

Understanding the Family Law Legal Process Involving Victims of Domestic Violence

Presented by
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House Keeping

Please keep your microphone muted.

Please put questions in chat and we will answer throughout.

We will have polls throughout the presentation.

Please complete the survey at the end of presentation.

Thank you!



LEGAL SERVICES
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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
- Child Support Defense Project (Suffolk)

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



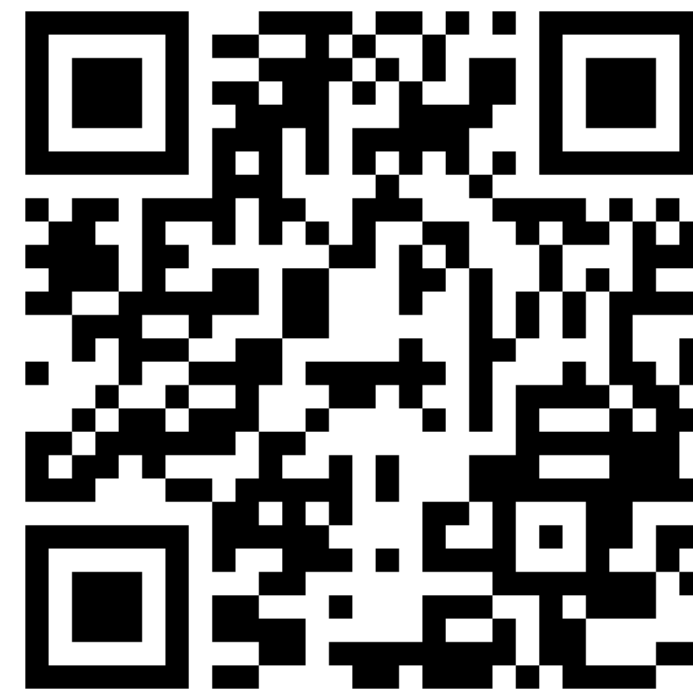
**What type of advocate are you?
Have you ever called LSCA?**

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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Orders of Protection



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 (LAS) 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**



Domestic Violence Unit Referral Form

Please use the updated referral intake form moving forward and have all referring agencies submit completed forms via email to our Supervising Attorney, Larry Tuthill at ltuthill@legalservicesli.org or our paralegal, Fanny Brooks at fbrooks@legalservicesli.org.



Thank you for attending!

If you have any questions, please contact
(631)232-2400.

Check out our website at
www.legalservicesli.org.



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