

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

FAMILY

LEGAL SERVICES

SELF-HELP SERIES

Does Your Child Need a Lawyer?

November 2016



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Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd 203-336-3851
Suite 950

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr.
Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

205 Orange Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

Does your child need a lawyer?

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This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut. The information in this booklet is based on laws in Connecticut as of 11/2016. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

Notes

In some divorce and custody cases, the court appoints a lawyer for the child. This happens when

- the court thinks your child needs a lawyer, or
- you ask for a lawyer for your child and the court agrees.

In some juvenile court cases, such as those involving abuse, neglect, or delinquency, the court always appoints a lawyer for the child (or you can hire one).

Should I ask for a lawyer for my child?

If you and the other parent agree on custody and visitation, your child probably does not need a lawyer. But you may want to ask for a lawyer for your child if

- you and the other parent disagree about custody or visitation,
- you are worried about your child's safety (when there is child abuse or domestic violence), or
- there is a question about paternity.

What if I ask the court to give my child a lawyer but the court does not agree?

You have the right to ask for a lawyer for your child, but the court does not have to appoint one. If this happens in your case, you may want to

- hire a lawyer for your child, or
- ask the Connecticut Judicial Branch Family Services office to look at your case.

How could Family Services help us?

Family Services can meet with the parents and the child in order to recommend to the court what is best for the child. Their evaluation may be less expensive than hiring a lawyer. Family Services offices can be found in most courts. When you come to court for a hearing, you will meet with Family Services to see if an agreement can be worked out before going into the courtroom.

What if I do not agree with Family Services' recommendations?

You do not have to accept Family Services' recommendations. You have a right to present your case in court and let the judge decide. There is no guarantee that the judge will agree with you, and you must obey the judge's decision even if you don't agree with it.

Can the court appoint a lawyer for my child even if I don't want one?

Yes. The court can appoint a lawyer for the child even if neither parent asks for one. The court can also have Family Services evaluate your case.

What will my child's lawyer do?

The court can appoint a lawyer to act either as your child's attorney (called *Attorney for the Minor Child* or AMC) or as your child's *guardian ad litem* (GAL).

If your child is very young, a lawyer may be appointed to be your child's GAL. The GAL's job is to tell the court what is best for your child.

If the child is older, a lawyer may be appointed to be your child's attorney (AMC) to tell the court

- what is best for your child, and
- what your child wants.

Whether acting as an AMC or as a GAL, your child's lawyer will tell the court

- what is best for the child,
- how the parents can meet the child's needs, and
- how to best handle any conflicts.

When will the judge decide my case?

The judge often decides cases at the end of the hearing. If this happens in your case, the judge will announce the orders in the courtroom while you are still there. If the judge grants your Motion, it is best to set up an appointment between your child and the lawyer as soon as possible.

For some cases, the judge may say, "I'll take the papers." That means the judge will decide later and the clerk will mail you a copy of the judge's orders. If you do not hear from the court in a few days, call the clerk and ask about your case.

Remember!

- ▶ The court may order a lawyer for your child, or you may ask for one.
- ▶ You can always hire a lawyer.
- ▶ What you tell your child's lawyer is **not** confidential.
- ▶ You must help your child's lawyer by making your child available for things like appointments and signing permission forms for medical records.
- ▶ Give the court your Financial Affidavit form if you want the state to pay for your child's lawyer.

Tips for the Court Hearing

- Tell the truth if you are asked questions. Speak slowly and give complete answers.
- If you don't understand the question, say, "I don't understand the question."
- Be polite to everyone in the courtroom. Do not interrupt, argue, or get upset.
- When other people are talking, wait for them to finish.
- Speak only to the judge unless it is your turn to ask questions.

What will happen at the court hearing?

- When your name is called, say, "Ready."
- You will then stand at one of the tables in the front of the courtroom and follow the judge's instructions.
- You will probably have to swear to tell the truth before you present your case.
- When the judge tells you to speak, say that you want a lawyer appointed to represent your child and explain why you think it is important.
- The judge will ask you questions. Tell the truth, speak slowly, and give complete answers.
- Bring a completed Financial Affidavit form with you. The judge will need it to make orders for who will pay the lawyer's fees for the child. You may also ask the judge to order the state to pay the lawyer's fees.
- You may call witnesses to support what you have said. Both you and the other parent will be able to ask that person questions. Don't get into an argument with witnesses or the other parent, as this will create a bad impression of you.

How will the lawyer know what is best for my child?

The lawyer will take steps to get to know the child and to evaluate the child's situation, including:

- Meeting with your child to learn about your child's feelings, wishes, and beliefs. The lawyer may meet with your child once or more often than that. The meetings may be at your home, at the other parent's home, or both.
- Meeting with you, the other parent, and people who know your child, such as teachers, day care providers, and doctors. These meetings help the lawyer to evaluate your child's situation.
- Looking at any medical records and reports related to your case.
- Having your child's physical and mental health evaluated, if necessary.
- Going to the court hearings for your case.
- Staying in touch with your child until your case ends.

Do I have to help the lawyer?

Yes. You must

- have your child available to meet when the lawyer asks; and
- sign legal forms to let the lawyer see your child's health records, school records, or other information.

Will the lawyer help me get what I want for my child?

The lawyer's job is to tell the court what he or she thinks is best for your child, not what is best for either parent. The lawyer is not a social worker or a temporary parent and is not there to help you or the other parent.

Important: The child's lawyer is not your lawyer. What you say to your child's lawyer is not private.

Who pays for my child's lawyer?

You and the other parent must pay for the lawyer. The court will decide how much each parent must pay based on each parent's financial situation. If neither parent is able to pay, the court may order the state to pay the legal fees.

There is a sliding fee scale in place for attorneys and GALs appointed for the child in family cases. The sliding scale information can be found at <http://www.jud.ct.gov/external/news/press387.pdf>.

How will the court know about my financial situation?

Each parent must fill out and file a *Financial Affidavit* form, which can be found in your local courthouse or online at www.jud.ct.gov. The court will use that information to decide who should pay the legal fees. For more information, see the legal aid booklet, *A Guide to Financial Affidavits*.

How do I ask for a lawyer for my child?

If the court has not appointed a lawyer and your case is still open, you can ask for a lawyer for your child by filling out and filing the following forms:

- *Motion for Orders before Judgment* (JD-FM-176)
- *Financial Affidavit* (JD-FM-6)

You can get them online at www.jud.ct.gov, in the court clerk's office, or a Court Service Center (located in most courthouses).

If your case is over and the court has made final orders in your case, you can ask for a lawyer for your child anytime you want to change the final orders (for example, if you want to increase visitation or change custody). For more information, see the legal aid booklet, *How to Change Your Custody or Visitation Order*.

What do I do with my completed Motion form?

Once you have completed the *Motion* form, make copies for everyone involved in the case. Send the other parent and any lawyers in your case a copy of the Motion. Then, file your Motion with the court clerk.

Will there be a court hearing to decide?

Yes. The clerk will mail you and the other people in the case a *court calendar*. The court calendar is your hearing notice and it will tell you the date and time of your court hearing. You **must** call the court and tell them you are ready to go to court on the date and time of your hearing. If you don't, your case may be dismissed.

Going to court

Don't be late! It's best to arrive about 30 minutes early in order to go through security and find your courtroom.

- Make sure to bring the completed *Financial Affidavit* with you to your court hearing. For more information, see the legal aid booklet, *A Guide to Financial Affidavits*.
- If you have witnesses, they must arrive early, too. A witness is a person such as the child's doctor, teacher, or someone else who has seen how the other parent has behaved with the child.
- You will meet with Family Services before going in front of the judge for your case. Usually just the parties to the case are in the meeting. Witnesses do not participate.
- Some courthouses have a *call of the calendar* to make sure that parties are present. Please check with the Clerk's office to find out if there is a call. The call will happen before you meet with Family Services.