

# Know Your Rights: Family Law Related Issues

Presented by  
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# House Keeping

Please keep your microphone muted.

Please put questions in chat or raise your hand.

Polls

Survey at End

Thank you!



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SCAN TO  
LEARN MORE

## WHERE DIGNITY MEETS JUSTICE



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Join Nassau Suffolk Law Services as we continue to illuminate pathways to justice under our new name, **Legal Services of Long Island (LSLI)**. Help us guide our communities and neighbors in need toward accessible free legal services for all.

LEGALESERVICESLI.ORG

# Who We Are And What We Do

- Over 6,000 legal cases each year
- Free Legal Services for eligible Long Island Residents
- Direct representation, phone consultations
- Brief service or referrals
- Offices in Hempstead, Islandia, Riverhead
- Case handling staff includes attorneys, paralegals, and social workers
- Partnerships with Community Agencies



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# Office Locations

## Hempstead:

1 Helen Keller Way 5th Fl  
Hempstead NY 11550  
(516) 292-8100

## Islandia (Western Suffolk):

1757 Veterans Hwy Ste 50  
Islandia NY 11749  
(631) 232-2400

## Riverhead (Eastern Suffolk):

400 W. Main St Suite 200  
Riverhead, NY 11901  
(631) 369-1112



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# Our Programs

## Family

- Domestic Violence Family Court Project (Suffolk)
- Child Support Defense Project

## Disability & Health-Related Projects

- HIV Unit
- Mental Health
- ICAN - Advocates in Managed Long-Term Care
- Education and Disability Rights (Special Education and Rights of Developmentally Disabled)
- Disability Advocacy Project (SSD/SSI Appeals)



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# Our Programs

## Housing

- Civil Unit (Eviction Prevention)
- Foreclosure Project

## Other

- Consumer Debt
- Education Debt Consumer Advocacy Project
- Veterans Rights
- Human Rights Project
- Public Benefits
- Adult Care Facility Unit
- Senior Citizen Project (Nassau)
- Pro Bono Project (Suffolk)
- Volunteer Lawyers Project (Nassau)
- Community Legal Help Project



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# Legal Support Center for Advocates:

Advocates call (631) 232-2400 for assistance:

Sharon Campo - x3368 Cathy Lucidi - x3324

Hannah Fitzpatrick- x3343

- Provide Technical Support to Advocates
- “Advocates” include legislative staff, social workers, outreach workers, medical personnel, and guidance counselors
- Host Community Trainings
- Publish Newsletters



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# POLL



**What type of advocate are you?  
Have you ever called LSCA?**

POLL



# Visit our Website

- All About Our Programs
- Sign up for our “Legal Lessons”
- Trainings
- “Self-Help” Resources
- Other Events



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# Just a Note

Legal Services of Long Island makes every effort to keep legal educational materials up to date. The information contained in this material is not legal advice. Legal Advice depends upon the specific facts of each situation. These materials cannot replace the advice of competent legal counsel.



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# Domestic Violence Basics



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# Getting Help

## The Retreat

- (631) 329-2200

## Brighter Tomorrows

- (631) 395-1800

## ECLI-VIBES

- (631) 360-3606

## LI Against DV

- (631) 666-8833



Getting Help



# Orders of Protection



## Refrain From (or Limited) OP

- Order to stop abusing, harassing or threatening the person
- You can still live in the same home

## Stay Away (or Full) OP

- Must stay away from the person entirely
- Must move out if you live together (eviction moratoria don't apply)
- May be limits on communication





# Where to go for OP?

## Family Court v. Criminal Court

### Family Court

- Must be a family relationship
- Must be related through blood or marriage, have a child together, or have an intimate relationship

### Criminal Court

- There must be a criminal case
- Prosecutor or victim may ask for OP
- No family relationship needed



Where to go for OP?

# Family Offense Petition

- Address confidentiality affidavit
- Tell the court what the petitioner wants and why
- Explain how you are related
- Describe what happened
- First event
- Worst event
- Most recent event
- Explain what you want



Family Offense Petition



# What Comes Next?

## Conference

- Temporary OP issued same day without respondent present

## Trial and disposition

- Respondent's chance to consent to OP or object and present his side of the story

## Enforcement

- Call the police
- Violation petition



What Comes Next?

# Custody Basics



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# Joint Versus Sole Custody: Definitions



## Joint Versus Sole Custody: Definitions

### Joint legal custody (more common)

- Both parents must agree on important decisions about their children (medical, education, religious upbringing).

### Sole legal custody

- Only one parent has the right to make major decisions for the child



# Joint Versus Sole Custody: Definitions



Joint Versus Sole Custody:  
Definitions



## Joint Physical Custody (rare)

- Child lives with each parent exactly 50% of the time

## Sole Physical Custody (more common)

- Child lives primarily with one parent (more than 50% of the time)
- This parent has physical custody (also known as residential custody)
- Other parent has visitation
- Visitation = shared parenting time



# Custody Decision Making: Factors

## Best Interest of the Child Factors

- Financial status of the parties
- Quality of home environment
- Child's desires (not determinative)
- Ability of parent to provide for child's emotional and intellectual development
- Health of the parents
- Family relationships
- Keeping siblings together is preference
- Domestic violence



Custody Decision Making:  
Factors

# Custody: Getting Started



## File a petition or request mediation in Family Court

- File in county where child lives
- In general, child must have lived in NYS for at least 6 months

Custody: Getting Started



# Custody: Getting Help

## Legal Help

- Appointed attorneys available for low-income parents starting at first court appearance
- Legal Aid Society of Suffolk or Legal Aid Society of Nassau
- Ask LAS in Suffolk to pre-screen for eligibility as soon as the first court date has been scheduled
- 18(b) panel
- DV survivors may be able to get support from DV agencies
- Family Legal Care
  - Legal hotline and virtual consultations. May help prepare initial petition.
  - <https://familylegalcare.org/>
  - (212) 343-1122



Custody: Getting Help



# Custody Decision Making: Process

- Conferences
- Attorney for the child (law guardian)
  - Represents the child's interests
- Court attorney referee v. Judge
- Trial or stipulation



Custody Decision Making:  
Process



# Custody: DIY Forms Modifications and Enforcement

Modification Form:

<https://nycourts.gov/courthelp/DIY/custodyModification.shtml>

Enforcement Form:

<https://nycourts.gov/courthelp/DIY/custodyEnforcement.shtml>



**Custody: DIY Forms  
Modifications and Enforcement**





# Do you or someone you know need legal services from the Domestic Violence Project?

If you would like to obtain legal representation from Legal Services of Long Island, you will need to go through one of our advocacy agencies. For the fastest referrals, please contact **Brighter Tomorrows** at (631)395-1800 or, if you are on the East End of Long Island, **The Retreat** at (631) 329-2200. Both hotlines are available 24 hours a day.

Referrals can also be obtained from ECLI-VIBES at 631-360-3606 or Long Island Against Domestic Violence at 631-666-8833



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# Thank you for attending!

Upcoming Presentations/Events:

Know Your Rights: Contemporary Issues in Education Presentation

11/12 1-2pm- Sign up at [legalservicesli.org/important-dates](https://legalservicesli.org/important-dates)

Emergency Housing Training 12/6 1-2pm – Sign up coming soon

Check out our website at [www.legalservicesli.org](http://www.legalservicesli.org)



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