Effect of domestic violence on child support & custody cases
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Paralegal Studies Practicum Course: Interning for Volunteer Lawyers Project

My service learning:
Volunteer Lawyers Project, Erie County Family Court helps low-income clients obtain free legal advice on family court matters.
What I do during client Intake at the help desk while working under changing volunteer attorney:
• Greet clients after they sign in
• Give retainer agreement; Acquire financial and case information
• Brief the attorney (important facts)
• Follow the case to record the legal advice given

New York State: The Prevalence of Domestic Violence
• 15.5 million children live in families in which partner violence occurred in the last year
• 8 million days of paid work are lost by victims of domestic violence
• 3rd lending cause of homelessness is domestic violence
• 27,161 assaults a year committed by an intimate partner
• 18% of family offense petitions filed under extended-intimate domestic violence relationships
• 82% of family offense petitions filed under non-intimate/family member relationships
• 18,466 applications for public assistance indicated danger due to domestic violence

Domestic Violence Affects Child Support By:
• Changing the way the custodial parent can obtain payment by giving them access to debt accumulation, asset collection or can refuse to decrease/dismiss the existing petition.

Details
• In other states, becoming incarcerated would be a “substantial change” in income and situation, likely resulting in a dismissal of child support duties.
• New York will change the way the custodial parent accesses child support is if the non-custodial parent is incarcerated “voluntarily.”
• Voluntary incarceration example: Domestic violence or assault.

NYS Family Court Act Provides How Domestic Violence Affects Custody Cases:
• Parent filing the petition and claiming domestic violence will be under scrutiny of the court to determine parent sustainability and issue an order of disposition
• Order of disposition- places the child in a foster situation until the completion of the initial hearing.
• If the case is founded, the order will be on both parents record for 10 years after the 18th birthday of the youngest child without opportunity of expungement.
• The record of the order of disposition will make the aggressor and victim ineligible to be a foster parent and can be seen by employers.

Why I Chose This Topic
Through my service learning experience I’ve seen:
• A lot of cases involving child support and custody
• Identified several different factors that could affect advice given for the case.
• Many bad situations people stay in(lack of financial stability, domestic violence enforcer threaten the victim with losing their child, homelessness, further violence.)
• these predicaments become such a normality in society, that it required attention from the law.

BIBLIOGRAPHY
New York Consolidated Laws, Family Court Act - FCT § 1051: Sustaining or dismissing provision