

FAMILY COURT

Family Court is the court where parties resolve their family offense, custody, and child support disputes. Certain juvenile cases, such as PINS cases (Persons In Need of Supervision) are also heard in family court.

HOW DO CASES BEGIN IN FAMILY COURT?

Cases usually begin in Family Court when one party (the Petitioner) files paperwork asking the Court to make the other party (the Respondent) do or not do something. For example, the Petitioner may file a support petition asking the Court to make the Respondent pay child support. Once the papers are filed in Court, the Respondent must be served with the papers and a Court date for a hearing will be scheduled.

WHAT HAPPENS IN CUSTODY/VISITATION CASES?

Custody and visitation cases can be resolved through a trial or through an agreement between the parties. These cases sometimes require several court hearings but many are resolved without a trial.

At the first Court hearing, the Court may have the parties try to agree to a custody and visitation arrangement. The Court may also issue a temporary order of custody/visitation and ask the parties to return to Court at a later time. On the next court date, the Court will review the temporary order and may issue a final order. The custody/visitation order dictates the custody and visitation arrangements. For example, the order may state whether one or both parents have legal and physical custody of the children. The order may also provide a visitation schedule and it may give details about the visitation pick-up and drop-off locations.

WHAT HAPPENS IN CHILD SUPPORT CASES?

Many child support cases also require more than one court hearing. At the first hearing, the Court will evaluate each party's income and may provide a temporary child support order. When the parties return to court for the next hearing, the Court will examine each person's financial statements (paystubs, tax returns, etc.) and make a final child support order. For example, if one parent has primary physical custody of the children, the Court may order the other party to provide payment for the children's care. The parties may also request a Support Hearing. At a Support Hearing, a party tries to show that the Court should order more or less child support because one party's income is, or could be, higher or lower than it seems.

MODIFICATIONS OF ORDERS

Sometimes one or both parties need an order to be modified because of a change in income, residence, incarceration, or other circumstances. If this happens, a party can petition the court for a modification of an existing custody/visitation or child support order.