schedule an appointment for litigant at the earliest time available.
Clinic staff will call Stand and confirm appointment.
Clinic staff will direct litigant to come to the Clinic at the designated appointment time.
When litigant comes back to the Clinic, Clinic staff will provide directions to Stand.

D. Bay Legal Procedures → Data entry into Kemps

Clinic Forms

- Intake Questionnaire
- Notice of Scope of Services
- Sign In Sheets

Resource Information Available through the Clinic

- Procedural checklist—Applying for a Restraining Order
- Procedural checklist—Responding to a Restraining Order
- If Your Restraining Order Application was NOT Processed Today…
- Information Sheet regarding Reissuance
- DV Resources in Contra Costa County
- Information Sheet regarding Protective Orders
- Information Sheet regarding Service of Process
- About Your Hearing/Your Rights at Court/Mediation
- Enforcing Your Restraining Order/Calling the Police/Listing of LEA's
- Information Sheet regarding Notification of Prisoner Release
- Information Sheet regarding Confidential Address Program
- Information Sheet regarding Victims of Crime Compensation Program
- Safety Planning
- CA Attorney General's Office--Domestic Violence Handbook: A Survivor's Guide
- CA Attorney General's Office--Crime Victims' Handbook
- Counseling referrals for both parties and children
- Miscellaneous Fact Sheets regarding domestic violence (i.e. Creating Safe Visitation Schedules; Certifying Restraining Orders; Effects of Domestic Violence on Children; etc)

Other Materials used in the Clinic:

- Administrative Office of the Courts—DVRO Video Presentation for Respondents
- Administrative Office of the Courts—DVRO Handbook for Respondents
- Administrative Office of the Courts—DVRO Video Presentation for Petitioners
- Administrative Office of the Courts—DVRO Handbook for Petitioners

Referral Information: (continuously expanding)

- Stand (crisis counseling; pro bono; dv treatment program; criminal court advocacy, etc.)
- Rape Crisis Center
- Victim Witness
- Family Law Facilitator (Self-Help Center and workshops)
- Immigration resources
- Contra Costa County Lawyer's Referral Service
- Battered Women Employed--dv and employment issues (clinic times/fact sheets)
- Legal Services for Seniors/Adult Protective Services

DOMESTIC VIOLENCE RESTRAINING ORDER CLINIC

3rd Quarter Program Statistics
(September-November 2000)

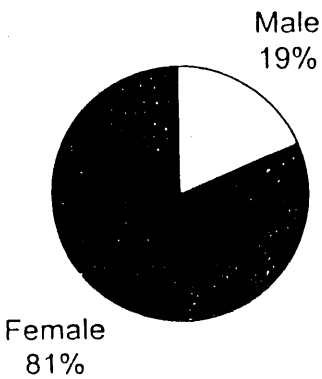
A. Clinic Services

	1st Q	2nd Q	3rd Q	Dec
Total Number of Clinic Participants Served *(Goal=75)*	0[1]	66	70[2]	37
Participants in Petitioners Clinic		61	66	33
Participants in Respondents Clinic		6	6	4
Total Number of People Helped[3]	0	214	241	108
Total Number of Services Provided[4]	0	72	78	45
Total Number of Referrals	0	48	97	45
Family Law Facilitator's Office		9	22	10
Lawyer's Referral Service		10	24	14
STAND (formerly BWA)—counseling/shelter		6	9	5
STAND (formerly BWA)—pro bono legal services		0	0	0
Legal Services for Seniors		2	0	0
International Institute of East Bay (Immigration)		3	0	1
Battered Women Employed (Employment)		2	18	3
Victim Witness		5	20	11
Other		11	4	1
Total Number of Proposed Orders Prepared	0	101	107	49

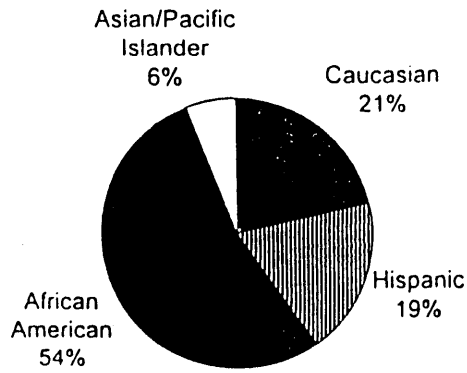
[1] No direct services provided in the first quarter. Program development only.
[2] People assisted in both the Petitioner's Clinic and the Respondent's Clinic are counted as one person served. For the 3rd quarter, two people were assisted in both clinics.
[3] Total number of people helped includes children, household members, or other people protected by the restraining order.
[4] Total number of services provided represents the total number of contacts with all Clinic participants.

B. Description of Clinic Participants

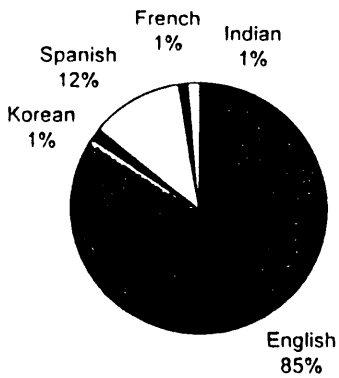
1. Gender of Clinic Participants



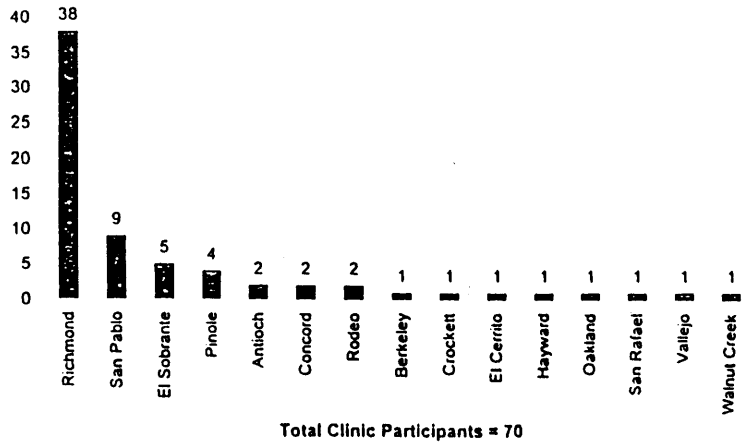
2. Ethnicity of Clinic Participants



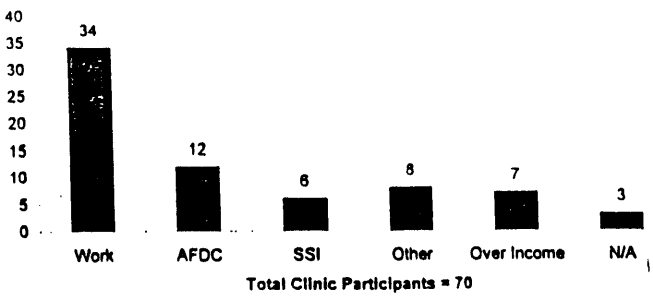
3. Primary Language of Clinic Participants



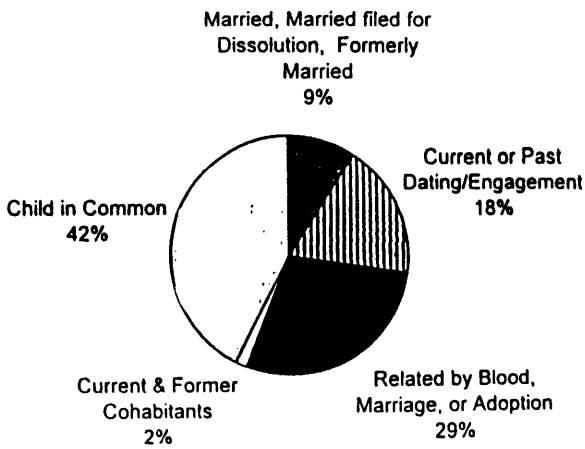
4. Clinic Participants' City of Residence



5. Clinic Participants' Source of Income



6. Clinic Participants' Type of Relationship



WHAT is a Domestic Violence Restraining Order?

A domestic violence restraining order is a court order that prohibits domestic violence. It can last up to 3 years and can be renewed. There is no filing fee. Violation of a restraining order is a crime.

A domestic violence restraining order can:

- prohibit the contact and abuse of another;
- order a person to stay away from another person, home, work, school, or child care;
- require a person to move out of a home;
- order temporary custody, visitation and child support (no spousal support);
- order reimbursement of costs from violence;
- order temporary use of property (i.e. car, home);
- require the return of personal property;
- require a person to attend counseling; and
- prohibit a person from having or getting a gun.

WHERE ELSE CAN I GO

to Apply for or Respond to a Restraining Order?

You may also obtain and file forms for domestic violence restraining order cases at the Contra Costa Superior Court in Martinez, 725 Court Street, Room 103, Monday through Friday, 8:00a.m. to 4:00p.m.

Domestic Violence Resources in Contra Costa County

24 Hour Hotline [TOLL FREE]	(888) 215-5555
Child Protective Services	(925) 646-1680
Adult Protective Services	(925) 646-2854
Emergency	**911**
Non-Emergency	
Sheriff's Office	(925) 313-2500
Albany Police	(510) 525-7300
Antioch Police	(925) 779-6900
Brentwood Police	(925) 634-6911
Clayton Police	(925) 672-4455
Concord Police	(925) 671-3240
Danville Police	(925) 314-3410
Dublin Police	(925) 833-6670
El Cerrito Police	(510) 215-4400
Hercules Police	(510) 799-8260
Kensington Police	(510) 526-4141
Lafayette Police	(925) 284-5010
Martinez Police	(925) 372-3440
Moraga Police	(925) 376-2515
Orinda Police	(925) 254-6820
Pinole Police	(510) 724-8950
Pittsburg Police	(925) 252-4980
Pleasant Hill Police	(925) 671-4600
Richmond Police	(510) 620-6666
San Pablo Police	(510) 215-3130
San Ramon Police	(925) 973-2700
Walnut Creek Police	(925) 943-5844
Criminal Justice	
District Attorney's Office	(510) 374-3201
Public Defender's Office	(510) 374-3233
County Probation Department	(510) 374-3041
Victim Witness Program	(510) 374-3272
West County Justice Center (jail)	(510) 262-4200

DOMESTIC VIOLENCE RESTRAINING ORDER CLINIC

Assistance with Domestic Violence Cases

Richmond Superior Court
100 37th Street, Richmond
(510) 374-3364

The Mission of the Domestic Violence Restraining Order Clinic is to provide better access and information for both parties in restraining order actions.

The Domestic Violence Restraining Order Clinic is a Collaboration between Contra Costa Superior Court and Bay Area Legal Aid. Program services provided by Bay Area Legal Aid. The Clinic is approved by the Judicial Council and funded by Legal Services Trust Fund Commission, Equal Access Fund-Partnership Grant and Modernization Grant.

WHAT is the Restraining Order Clinic?

The Restraining Order Clinic assists people in Contra Costa County with limited financial resources in domestic violence restraining order cases.

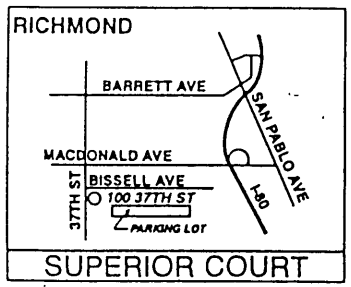
The Clinic Attorney assists people on an individual basis to complete restraining order applications and responses, and reviews pleadings to ensure they are complete and appropriate for filing.

The Clinic also provides information and instructional materials to people about applying for and responding to restraining orders, court procedures and other relevant community resources.

The Clinic does not provide legal advice and will not represent people in Court. Communications with Clinic staff are not confidential.

WHERE is the Clinic?

The Clinic operates out of an office at the Richmond Superior Court, 100 37th Street. If you need assistance or want information, go to the Clerk's Office (Rm. 185), "Domestic Violence Window", for referral to the Clinic.



WHEN is the Clinic?

Assistance with Applications	Assistance with Responses
Mondays 8am-11:30am Fridays 8am-11:30am	Thursdays 3pm-5pm **********
Richmond Superior Court Go to Room 185 for referral.	Richmond Superior Court Jury Assembly Room 175

You do not need an appointment. Arrive early to ensure enough time to complete and process your papers. Clinic hours are subject to change. Call (510) 374-3364 to check Clinic times.

RESOURCES
Available Through the Clinic

- Restraining Order Handbooks for both parties
- Steps to Apply for a Restraining Order
- Steps to Respond to a Restraining Order
- Resources in Contra Costa County
- About Protective Orders
- About Service of Process
- About Your Hearing
- About Reissuance of Restraining Orders
- Your Rights at Court and Mediation
- Enforcing Restraining Orders
- Notification of Prisoner Release
- Confidential Address Program
- Safety Planning
- Crime Compensation Program
- Counseling referrals for both parties and children .

WHAT to BRING

Preparing and processing a restraining order may take several hours. Bring snacks and toys for children. If possible, bring last year's tax return, last 3 pay stubs, copies of related court papers and police reports. There is no fee to file restraining order applications or responses.

APPLYING
for a Restraining Order

You must have been abused by:

- a current or former spouse; or
- a current or former cohabitant; or
- a person you are currently dating; or
- a person you have formerly dated; or
- a parent of your child; or
- a person related to you by blood, marriage or adoption;

--AND–

The abuser:

- caused or tried to harm you; or
- assaulted you sexually; or
- made you fear harm to you or another.

RESPONDING
to a Restraining Order

You have a right to a court hearing, where you can tell the Judge your side of the story. The Clinic can help you complete your responsive papers and provide information about the court process and community resources.

OTHER SERVICES AVAILABLE AT THE FAMILY COURT SERVICES BUILDING 430 CENTER STREET YUBA CITY, CA

MEDIATION SERVICES: Mediation orientation and mediation appointments are available in cases where child custody and visitation mediation has been ordered by the Court. Call Family Court Services at 822-7387 for appointments and information.

COURT INVESTIGATIONS: In some cases the Court may order an evaluation for custody and visitation purposes. The court will make a referral to the investigators, and will give the parties a questionnaire to complete and turn in to the investigators within seven days. Court investigators are located in the Family Court Services building and questions can be directed to 822-7495.

REFERRALS TO OTHER AGENCIES: The Sutter Regional Family Law Information Center can provide referrals for certain case issues including:

- Domestic violence
- Guardianships
- Child support enforcement
- Other legal issues not covered by the Family Law Information Center.

FAMILY LAW FACILITATOR APPOINTMENTS: Appointments may be set to consult with the Family Law Facilitator, to help answer your Family Law and child support questions. Call 822-7388 for appointments and clinic schedules.

PAMFAC1

THE FAMILY LAW CASE:

A FIVE-STEP PROCESS

MAYBE WE CAN HELP!

OFFICE OF THE SUTTER COUNTY FAMILY LAW FACILITATOR

AND

THE SUTTER REGIONAL FAMILY LAW INFORAMTION CENTER

(530)822-7388

Pamphlet 1 rev. 2/01

FAMILY LAW CASE— A FIVE STEP PROCESS:

- STARTING A CASE
- RAISING THE ISSUES
- PREPARING FOR COURT
- GOING TO COURT
- GETTING A JUDGMENT

1. STARTING A CASE:
Completing, filing and serving the Summons, Petition and other required documents. The Family Law Information Center offers clinics to help you complete the appropriate paperwork to begin your case. An appointment with the Family Law Facilitator can help you decide what type of case is appropriate for you.

2. RAISING THE ISSUES:
Property, support (spousal, child), child custody and visitation, retirement, responding to the Petition or to Family Support. The Family Law Information Center resource room is available for information and sample forms to help you with your financial documents. The Facilitator can help you identify and clarify what issues you want to raise at your hearing. Clinics and self-help samples are available through the Family Law Information Center to help you respond to papers you have been served with.

3. PREPARING FOR COURT:

Custody/Visitation: Mediation is required by the Court in cases that have no agreement as to custody and visitation issues.

What to bring to court:: A copy of any court documents relating to your case organized by date, Declarations, witnesses and evidence to present to the Judge. (Items presented to the Judge should also be presented to the other party; bring extra copies.)

Financial issues: Income and Expense Declaration or Financial Statement, copy of last three pay stubs, copy of last year's taxes.

4. GOING TO COURT:

How should I behave in court? In general, courteous behavior is expected towards the Judge and the other party. Dress in clean, neat clothes (no shorts, tank tops, etc.). Don't interrupt the Judge and don't interrupt the other party, **even if you don't agree with what is being said.**

Try to stick to the issues that have been brought before the court by the paperwork that was filed. (For example: at a motion for custody and visitation, you will not be able to discuss property division unless that was also part of the motion.)

Be aware that no one except you and the other party will be able to talk to the Judge during your hearing, **unless** you present a person as a witness, have them sworn and have them answer questions (testify). Your friend, relative, or anyone else cannot stand up and speak for you unless that person is also an attorney who is legally representing you. And, if the Judge speaks, **listen.**

What might the Judge ask me? What questions you may have to answer will depend largely on what types of issues are before the court. Be prepared to answer questions about: why you want what you want; your financial situation; what your current visitation schedule is; and anything else that may pertain to your issues.

GETTING A JUDGMENT:
Whether your case proceeds by hearing and/or trial, or by default because the other person does not respond, you will need to have a judgment filed into your case. The Judge can make a judgment in court, but it must also be turned into a written form and filed into your case. The Family Law Information Center can assist with the preparation of your Judgment or Order After Hearing. Check our monthly clinic calendar, or call for information.

The information contained in the Income and Expense Declaration is very important, and will help ensure that any court order reached fully takes into account all pertinent facts. Provide supporting evidence (receipts, records, letters).

If possible, try to talk to the opposing side ahead of time to see if an agreement on any issues may be reached prior to the hearing in court. This will help save time and testimony and will let each side of the dispute understand the demands and concerns of the other.

Let the bailiff know of any safety concerns which may exist between yourself and the other parent so that precautionary measures can be taken if necessary.

For an appointment with the Family Law Facilitator, or for further information, call the Sutter Regional Family Law Information Center at (530) 822-7388.

COURT STAFF AND TERMS:

Judge or Commissioner: The person who will ultimately make decisions and orders about your court case. The judge presides over your hearing from the bench (the judge's counter or desk). The judge cannot give you legal advice about your case.

Courtroom Clerk: The clerk in the courtroom takes notes on what happens at your hearing, and what orders are made. These notes are not "word for word" but are general notes of orders, new court dates and rulings. They are called **Minute Orders**. The clerk functions much like a secretary to the Judge in court, and cannot give you legal advice about your case.

Bailiff: The uniformed officer in the courtroom who functions as security for the court proceedings. He or she may also check you in by name when you enter the courtroom.

Counsel: Another name for attorneys.

Litigant: A person who is a party to a court case. If you are a **Petitioner** or **Respondent** in a case, you are a litigant.

Mediation: The **Mediator** is a neutral party who works for the court. The Mediator meets with parents to help them work out a child custody and visitation agreement. You may be ordered to attend mediation, and may be given written instructions about the mediation process.

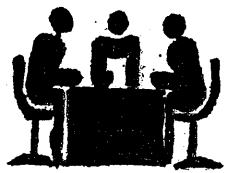
Status Conference: A brief hearing at which the Judge will ask you about the progress of your case. He/she may ask you whether you have served the other party or if you have reached an agreement. It is the court's way of making sure a case progresses.

GENERAL INFORMATION FOR PARTIES WITHOUT ATTORNEYS

OFFICE OF THE SUTTER COUNTY FAMILY LAW FACILITATOR

AND

THE SUTTER REGIONAL FAMILY LAW INFORMATION CENTER



(530) 822-7388

Pamphlet 2 rev. 2/01

SUGGESTIONS TO HELP YOU REPRESENT YOURSELF IN FAMILY COURT

1. Attorney

If you decide to represent yourself in court, you may want to get preliminary legal advice from a lawyer to help you understand the legal issues and make the right decisions about your case.

2. Facilitator

The Family Law Facilitator is an attorney who can explain your options regarding family law matters to you and who can answer your questions to help you decide what option is best for you. The Facilitator is a neutral party employed by the court, and he/she cannot represent you in court or tell you what you **should** or **must** do. Facilitator appointments are free to all area litigants for child support, spousal support and paternity issues. Facilitator appointments are also available to low income litigants for the issues of dissolution/legal separation/nullity, property, child custody and child visitation.

3. Family Law Information Center

The Sutter Regional Family Law Information Center can provide free legal assistance and information to:

- Help you choose and complete court forms.
- Assist you with questions regarding custody, visitation, child and spousal support, and restraining orders.

When you come to any appointment with an attorney, to the clinic or to appear in court, bring a copy of all documents relating to your case. If your case involves support (money), you should bring income and expense information, your last three paycheck stubs and your last year's tax return.

3. The Court Clerk

The court clerk will help you in any way they can with questions such as:

- What it costs to file your papers
- When and where your hearing is scheduled
- Whether the judge has decided your case.

4. In Court

Have your case number with you. Stand when your case is called, and give the court your name. Be on time for all court appearances and scheduled appointments. If you are late, your case could be postponed, or the judge could rule against you.

Dress for court appearances as you wish to be treated— professional to professional.

Be prepared to present your side to the judge or commissioner, making the best use of your time to speak, talking about the most important things first.

You should speak directly to the judge or commissioner when court is in session and your case is called. Do not direct your comments to, or argue with, the other party. **Remember**, unless called as a witness to testify, a friend or relative probably will not be able to address the court. A friend or relative cannot speak for you unless the/she is an attorney who represents you.

The judge or commissioner cannot speak to you about your case except in court, or when the other party is present.

The courtroom is no place for children— physically or emotionally. Do not bring your children to court unless you are ordered to do so by the judge.

If your case involves support, fully complete the income and expense declaration, and be sure to date and sign it under penalty of perjury.

WHEN YOUR CASE IS CALLED

1. Go up to the counsel table situated in front of the Judge's bench.

2. The court clerk will probably administer the oath to tell the truth.

3. Direct **ALL** of your comments to the Judge. **DO NOT** address the other party directly. Do not argue with the other party!

4. Only one person should speak at a time. Neither the Judge, the Clerk, nor the Court Reporter will be able to hear you clearly, if more than one person is speaking at a time.

5. **DO NOT INTERRUPT THE JUDGE** while he/she is talking to you or the other party.

6. **DO NOT INTERRUPT THE OTHER PARTY** while they are talking to the Judge. This can be particularly difficult because the other party may be telling the Judge things that are hurtful or that you know are untrue. Bring a note pad and pens to take notes of the things you may want to say. It is important for you to tell the Judge your position on such things, but you should wait until the other party is through speaking. (This is very difficult even for experienced attorneys!) **HOWEVER**, Judges are usually very grateful for this kind of composure and will provide you with an opportunity to tell them whatever you think they should know about your case.

7. When talking to the Judge, try to limit yourself to the issue at hand. **DO NOT** try to tell the Judge the whole history of your problems with the other party.

BEFORE YOU LEAVE COURT

1. You must prepare an Order After Hearing. Do not leave the courthouse until you arrange to get a copy of your court minutes.

2. The Judge cannot give you legal advice. If you have questions about how to proceed with your case, you should speak to the Family Law Facilitator.

Sutter Regional Family Law Information Center

430 Center Street

Yuba City, CA

(530) 822-7388

PAMFAC3

SUGGESTIONS FOR PARTIES WITHOUT ATTORNEYS

OFFICE OF THE SUTTER COUNTY FAMILY LAW FACILITATOR

AND

THE SUTTER REGIONAL FAMILY LAW INFORMATION CENTER

THE FAMILY LAW HEARING

When you come to court on the day of your hearing, there may be staff from the office of the Family Law Information Center available to answer questions and assist you in managing the courtroom process. If not, the Court clerk or the Judge can direct you to these individuals for help.

Pamphlet 3 rev. 2/01

GENERAL INFORMATION

1. Be 15 minutes early.

2. When you arrive at court, check in with the Court Clerk or Bailiff.

3. You should not bring children to court. If you do, you will be asked to wait outside the courtroom until your case is called, and you may miss hearing important information.

THE CALENDAR CALL

1. In most courtrooms, the Judge or Bailiff will take a roll call of the cases before the hearings start.

2. When the Judge calls for your case, simply stand and let her/him know that you are present. Have your case number ready.

3. **If you are the person who has filed papers** asking the court for this hearing, you must provide to the court a written **proof of service** form showing that the other person has been served with the papers. If you have not filed it before the hearing, bring the original proof of service with you to the hearing. **Note:** if the other person is not present in court, and you do not have a written proof of service, your hearing will be postponed until you are able to present a written proof of service to the court.

4. If the other party has served you with papers, and they do not show up for the hearing, the matter will probably be dropped by the judge.

The Family Law Facilitator can help if you have questions about service and proof of service.

CUSTODY/VISITATION

If you are coming to court about issues relating to custody/visitation & you do not have an agreement, you will be required to meet with a mediator before your hearing.

Mediation is required every time custody/visitation is ordered or changed by the Court, unless you have an agreement.

If you have not been able to meet with the mediator prior to your court date, your hearing is likely to be continued by the Judge to allow time for you to attend mediation.

FINANCIAL ISSUES

1. The Judge may ask you to meet with the Family Law Facilitator to assist you in reaching an agreement on financial issues.

2. In other cases, you may meet with a representative from the Family Support Division.

3. If a hearing is necessary, the Judge will need financial information from you on which to base an order:

   a. You will be required to complete an **Income and Expense Declaration** or **Financial Statement** and file it with the court prior to the hearing. If you are unable to do so, you must take it to the hearing.

   b. You will be required to provide to the court written documentation of your income (three recent paycheck stubs and last years tax returns).

   c. You should have two extra copies of any papers you present to the court during your hearing, so that you can give a copy to the other party and keep a copy for yourself.

CLINIC TOPICS:

1. Dissolution/Legal/Separation/Nullity Preparation of Petition & Summons. Instructions for service of process. Preparation of Default or uncontested Judgment.

2. Orders After Hearing: Preparing orders from minutes of your hearing

3. Modification of Existing Orders: Preparation of Order to Show Cause to change an existing support or custody/visitation order, and to obtain temporary orders.

4. Uniform Parentage: Obtaining judgment of paternity and orders for custody, support, & visitation in non-marital relationships. Including preparation of Petition & Summons, instructions for service of process, and default Judgments.

5. Answers/Responses: Responding to papers which have been served upon you. How to complete, file and serve.

6. Child Support: How to obtain, modify and enforce your support order.

Monthly clinic calendars available upon request.

For more information call (530) 822-7388.

PAMFAC4

SUTTER REGIONAL

FAMILY LAW

INFORMATION

CENTER

430 CENTER STREET

YUBA CITY, CA

Nancy A. Southworth

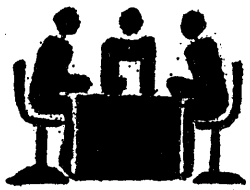
Managing Attorney &

Family Law Facilitator

(530) 822-7388

The Office of the Family Law Facilitator

and



The Sutter Regional Family Law Information Center

Telephone: (530) 822-7388

Pamphlet 4 rev. 2/01

WHAT IS THE FAMILY LAW INFORMATION CENTER?

The Sutter Regional Family Law Information Center is a legal education office designed to help people representing themselves choose and fill out the correct legal forms in their Family Law Matters.

Help is available to all residents of Sutter, Yuba and surrounding counties for:

- Establishing or changing child support orders
- Establishing or changing spousal support orders
- Establishing Paternity (Uniform Parentage actions)
- Responding to Family Support court actions
- Fee Waiver applications

Additionally, help is available for low-income residents for the following topics:

- Dissolution, legal separation & nullity
- Obtaining or changing child custody and visitation orders
- Property issues
- Enforcement of existing judgment by writ or wage assignment
- Domestic violence restraining orders
- Temporary orders
- Responding to a Family Law court action
- Referrals to other agencies as available and appropriate

WHO IS THE FACILITATOR?

The Family Law Facilitator is an attorney who can discuss your Family Law matters with you, answer your questions, and explain what your options are, so you can make an informed decision about what action to take and are better informed regarding court procedure.

The Family Law Facilitator is a neutral party. That means he or she cannot tell you what you should or must do. The Facilitator cannot represent you in court. If the other party in your court matter asked for the Facilitator's assistance, they would receive the same services from the Facilitator as you.

The Facilitator is the supervising attorney for the Family Law Information Center. The Family Law Information Center staff works under the direction of the Facilitator.

Each county in the state of California has a Family Law Facilitator, but not every county has a Family Law Information Center.

DO I NEED AN APPOINTMENT?

It is best to make an appointment to see the Facilitator to discuss specific questions and concerns that you may have. Emergency walk-ins may be seen between appointments, as time permits and at the Facilitator's discretion; however, the surest way to be seen is with an appointment.

WHAT ABOUT CLINICS?

If you need help with completing your paperwork, you may want to sign up for one of the clinics offered each month by the Family Law Information Center. Clinics are available on the most often requested topics (see reverse), and monthly calendars with topics and times are available through the Family Law Information Center office. Since most clinics are held on a first come, first served basis, it is wise to sign in about 15 minutes early. Clinic information is also available by calling the Family Law Information Center.

WHAT SHOULD I BRING?

In general, you should bring any paperwork you have been served with, or any paperwork or letters that pertain to your case. Most clinics require forms that can be obtained from the civil division of the court where you plan to file your action. Call the Family Law Information Center for more specific information.

(ii) Write in the time of day that you delivered the documents to the party.

(iii) Print the address where you delivered the documents.

(e) Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."

(f) Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.

(g) You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.

(h) Do not check this box unless you are a California sheriff or marshal.

PRINT YOUR NAME, FILL IN THE DATE, AND SIGN THE FORM.
The Proof of Service form must be returned to the Civil Court immediately.

THE SUTTER COUNTY FAMILY LAW CENTER

INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE

CALL FOR A SCHEDULE OF AVAILABLE CLINICS
(530) 822-7388

Nancy A. Southworth
Attorney at Law
Sutter County Family Law Facilitator

The Office of the Family Law Facilitator

and

The Sutter County Family Law Center

INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE

Pamphlet No. 5 rev. 7/98

PERSONAL SERVICE
(California Rules of Court, rule 1285.84)

Use these instructions to complete the Proof of Personal Service (form 1285.84).

1. A person 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery, and (2) by mail. See the Proof of Service by Mail (form 1285.85) if the documents are being served by mail. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

EXAMPLE: Mary is filing for a dissolution of marriage. The Summons and Petition must be personally served on her husband, John. Mary cannot serve John because she is a "party to the action." Mary's sister, who is over the age of 18, serves John.

2. You must complete a proof of service for each package of documents you serve.

EXAMPLE: Lori is serving a modification of visitation of her grandchildren. Her sister, Diana, who is over the age of 18, serves the mother of the children and the father of the children. **Diana must sign two separate proofs of service** indicating the date, time and place each was served.

3. Complete the top section of the proof of service forms as follows:

First box, left side: In this box, print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

(a) Check this box if you are serving either a temporary of permanent restraining order.

(b) You are stating that you are over the age of 18 and that you are neither a party to this action nor a protected person listed in any of the orders.

(c) Print the name of the party to whom you handed the documents.

(d) List the name of each document that you delivered to the party.

(i) Write in the date that you delivered the documents to the party.

(ii) Check this box if you put the documents in the mail at your place of employment.

(e) Print the name you put on the envelope containing the documents.

(f) Print the address you put on the envelope containing the documents.

(g) Write in the date that you put the envelope containing the documents in the mail.

(h) Write in the city and state you were in when you mailed the envelope containing the documents.

(i) You are stating under penalty of perjury that the information you have provided is true and correct.

PRINT YOUR NAME, FILL IN THE DATE, AND SIGN THE FORM.

The Proof of Service Form must be returned to the Civil Court immediately.

If you need additional assistance, contact the Family Law Facilitator.

THE SUTTER COUNTY FAMILY LAW CENTER

INFORMATION SHEET FOR PROOF OF SERVICE BY MAIL

CALL FOR A SCHEDULE OF AVAILABLE CLINICS (530) 822-7388

Nancy A. Southworth
Attorney at Law
Sutter County Family Law Facilitator

The Office of the Family Law Facilitator

and

The Sutter County Family Law Center

INFORMATION SHEET FOR PROOF OF SERVICE BY MAIL

Pamphlet No. 6 rev. 8/98

SERVICE BY MAIL
(California Rules of Court, rule 1285.85)

Use these instructions to complete the Proof of Service by Mail (form 1285.85).

1. A person 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery, and (2) by mail. See the Proof of Personal Service (form 1285.84) if the documents are being personally served. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

EXAMPLE: Mary giving a notice of hearing to John. The document can be served by mail to John, but Mary cannot serve John because she is a "party to the action." Mary's sister, who is over the age of 18, sends the document to John and fills out the Proof of Service by Mail.

2. You must complete a proof of service for each package of documents you serve.

EXAMPLE: Lori is serving a modification of visitation of her grandchildren. Her sister, Diana, who is over the age of 18, serves the mother of the children and the father of the children. **Diana must sign two separate proofs of service** indicating the date, time and place each was served.

3. Complete the top section of the proof of service forms as follows:

First box, left side: In this box, print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

(a) Check this box if you are serving either a temporary or permanent restraining order.

(b) You are stating that you are over the age of 18 and that you are neither a party to this action nor a protected person listed in any of the orders. You are also stating that you either live in or are employed in the county where the mailing took place.

(c) Print your home or business address.

(d) List the name of each document that you mailed (the exact names are listed on the bottoms of the forms).

(i) Check this box if you used regular mail.

FAMILY LAW INFORMATION CENTER SCHEDULE

* *THESE CLASSES SUBJECT TO FINANCIAL REQUIREMENTS

2001 REV.02/15/01

APRIL

2001

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 MOTIONS-MODIFY SUPPORT ONLY (CHILD OR SPOUSAL) NO OTHER ISSUES; MUST BRING COPY OF CURRENT SUPPORT ORDER.	3 ANSWER/RESPONSE & FEE WAIVER BRING A COPY OF WHATEVER YOU WERE SERVED WITH.	4 BEGIN DISSOLUTION (DIVORCE)/LEGAL SEPARATION/NULLITY PROCEEDINGS ✸ BRING DISSOLUTION PACKET	5 CHILD SUPPORT SET-ASIDES AN APPOINTMENT WITH FACILITATOR BEFORE THIS CLINIC IS RECOMMENDED.	6	7
8	9 MOTIONS-MODIFY CUSTODY & VISITATION; JOINDER; OTHER ISSUES ✸ MUST BRING COPY OF CURRENT ORDER TO BE MODIFIED.	10 PATERNITY (UPA) JUDGMENTS BY DEFAULT DEFAULT JUDGMENT PROCEDURE AFTER UPA PETITION HAS BEEN SERVED.	11 FINAL DISSOLUTION/LEGAL SEPARATION BY DEFAULT OR UNCONTESTED JUDGMENT ✸ CALL TO SIGN UP!!!	12 BEGIN PATERNITY (UPA) PETITION IF THERE IS NO PRIOR EXISTING ORDER FOR THE SAME CHILD(REN).		14
15	16 MOTIONS-MODIFY SUPPORT ONLY (CHILD OR SPOUSAL) NO OTHER ISSUES; MUST BRING COPY OF CURRENT SUPPORT ORDER.	17 ANSWER/RESPONSE & FEE WAIVER BRING A COPY OF WHATEVER YOU WERE SERVED WITH	18 BEGIN DISSOLUTION (DIVORCE)/LEGAL SEPARATION/NULLITY PROCEEDINGS ✸ BRING DISSOLUTION PACKET	19 NO CLINIC TODAY		21
22	23 MOTIONS-MODIFY CUSTODY & VISITATION; JOINDER; OTHER ISSUES ✸ MUST BRING COPY OF CURRENT ORDER TO BE MODIFIED.	24 FINDINGS & ORDERS AFTER HEARING BRING A COPY OF THE MUNUTE ORDER FROM YOUR	25 FINAL DISSOLUTION/LEGAL SEPARATION BY DEFAULT OR UNCONTESTED JUDGMENT ✸ CALL TO SIGN UP!!!	26 ENFORCEMENTS OF JUDGMENTS BY WRIT & WAGE ASSIGNMENT ✸		28
29	30 NO CLINIC TODAY					

NOTE: ALL CLINICS START AT 9:00 A.M. SIGN IN BEGINS AT 8:45. PLEASE BE ON TIME; LATE ARRIVALS WILL NOT BE ADMITTED.

BE SURE TO BRING ANY REQUIRED DOCUMENTS OR FORMS.

CLINIC DATES AND TIMES COULD CHANGE, IT IS WISE TO CALL AHEAD AND CONFIRM.

ASK ABOUUT OUR F.L.I.C. SELF-HELP RESOURCE CENTER FOR FAMILY LAW MATTERS.

PLEASE, NO CHILDREN AT CLINIC OR APPOINTMENTS.

SEE REVERSE FOR MORE INFORMATION.

NOTE: DOMESTIC VIOLENCE RESTRAINING ORDER LAB IS AVAILABLE MON. – WEDS., 8 A.M. TO NOON

WE HAVE A NEW ADDRESS: 430 CENTER STREET, OFF OF PLUMAS, IN YUBA CITY

TELEPHONE: (530) 822-7388

ABOUT CLINICS

Most clinics are conducted on a first-come, first-served basis with a limited capacity. **It is important that you arrive a little early** and get signed in. **No-one will be admitted to a clinic once it has begun.** Late arrivals will need to come to the next scheduled clinic of the same type.

The exception is the Concluding Dissolution clinic. It is by appointment, and you must call ahead to sign up. At the time that you call, please have your dissolution court case number available as your court file must be pulled in preparation for the clinic.

Clinics for starting or completing your dissolution, modification of custody and visitation issues, enforcement of judgments and stipulations/marital settlement agreements are subject to financial qualification. Appointments with the Facilitator regarding these issues are also subject to the same financial qualification. (Contact the Family Law Information Center for further information regarding financial qualification.)

Clinics with a star ❋ noted are subject to certain income requirements. You can call or come in for more information.

What do I bring? In general, bring with you any paperwork that pertains to your case and what you are trying to accomplish. Required forms can be obtained at the Civil Division of the Sutter County Superior Court, 463 Second Street, Room 211, Yuba City, CA.

-**Modification of support or of custody/visitation:** bring with you a copy of the most recent order that you are trying to change. Also pick up a "modification packet" from the Civil Division court clerk's office. **Note:** the Modification of Support clinic is for modifying current, existing support orders only.

- **Beginning dissolution❋:** You will need a "Dissolution packet" for families with children or families without children, depending on if there are minor children of the marriage. You will need to know the date you were married and the date you separated from your spouse. You will also need to know your children's birth dates and places, and everywhere they have lived and with whom for the last 5 years.

- **Petition for Paternity (Uniform Parentage):** You will need a "Uniform Parentage packet", and to know here the children have lived and with whom for the last 5 years. If there is a prior judgment for the same children, this class may not be appropriate for your needs. Call ahead to inquire.

- **Concluding dissolution❋:** You will need the remaining forms from your Dissolution packet, the **original Summons** which you filled out when you first filed your Petition for Dissolution, and the **original Proof of Service** of the Summons. **Call ahead to sign up and to give us your case number).**

- **Paternity Judgments and Orders After Hearing:** Bring the remaining pages from the packet of papers you first completed when you started your action, and a copy of the minutes from the most recent court date. These can be obtained from the Court Clerk's Office, and you may have to pay fifty cents per page for a copy.

- **Enforcement of Judgments❋:** Bring a copy of the Judgment/Order you are interested in enforcing.

-**Application for Waiver of Court Fees** can be obtained from the Civil Division of the court as well.

-**Answer/Response:** Bring all of the papers that were served on you. There are some time requirements for filing; read what was served upon you carefully. If you have questions about time limits, call our office.

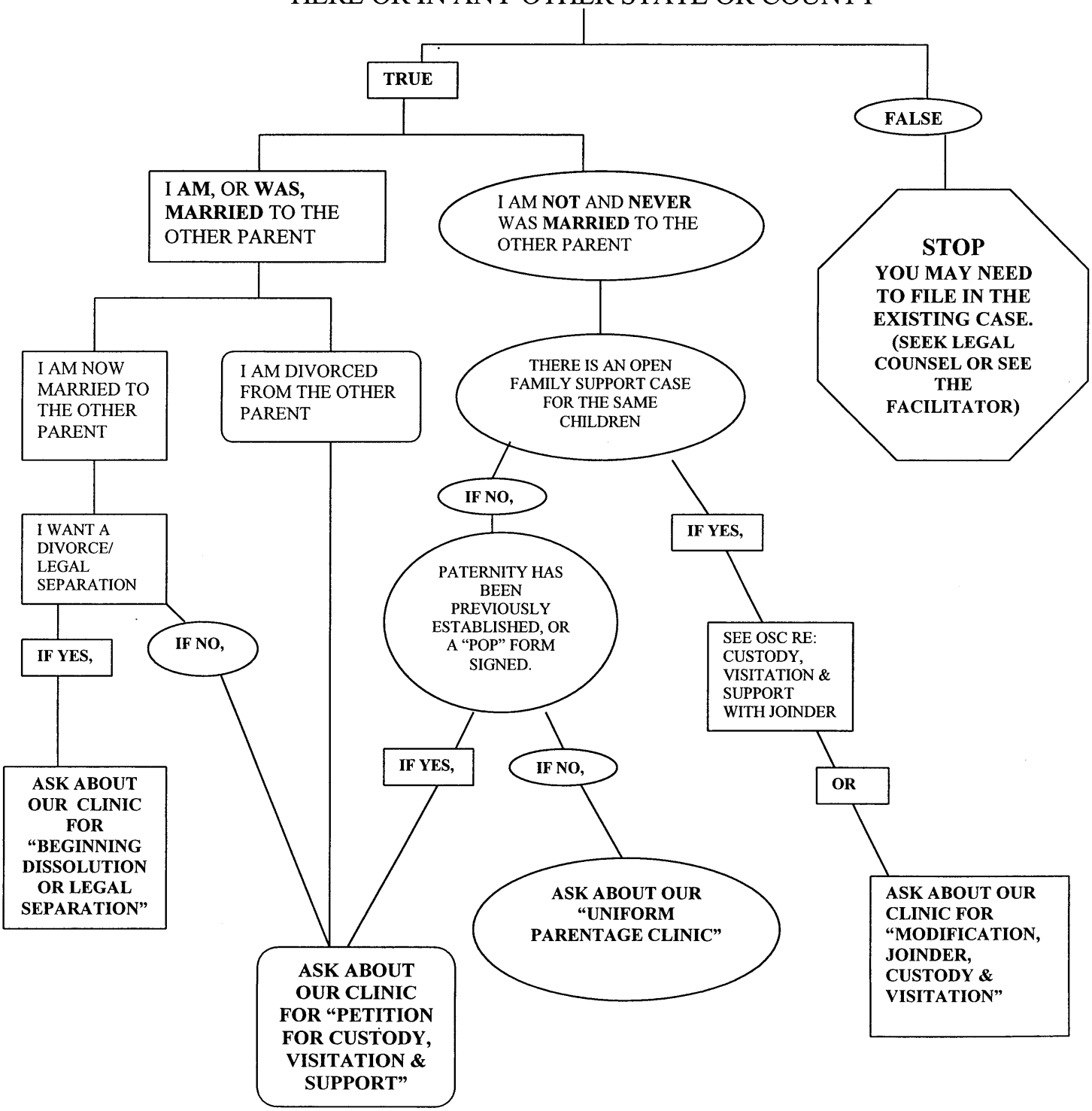
-**Income and financial declaration** samples and instruction can be obtained in our FLIC resource center.

Note: required forms and file copies can be obtained at
Sutter County Superior Court, Civil Division
463 Second Street, Room 211, Yuba City, CA 95991
Please pick them up prior to your clinic date.
Thank you.

ESTABLISHING A CHILD CUSTODY & VISITATION ORDER (NO EXISTING ORDER)

(WITH OR WITHOUT CHILD SUPPORT)

I **DO NOT** HAVE ANY ORDER FOR CUSTODY AND VISITATION, HERE OR IN ANY OTHER STATE OR COUNTY



CCVESTGUIDRSR

SUTTER COUNTY FAMILY LAW CENTER
INFORMATION SHEET

UNIFORM PARENTAGE OR CUSTODY PETITION (1/99)

1. ***COMPLETE FORMS***:
   - A. PETITION - UPA OR CUSTODY
   - B. SUMMONS - (UPA)
   - C. DECLARATION UNDER CCJA
   - OPTIONAL D. MOTION/OSC - TEMPORARY ORDERS
   - E. FEE WAIVERS (OR PAY $185.00 FEE)
   - OPTIONAL F. FIN. STATEMENT/INCOME & EXPENSE ($$)

   COPY FORMS: ORIGINAL AND AT LEAST 2 COPIES OF ALL

2. ***FILE WITH COURT CLERK***: 463 Second St., Rm 211, Yuba City
   - A. PAY FILING FEE OR SUBMIT WAIVERS
   - B. IF MOTION INCLUDED, RECEIVE COURT DATE.

3. ***SERVE ON OTHER PARTY*** - (MOTION PAPERS MUST BE PERSONALLY SERVED 15 DAYS PRIOR TO SET HEARINGDATE)

   COPY OF: SUMMONS (**NOT ORIGINAL**) AND PETITION, ETC.
   By personal service ONLY!, someon 18 years and over, resident of California, not a party to the action (NOT YOU!).

   Serve: SUMMONS, PETITION, DEC. UCCJA
   BLANK RESPONSE.
   BEHAVIOR SHEET, MEDIATION LETTER
   COPY OF MINUTE ORDER PROVIDED BY COURT

   OPTIONAL: MOTION PAPERS (MOTION, APP/DEC, FIN. STATEMENT/INCOME AND EXPENSE/BLANK RESPONSIVE DECLARATION, TEMPORARY ORDERS.).

   Complete a PROOF OF SERVICE & BRING TO COURT

4. ***CUSTODY/VISITATION***: Contact Mediation **AND ATTEND PARENTING CLASS PRIOR TO YOUR COURT HEARING.**

5. ***ATTEND STATUS CONFERENCE OR COURT HEARING, IF ONE IS SET***
   - A. COURT HEARING - Bring evidence, declarations, documents, witnesses and copies for other party and the judge.
   - B. Know the law, have your guideline calculations, etc.

6. ***PREPARE YOUR ORDER AFTER HEARING***:
   - A. Get a copy of your court minutes and mediation report to prepare Findings and Orders After Hearing (OAH) unless the other party is ordered to prepare the order.
   - B. File with the court for the Judge's signature. Also, Prepare Entry of Judgment, 2 self-addressed stamped envelopes.
   - C. If the other party was not in court, serve a copy of the OAH on the other party, complete a Proof of Service. Return the Proof of Service to the Court Clerk.

7. ***30 DAYS AFTER SERVICE :***

CHECK THE COURT FILE FOR THE RESPONSE. SIGN UP FOR NEXT CLINIC TO FINAL YOUR DEFAULT PATERNITY ACTION.

1296.605

SUMMONS—UNIFORM PARENTAGE—PETITION FOR CUSTODY AND SUPPORT

CITACION JUDICIAL—DERECHO DE FAMILIA

NOTICE TO RESPONDENT *(Name)*: MARY SAMPLE
AVISO AL DEMANDADO (Nombre):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You are being sued. ***A usted le estan demandando.***

PETITIONER'S NAME IS: JOHN SAMPLE
EL NOMBRE DEL DEMANDANTE ES:

CASE NUMBER: *(Número del Caso)*
CVFL00-9999

You have **30 CALENDAR DAYS** after this Summons and Petition are served on you to file a *Response to Petition to Establish Parental Relationship* (form 1296.65) or *Response to Petition for Custody and Support of Minor Children* (form 1296.81) at the court and serve a copy on the petitioner. A letter or phone call will not protect you.

If you do not file your Response on time, the court may make orders affecting custody of your children. You may be ordered to pay support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form. If you want legal advice, contact a lawyer immediately.

*Usted tiene **30 DIAS CALENDARIOS** después de recibir oficialmente esta citación judicial y petición, para completar y presentar su formulario de Respuesta (Response form 1296.65) ante la corte. Una carta o una llamada telefónica no le ofrecerá protección.*

Si usted no presenta su Respuesta a tiempo, la corte puede expedir órdenes que afecten la custadia de sus hijos ordenen que usted pague mantención, honorarios de abogado y las costas. Si no puede pagar las costas por la presentación de la demanda, pida al actuario de la corte que le dé un formulario de exoneración de las mismas (Waiver of Court Fees and Costs).

Si desea obtener consejo legal, comuníquese de inmediato con un abogado.

NOTICE *The restraining order on the back is effective against both mother and father until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.*

AVISO *Las prohibiciones judiciales que aparecen al reverso de esta citación son efectivas para ambos cónyuges, madre el esposo como la esposa, hasta que la petición sea rechazada, se dicte una decisión final o la corte expida instrucciones adicionales. Dichas prohibiciones pueden hacerse cumpliren cualquier parte de California por cualquier agente del orden público que las haya recibido o que haya visto una copia de ellas.*

1. The name and address of the court is: *(El nombre y dirección de la corte es)*
   SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER
   463 SECOND STREET, ROOM 211
   463 SECOND STREET, ROOM 211
   YUBA CITY, CA 95991
2. The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, is:
   (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)
   JOHN SAMPLE
   ADDRESS

   YUBA CITY, CA 95991

[SEAL]

Date *(Fecha)*: Clerk *(Actuario)*, by _____, Deputy

NOTICE TO THE PERSON SERVED: You are served
a. [X] as an individual.
b. [ ] on behalf of respondent
under: [ ] Code Civ. Proc., § 416.60 (minor) [ ] Code Civ. Proc.,§ 416.90 (individual)
[ ] Code Civ. Proc., § 416.70 (ward or conservatee) [ ] other:
c. [ ] by personal delivery on *(date)*:
(Read the reverse for important information)
(Lea el reverso para obtener información de importancia)

STANDARD RESTRAINING ORDER—SUMMONS
Uniform Parentage Act, Petition for Custody
PROHIBICION JUDICIAL ESTANDARE—Ley Uniforme de Paternidad

STANDARD RESTRAINING ORDER

You and the other party are restrained from removing from the state the minor child or children for whom this action seeks to establish a parent-child relationship without the prior written consent of the other party or an order of the court.

This restraining order is effective against petitioner upon filing a petition and against respondent on personal service of the summons and petition or on waiver and acceptance of service by respondent.

This restraining order is effective until the judgment is entered, the petition is dismissed, or the court makes a further order.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

PROHIBICIONES JUDICIALES ESTANDARES

A partir de este momento, a usted y a la otra parte se les prohibe que saquen del estado al hijo o hijos menores de las partes, para quienes esta acción judicial procura establecer una relación entre hijo y padres, sin el consentimiento previo por escrito de la otra parte o sin una orden de la corte.

Esta prohibicion judicial entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la citación judicial y petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.

Esta prohibicion judicial continuará en vigencia hasta que se dicte la decisión final, la petición sea rechazada o la corte expida instrucciones adicionales.

Podrán hacerse cumplir en cualquier parte de California por cualquier agente del orden público que las haya recibido o que haya visto una copia de ellas.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): JOHN SAMPLE ADDRESS YUBA CITY, CA 95991 TELEPHONE NO.: FAX NO.: ATTORNEY FOR (Name): IN PRO PER	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER STREET ADDRESS: 463 SECOND STREET, ROOM 211 MAILING ADDRESS: 463 SECOND STREET, ROOM 211 CITY AND ZIP CODE: YUBA CITY, CA 95991 BRANCH NAME:	
PETITIONER: JOHN SAMPLE RESPONDENT: MARY SAMPLE	
PETITION TO ESTABLISH PARENTAL RELATIONSHIP ☐ Child Support ☒ Child Custody ☒ Visitation ☐ Other (specify):	CASE NUMBER: CVFL00-9999

1. Petitioner is
   a. ☐ the mother.
   b. ☒ the father.
   c. ☐ the child or the child's personal representative (specify court and date of appointment):
   d. ☐ other (specify):

2. The children are

a. Child's name	Date of birth	Age	Sex
NAMES OF CHILDREN	DATE(S OF BIRTH)		

   b. ☐ a child who is not yet born.

3. The court has jurisdiction over the respondent because the respondent
   a. ☒ resides in this state.
   b. ☐ had sexual intercourse in this state, which resulted in conception of the children listed in item 2.
   c. ☐ other (specify): CHOOSE A, B OR C, DEPENDING ON THE CIRCUMSTANCES, TO TELL THE COURT WHY THE MATTER SHOULD BE SETTLED IN THIS STATE.

   choose one

4. The action is brought in this county because (you must check one or more to file in this county):
   a. ☒ the child resides or is found in the county.
   b. ☐ a parent is deceased and proceedings for administration of the estate have been or could be started in this county.

5. Petitioner claims (check all that apply):
   a. ☒ respondent is the child's mother.
   b. ☐ respondent is the child's father.
   c. ☐ parentage has been established by Voluntary Declaration of Paternity (attach copy).
   d. ☐ respondent who is child's parent has failed to support the child.
   e. ☐ (name): has furnished or is furnishing the following reasonable expenses of pregnancy and birth for which the respondent as parent of the child is obligated:

Amount	Payable to	For (specify)

   f. ☐ public assistance is being provided to the child.
   g. ☐ other (specify):

6. A completed *Declaration Under Uniform Child Custody Jurisdiction Act* (form MC-150) is attached.

(Continued on reverse)

PETITIONER: JOHN SAMPLE RESPONDENT: MARY SAMPLE	CASE NUMBER: CVFL00-9999

Petitioner requests the court to make the determinations indicated below.

7. PARENT-CHILD RELATIONSHIP
   a. [X] Respondent b. [X] Petitioner
   c. [ ] Other *(specify)*: is the parent of the children listed in item 2.

8. CHILD CUSTODY AND VISITATION

	Petitioner	Respondent	Joint	Other
a. Legal custody of children to	[X]	[ ]	[ ]	[ ]
b. Physical custody of children to	[X]	[ ]	[ ]	[ ]

   c. Visitation of children:
      (1) [ ] None (2) [ ] Reasonable visitation.
      (3) [ ] Petitioner [X] Respondent should have the right to visit the children as follows:
      WHAT, IF ANY, TYPE OF VISITATION SCHEDULE DO YOU WANT THE COURT TO ORDER?

      (4) [X] Visitation with the following restrictions *(specify)*: DO YOU WANT SUPERVISED VISITATION?

   d. Facts in support of the requested custody and visitation orders are *(specify)*:
      [X] Contained in the attached declaration.
   e. [ ] I request mediation to work out a parenting plan.

9. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:

	Petitioner	Respondent	Joint
Reasonable expenses of pregnancy and birth be paid by as follows:	[ ]	[ ]	[ ]

10. FEES AND COSTS OF LITIGATION

	Petitioner	Respondent	Joint
a. Attorney fees to be paid by	[ ]	[ ]	[ ]
b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by	[ ]	[ ]	[ ]

11. NAME CHANGE
    [ ] Children's names be changed, pursuant to Family Code section 7638, as follows *(specify)*:

12. CHILD SUPPORT
    The court may make orders for support of the children and issue a wage assignment without further notice to either party.

13. I have read the restraining order on the back of the Summons, and I understand it applies to me when this Petition is filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: DATE YOU SIGN THIS

JOHN SAMPLE
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PETITIONER)

A blank *Response to Petition to Establish Parental Relationship* (form 1296.65) must be served on the Respondent with this Petition.

NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent.
Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

FILING THE UNIFORM PARENTAGE PETITION

I. MAKE 2 COPIES EACH OF THE SUMMONS, PETITION, DECLARATION UNDER UCCJEA, AND ANY OTHER DOCUMENTS YOU MAY BE FILING AND SERVING AT THE SAME TIME.

II. PUT THE ORIGINAL ON TOP OF THE COPIES OF EACH DOCUMENT, KEEPING EACH TYPE OF DOCUMENT SEPARATE.

III. TAKE THEM TO THE COURT CLERK'S OFFICE FOR FILING. YOU WILL GET THE COPIES BACK.

IV. HAVE ONE SET OF DOCUMENTS SERVED ON THE RESPONDENT, KEEP ONE SET FOR YOURSELF.

VI. HAVE THE SERVER COMPLETE THE PROOF OF SERVICE AND YOU FILE IT WITH THE COURT.

VII. IF THE RESPONDENT HAS NOT FILED A RESPONSE WITH THE COURT WITHIN 30 DAYS FROM THE DATE HE/SHE WAS SERVED, YOU CAN TAKE A DEFAULT IN THE CASE. YOU CAN CALL US TO SIGN UP FOR OUR UNIFORM PARENTAGE JUDGMENT BY DEFAULT CLINIC.