

Family Law

One of the most common areas of the law for Church members in need of legal assistance is family law. Priesthood leaders and family law practitioners may want to consider the following opportunities when dealing with members in need of the services of a family law practitioner.

Preparation – When addressing a member’s expectations for legal assistance with a family law matter, here are some questions that might help Priesthood leaders prepare members who seek help with family law challenges:

1. Has any party made a court filing or is there a current court proceeding of any kind?
2. Is any family member subject to or threatened by any form of violence or abuse?
3. Have one or more of the parties participated in counseling? If so, what are the details: how long ago, for how long, with whom, etc.
4. Does any party owe child support or alimony?
5. Has any party been involved in substance abuse or suffer from addiction?
6. Does any party have mental health issues?
7. Has any party disregarded or disobeyed a court order?
8. Has either party been arrested by a peace officer or been convicted of a crime (other than a minor traffic offense)?

Many of the issues addressed by these questions can significantly affect the amount of time and effort an attorney must devote to a particular matter.

Mediation - Most family lawyers will offer mediation services. Under this option, the attorney meets with both husband and wife but represents neither one. The attorney educates the couple about the divorce process including property settlement, child custody matters, child support and alimony. The attorney and the couple then discuss each party’s goals for the assets and the custody of the children and the attorney works with the couple to help them come to agreement. Members who are most likely to realize benefits from mediation are:

1. Both husband and wife are willing to meet with and take counsel from one or more priesthood leaders.
2. Both are committed to avoiding the costs and the emotional drain of a contested divorce.

Self-Service – Family law attorneys can help members take advantage of the significant self-help resources offered by most State-court systems for family law matters.