

A Family Law Synopsis

Family law encompasses a broad spectrum of issues, ranging from disputes among family members, conflicts between the state and family, to problems between third parties and the family. Within a family, clients may seek legal assistance for divorce, division of marital property, child custody, visitation, and support awards and modifications. A client may want to bring a paternity action to collect child support. A minor may seek emancipation and a battered woman may seek a restraining order. The state may become involved in a family. It may bring child abuse and neglect or termination of parental right actions, or seek reimbursement in paternity and child support actions from a parent whose children receive Temporary Assistance for Needy Families. And, in adoption, grandparent visitation, and guardianship cases, a third party may assert rights with respect to a family. The legal representation of battered women—another important area—is covered in the next group of articles.

In most states the primary source of family law is found in state statutes. State law dictates requirements, standards, and procedures for most family law matters mentioned above. Several uniform laws and acts have been drafted in an attempt

to bring some consistency among various state laws. If your state has adopted a uniform law, the law applies in your state. Moreover, federal statutes govern certain areas of family law. For example, child welfare agencies are bound by the requirements of the Adoption and Safe Families Act, the Indian Child Welfare Act, and the Child Abuse Prevention and Treatment Act.¹ In another set of circumstances, state family law, welfare law (Title IV-D of the Social Security Act), and constitutional and administrative law apply if a client has a problem with the state child support enforcement program (IV-D program).²

State family law statutes and applicable federal statutes and uniform laws are good places to start for new advocates. The following group of articles presents introductory materials on some themes—including the appropriateness of joint custody awards, federal statutes governing child welfare and child support enforcement programs, and the basics of guardianship and emancipation—that advocates in all states encounter. It is not intended as a comprehensive discussion of family law and does not cover, for example, juvenile justice. For the basics of representing battered women, see the next group of articles.

¹ See William L. Grimm, *Introduction to Child Welfare*, in this manual.

² Title IV-D of the federal Social Security Act, 42 U.S.C. §§ 651 *et seq.* (2001). See Paula Roberts, *Child Support—an Important but Often Overlooked Issue for Low-Income Clients*, in this manual. See also Margaret Stapleton, *New Child Support Remedies: Administrative Complaint Procedures and Options for Low-Income Obligor*, 35 CLEARINGHOUSE REV. 79–80 (2001).