

DVAP

Dallas Volunteer Attorney Program

A joint program of the Dallas Bar Association and Legal Aid of NorthWest Texas

Dallas Volunteer Attorney Program and Family Law Section
Video Presentation of 2008 “Nuts and Bolts” Family Law Training, Belo Mansion
Friday, February 20, 2009 – Part I
Friday, February 27, 2009 – Part II

February 20, 2009 – PART I

- 9:00 – 9:45 a.m. REGISTRATION – **Regular Belo Buffet is available for purchase**
- 9:50 – 10:00 a.m. Welcome: **Kathleen Turton**
Moderator: **Associate Judge Drew Ten Eyck**
- 10:00 – 11:15 a.m. Client Interview
Speaker: **Barbara Van Duynes**
- A. Video of Interviewing Role Plan
 - B. Analysis of Interview and Practice Tips
 - C. Create a checklist
 - D. Attach AIP and other supporting documents
 - E. TDH Inquiry
 - F. Continuing Jurisdiction (explain to client)
- 11:15 – 11:45 a.m. Requirements of Pleadings and Supporting Documents
Speaker: **John Withers, Sr.**
- A. *Marriage Dissolution 2007*: JoAI Cannon-Sheridan – “Divorce Beyond Hate: The Non-Criminal Consequences of Domestic Violence and Parental Alienation in Family Law Cases”
 - B. Dawn Fowler’s “Divorce 101” created for DVAP
- 11:45 – 12:15 p.m. Acquiring Jurisdiction
Speaker: **Dawn Fowler**
- A. Issuance of Citation and return of service
 - B. Substituted Service
 - 1. Respondent incarcerated; Respondent out-of-state
 - 2. Proper execution and filing of Waiver
 - 3. In Personam Jurisdiction *vis a vis* In Rem Jurisdiction
 - C. *Advanced Family 2007* – Chapter 4 “Jurisdiction and venue in SAPCR” – Sally Holt Emerson from Amarillo
 - D. *Advanced Family 2006* – Chapter 3 “Where do we file this Thing? Jurisdiction and Venue in SAPCR” – Sally Holt Emerson from Amarillo
- 12:15 – 1:00 p.m. Preparation and Proper Use of Affidavit of Inability to Pay Costs
Speaker: **Rebecca Greenan**
- Mock Prove-Up/Role Play
Speakers: **Elaine Mosher, Kathleen Turton, and Judge Beauchamp**
- 1:00 p.m. ADJOURNMENT

CLE Credit: 3 hrs, 1hr Ethics

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February 27, 2009 – PART II

- 9:00 – 9:45 a.m. REGISTRATION – **Regular Belo Buffet is available for purchase**
- 9:50 – 10:00 a.m. Welcome: **Natalie Gregg**
Moderator: **Associate Judge Lewis Nicholson**
- 10:00 – 11:15 a.m. Prior Orders
Speaker: **Kathy Saldana**
- A. Long Arm Jurisdiction
 - B. Transfers & Consolidation of Prior Orders
 - C. Court of Continuing and Exclusive Jurisdiction
 1. Out of State
 2. In State
 3. Transfers and Consolidation (TDH Inquiry)
- 11:15 – 11:45 a.m. Paternity & Non Paternity
Speaker: **Jeff Coen (Associate Judge Sean Finn, presented paper)**
- A. Children born prior to marriage of parents
 - B. Children born during marriage but not of the marriage
 - C. Claims of non-paternity. Note: Cover effect of Paternity Registry Statute and Statute of Limitations
 - D. Acknowledgment of Paternity Affidavit – need H & W and 3rd party to sign, etc.
- 11:45 – 12:15 p.m. Child Support
Speaker: **Rhonda Hunter**
- A. Provide for support to be binding on the estate of Payor
 - B. AG Involvement—if prior order is through the AG, you must treat AG as a Party (i.e. notice & copy of pleadings, etc.)
 - C. Arrearages—support and medical support to be determined by the AG who must sign off on final orders
 - D. Wage Withholding Order—client's responsibility to forward Order to employer, keep up with changes in employment and obtain updated order
 - E. Mandatory incremental decreases as children are no longer eligible for support
 - F. If parties previously married to each other, Orders from previous divorce re Child Support becomes void upon remarriage
 - G. Continuing support for disabled children past majority age
Advanced Family 2006—Chapter 29, Wendy Burgower from Houston: “The Kids Really Need More Judge: Above Guidelines Support and Providing for Special Needs and Disabled Children”
- 12:15 – 1:00 p.m. Conservatorship and Access
Speaker: **Judge Marilea Lewis**
- A. If asked for Sole MC, ensure that the request is supported by pleadings. Most likely situation necessary for Sole MC is family violence, child abuse or neglect, drug abuse, sexual offense, and mental and/or emotional incapacity.
 - B. *Marriage Dissolution* May 2007: “Prescription for Divorce” – Laurie Robinson and Barbara Nunnely – “Presumption in favor of Joint MC and of Standard Possession Order”
 - a. No Standard Possession Order until child is age 3, but becomes automatic by statute at age 3 in absence of Court Order to contrary
 - C. *Advanced Family 2006*: “Custom Fit Your Possession Orders” – John E. Van Ness and David Arrington out of Houston
 - a. No JMC if a pattern of family violence within the preceding 2 years of entry of orders, or if Protective Order in effect. NOTE: If Protective Order expires while batterer is incarcerated, Order is automatically extended for 1 year from date of release from

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incarceration. NOTE: Practice Tip – obtain Order extending Protective Order for it to be enforced by police.

b. Geographical Restrictions –different courts have different geographical restrictions on primary residence of child

c. NOTE: Re Standard Possession Order – Standard Possession Order applies only in absence of a contrary agreement (ref. access) between the parties. No requirement that such contrary agreement be in writing. If geographical restriction applies, a written agreement between parties filed with the court is required in absence of a court order changing conditions precedent to such restrictions being met.

D. *Advanced Family 2006*, “Effective Preparation and Presentation at the Final SAPCR Hearing-Conservatorship, Support, and Possession Issues” – Gary L. Nickelson and John Christopher Nickelson

Judicial Panel

Family District Court Judges

**Honorable Marilea Lewis, Honorable David Lopez, Honorable Lynn Cherry,
Associate Judge Lewis Nicholson**

1:00 p.m.

ADJOURNMENT

CLE Credit: 3 hrs, 1hr Ethics

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FREE (or almost FREE)
PRO BONO FAMILY LAW TRAINING
“NUTS AND BOLTS”, 2008 Video CLE
BELO MANSION
Friday, February 20, 2009 – 9:00 a.m. – 1:00 p.m. – Part One
Friday, February 27, 2009 – 9:00 a.m. – 1:00 p.m. – Part Two

The Dallas Volunteer Attorney Program and Family Law Section are presenting a free two-day training to teach interested attorneys how to represent indigent clients in various family law matters. Whether you are a new attorney, new to Family Law, or just want a refresher, this training is not to be missed! By attending this comprehensive training, you will be adequately prepared to handle a family law case with the help of an assigned mentor. Training materials will be provided in CD format.

The training is provided free of charge for attorneys who agree to undertake representation in a pro bono family law case for DVAP clients, under the options set out below. For those attorneys not interested in volunteering, the cost of the seminar is **\$200.00 paid in advance** (payments at the door will not be accepted). For those attorneys who select “free” option and do not fulfill their obligation, DVAP will bill them \$250.00 for the course and rescind the MCLE credit.

REGISTRATION

Name _____ Firm _____

Address _____ Suite _____ City, State, Zip _____

Telephone _____ Fax _____ Email _____

Current Practice Area(s) _____ Bar #: _____

Date Licensed _____ Certification Area(s) _____

DOB _____ Foreign or Sign Language (specify) _____

Have you ever been reprimanded, disciplined, or suspended as an attorney? _____ If yes, please attach a written explanation.

Please select one option:

_____ Option One: In exchange for free training, I agree to accept one (1) **COMPLEX*** pro bono family law case, which I will pick up on the first night of the training. ***with kids divorce, maybe AG orders, service, property issues**

_____ Option Two: In exchange for free training, I agree to accept two (2) **SIMPLE**** pro bono family law cases and will pick up one of my cases on the first night of the training and agree to accept the second case within three (3) months of the training. ****uncontested no kids, no property or waiver divorces**

_____ Sorry, I can't volunteer at this time, so **enclosed is my check for \$200.00, made payable to the DBA Community Service Fund.**

Attorney Signature

Date

For our planning purposes, please indicate whether you will attend one CLE or both CLE dates by checking below. Please note that the regular Belo Buffet is available during lunch for purchase. Please also plan on a \$3.00 self parking in the Belo garage for each CLE date.

I plan to attend on the following dates: _____ February 20th _____ February 27th

Please return your completed registration by February 17, 2009 to Chris Reed-Brown, Dallas Volunteer Attorney Program 1515 Main Street, Dallas 75201; fax (214) 698-1106 or email reed-brownc@lanwt.org.