

CUSTODY & DIVORCE

SELF HELP WORKBOOK

Rev.: Dec. 2, 2016

You don't have to go to court unprepared!

This book is in four parts.

Use the parts that help you.

You can talk to a lawyer about your situation, even if you have little or no money. We'll show you how at the end of Part 1.

- Part 1:** Make a plan, and decide on your goals;
- Part 2:** Start the court process and gather your evidence;
- Part 3:** Negotiate to stay out of court; and
- Part 4:** Walk into court prepared.

At certain points in your case, it is very important to talk with a lawyer.

At those points, you'll see a "Talk sign" in the book.



LAWYERS: This workbook was developed by Joanna L. A. Shapiro, Esq., and Dave Pantzer, Esq., in coordination with the People's Law Library of Maryland (www.peoples-law.org). You are free to use these materials and make your own changes and additions, as long as you include this notice.

Please contribute your changes and provide feedback at limited.scope.workbook@gmail.com.

The latest version of this book can be found online at www.peoples-law.org/workbook

Developed with the assistance and cooperation of the Circuit Court for Frederick County, Frederick County Circuit Court Law Library, People's Law Library, Frederick County Bar Association and the Family Law Section of the Frederick Bar.

DIVIDER: Info/Notes

You will find several pages marked **DIVIDER**. These pages are intended to designate sections within your notebook for organization. They can be replaced with store-purchased dividers with tabs; colored paper; or stapling a adhesive note to create a tab. Use whatever method works for you to be able find the information easily in each section.

Personal Information

Safety Plan and Resources

Blank paper for a notes section to include:

To do lists

Correspondence log

General Notes

The information in the section after this page is intended for a quick reference to often-used information outlined on the Personal Information page that follows.

Also place blank notebook paper for writing action items that need completion; your questions for the attorney; and other general notes.

Personal information:

_____ Has a case already been filed? If yes, case number: _____

You:	Other party:
	_____ Spouse _____ Other parent
Full name:	Full name:
Address:	Address:
Email:	Email:
Phone:	Phone:

MARRIAGE INFORMATION (if applicable)

Date of Marriage _____	Type of Ceremony _____civil _____religious	Separated? Y N Date: _____	Allegations of adultery? Y N
Have you been Maryland resident for past year? Y N	Has your spouse been a resident for past year? Y N	Is there a limited divorce in this case?	Are there any protective orders between you and your spouse?

CHILDREN (if applicable)

Full Name of Child	Date of Birth	Paternity Established?	Any Court Orders	No. Months in MD
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Custody <input type="checkbox"/> Child Support	

Part 1: Make a plan, and decide on your goals

1.1 Safety – Your safety (and the safety of your children) comes first.

Make a safety plan: <https://www.peoples-law.org/creating-safety-plan-0>

Are you concerned for your safety? Call 9-1-1, or a Domestic Violence Service Organization (<https://www.peoples-law.org/dvservices>).

1.2 Counseling – Working with a counselor can help you keep things in perspective.

A counselor can help in several ways:

- To help with difficulties of separation;
- To help with addiction/mental health issues;
- To help children;
- To help with co-parenting children.
- Mental Health Association: 301-663-0011
- Call your insurance or speak with your primary care physician.
- Speak with your children’s school counselors about children’s needs.

1.3 List your concerns – The checklists help you identify which issues are important to your case.

Everyone should review the “General Concerns” checklist. You should also review any of the special concern checklists related to your case type.

Flip ahead to the Step 1.3 checklists, and fill them out now.

1.4 Issues in Dispute – These charts help you gather evidence to prove facts in court.

For each of your greatest concerns from step 1.3, fill out an Issue in Dispute chart. See the examples of how to fill out Issue in Dispute charts related to custody and divorce.

Flip ahead to the Step 1.4 Issue in Dispute charts, and fill them out now.

1.5 Evidence Calendar – The calendar helps you document new evidence going forward.

Set up a calendar to keep a record of your evidence.

Flip ahead to the Step 1.5 Calendar Instructions, and set up an evidence calendar now.

1.6 Gather detailed information. Fill out the information forms that relate to your case, and keep them with you when you talk to a lawyer. This will save time and money.

Flip ahead to the Step 1.6 Information Forms, and fill out the ones that relate to your case.

1.7 Talk to a lawyer, and get help with the Lawyer Consultation sheets.

Flip ahead to the Step 1.7 Find a Lawyer page. When you meet with the lawyer, get information to fill out the Step 1.7 Lawyer Consultation sheets.

DIVIDER: Issue Checklists/Charts

Keep all information regarding:

Safety Plans and Resources

Issue Checklists in Step 1.3

Issue in Dispute forms. Be sure to make copies of the Issue in Dispute forms as you will likely need more than what is provided in the Workbook.

Step 1.3 Checklists

- Place a check next to any issue that concerns you.

Step 1.3 CHECKLIST - General concerns (G1 – G9)

- G1. Who pays the attorney fees?
- G2. I want to file a case
- G3. Another party has already filed a case*

Do any of the following situations apply?

- G4. Someone has immigration issues.**
- G5. There is a protective order.**
- G6. Child protective services is involved.**
- G7. There is a child support order.**
- G8. Someone owns real estate.**
- G9. Someone has a retirement account or pension.**



**If the other party has already filed a case, you have a limited time to act. Talk to a lawyer quickly.*



***Any of these issues may affect your family law case, or your family law case may affect them. Talk to a lawyer.*

Learning more about your areas of concern:

To learn more about any of these issues, go to www.peoples-law.org/workbook, and look up the articles about each issue.

To get an idea of what the courts can and cannot do for you, we recommend that you attend a Family Law for the People seminar. Visit www.peoples-law.org/family-law-for-the-people to find a session near you, and to sign up.

Step 1.3 CHECKLIST - Child- related concerns (C1 – C14)

- C1. Emergency – the child is in danger
What's the danger? _____
- C2. Emergency – the other party is trying to take the child to another state
How did you become aware of this? _____
- C3. Paternity – proving who is the father
Explain: _____
- C4. Parentage – who has the right to be considered a parent
Explain: _____
- C5. Decision-making Authority (Legal Custody)
How are decisions made now? _____
- C6. Parenting Time (Physical Custody)
Where does the child sleep now? _____
- C7. Access (Visitation)
Explain: _____
- C8. Restrictions, conditions, or monitoring of access (visitation)
Explain: _____
- C9. Getting an attorney for my child
Explain: _____
- C10. Getting assessments done for custody, home study, mental health, or other
Explain: _____
- C11. Child support – there is no order in place
Explain: _____
- NOTE: If you are seeking ANY child support, remember that you need to fill out the “Financial Statement (Child Support Guidelines)” form: <http://www.mdcourts.gov/family/forms/ccdr030.pdf>**
- C12. Child support – there is already an order – the order should be changed (increased, decreased, or terminated)
What has changed since the order: _____
- C13. Child support – there is already an order – it is being ignored
Explain: _____
- C14. Child support - there is already an order – from a different county or state
Where was the order made? _____

Step 1.3 CHECKLIST - Divorce- related issues (D1 – D14)

- D1. Emergency - I need to have and use property right away (residence, vehicle, bank account, etc.)
Explain: _____
- D2. Emergency - The other party is trying to steal or spend down money
How did you become aware of this? _____
- D3. I do not want a divorce
What are your goals? _____
- D4. I want a limited divorce (parties stay married, but the court enters some orders)
What are your goals? _____
- D5. I want an absolute divorce (marriage ends)
What are your goals? _____
- D6. Financial support (alimony) – I need support
Explain your need: _____
- D7. Financial support (alimony) – the other party wants support
Explain: _____
- NOTE: If you are seeking ANY alimony, remember that you need to fill out the “Financial Statement (General)” form: <http://www.mdcourts.gov/family/forms/ccdr031.pdf>**
- D8. I need Health insurance through the other party
Explain: _____
- D9. The other party wants health insurance through me
Explain: _____
- D10. Who gets the home?
What are your goals? _____
- D11. Who gets the vehicles?
What are your goals? _____
- D12. Who gets the money?
What are your goals? _____
- D13. Who gets the retirement benefits?
What are your goals? _____
- D14. Who gets _____ ?
What are your goals? _____
- NOTE: If you are seeking ANY PROPERTY, you will need to fill out the “Joint Statement of Parties Concerning Marital and Non-Marital Property” form: <http://www.mdcourts.gov/family/forms/ccdr033.pdf>**

Step 1.4 Issue in Dispute chart: For each issue you wish to pursue, fill out a chart.

Issue in Dispute		
Write the issue here: _____		
What do you need?		

Arguments to support what you are seeking:	Examples to support those arguments:	Examples of proof you can use to support your arguments:

Example One – Custody issue

Issue in Dispute (Custody Example)		
<i>We cannot agree on where our children should live. I want them to live with me and he wants them to live with him.</i>		
What are you seeking: <i>I think the children should live with me primarily and visit with him.</i>		
Arguments to support what you are seeking:	Examples to support those arguments:	Examples of proof you can use to support your arguments:
<i>I have been their primary caregiver.</i>	<ul style="list-style-type: none"> -I quit my job after the birth of our first child and have not resumed working. -Our children have never been in daycare and with babysitters only on rare occasions. -I take children to all commitments (school, doctor, activities) 	<ul style="list-style-type: none"> • Employment records • Tax records • Correspondence between the parties • Witnesses • Doctors reports/records • School records
<i>Our oldest child has special medical needs that I can best manage.</i>	<ul style="list-style-type: none"> -Our oldest son has asthma and severe allergies that require special medications and treatments. I have been trained to manage his illnesses and father has not. 	<ul style="list-style-type: none"> • Prescriptions • Doctors reports/records • Training certification
<i>The other parent works long hours during the week and I don't want our children in daycare.</i>	<ul style="list-style-type: none"> -The other parent is in sales and the position requires travel frequently through the week. He also works long hours and is rarely home before the children's bedtime. 	<ul style="list-style-type: none"> • Employment records • Tax records • Correspondence between parties • Travel receipts

Step 1.4 Issue in Dispute chart: For each issue you wish to pursue, fill out a chart.

Issue in Dispute		
<i>Write the issue here:</i> _____		
What do you need? _____		
Arguments to support what you are seeking:	Examples to support those arguments:	Examples of proof you can use to support your arguments:

Example Two – Divorce issue

Issue in Dispute (Divorce Example)		
<i>I need financial support from my spouse after our divorce.</i>		
What are you seeking: <i>I think I should receive money from her for the rest of my life.</i>		
Arguments to support what you are seeking:	Examples to support those arguments:	Examples of proof you can use to support your arguments:
<i>I supported my spouse when she was earning her advanced degree in school.</i>	<i>-I did not go to school and worked so she could finish her degree and earn an advanced degree. She was supposed to do the same for me but never did.</i>	<ul style="list-style-type: none"> • <i>Employment records</i> • <i>Tax records</i> • <i>School records</i> • <i>Witnesses</i>
<i>I managed all the household responsibilities during our marriage including caring for our children.</i>	<i>-I cared for the children and we both were against daycare. -I managed all of our children's commitments (school, doctor, activities) -I ran the household (cleaning, cooking, shopping, organization) for more than 15 years.</i>	<ul style="list-style-type: none"> • <i>Witnesses</i> • <i>Doctors reports</i> • <i>School records/degrees</i> • <i>Tax records</i>
<i>My spouse earns plenty of money to help support me. I cannot earn as much.</i>	<i>My spouse earns at least \$150,000 per year without commissions (and has the potential for annual commissions too). I applied for more than 10 jobs and found only part time work at just above minimum wage.</i>	<ul style="list-style-type: none"> • <i>Employment records/Pay stubs</i> • <i>Tax records</i> • <i>Correspondence between parties</i> • <i>Copies of job applications/responses</i> • <i>Proof of age</i> • <i>Social Security Statements</i>

Step 1.4 Issue in Dispute chart

Issue in Dispute

Write the issue here: _____

What do you need?

Arguments to support what you are seeking:

Examples to support those arguments:

Examples of proof you can use to support your arguments:

DIVIDER: Calendar/Journal

Keep all on-going documentation in this section including the month at a glance calendar and additional blank paper for the corresponding journal, as described in Step 1.5.

Step 1.5 Calendar Instructions

In the section above, you created a chart for each disputed issue in your case. **Now use the same categories to organize your documentation and evidence.**

September 2016

Sunday	1	Monday	2	Tuesday	3	Wednesday	4	Thursday	5	Friday	6	Saturday	7
	8		9		10		11		12		13		14
	15		16		17		18		19		20		21
	22		23		24		25		26		27		28
	29		30		1		2		3		4		5

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1. Choose a symbol for each issue in dispute.
For example, to document that the other parent consistently denies you access to the children without cause, create a simple symbol for “denied access to children”. Place this symbol in the month-at-a-glance calendar each day the issue occurs.
2. In the same notebook, behind the month-at-a-glance calendar, you will keep a journal. In each journal entry, include:
 - i. the date
 - ii. a brief description of what occurred (facts only)
 - iii. a bulleted list of all the ways you could prove what occurred (ie. phone records, text messages)
3. Print out and preserve all the evidence you reference in the list.
Print paper copies. Social media posts, photos, and text messages can disappear, and phones can stop working. A judge will not want to swipe through files on your phone.
4. Make a section in your binder for each type of evidence. Place the evidence in its section, in date order.
You may need a section for photographs, text messages, documents, court records in your documentation binder.

Now, to see the number of times an issue came up, simply count the number of times the symbol appears in the calendar.

For details about any specific claim, turn to that date in the journal.

For evidence, turn to the section in the notebook (based on the type of evidence) and date to find the particular document, photo, etc., referenced.

This information will help your lawyer to understand your situation and to provide good advice.

Step 1.5 Calendar

DOCUMENTARY CALENDAR FOR THE MONTH OF: _____ YEAR: _____

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
–	–	–	–	–	–	–
–	–	–	–	–	–	–
–	–	–	–	–	–	–
–	–	–	–	–	–	–
–	–	–	–	–	–	–

Symbol:	Represents Issue:

DIVIDER

Place all financial information in this section of your binder. Include:

Financial Information Summary in Step 1.6

Long Financial Statement (if seeking spousal support)

Short Financial Statement (if seeking child support)

Any child support guidelines worksheets

A list of assets and debts (including the Joint Statement of Marital Property)

Step 1.6 Information Forms

NOTE: You need to fill out a Financial Statement now, and keep it with your papers. There are two kinds. If you are seeking alimony, use the "Financial Statement (General)" one (longer). Otherwise, you can use the "Financial Statement (Child Support Guidelines)" one (shorter).

You can pick up a copy of this document at your local circuit court, or print it online from:

<http://www.mdcourts.gov/family/forms/ccdr030.pdf> ("Financial Statement (Child Support Guidelines)")

<http://www.mdcourts.gov/family/forms/ccdr031.pdf> ("Financial Statement (General)")

FINANCIAL INFORMATION SUMMARY

YOUR INCOME			
Current Employer:		Start Date of Employment:	
Current Position:			
Current monthly income:	\$	Highest monthly income:	\$
Overtime income/year (if included as part of income amount above)	\$	Commission income/year (if included as part of income amount above)	\$

YOUR EDUCATION			
Highest level/Degree:		Certifications:	

SPOUSE/OTHER PARENT INCOME			
Current Employer:		Start Date of Employment:	
Current Position:			
Current monthly income:	\$	Highest monthly income:	\$
Overtime income/year (if included as part of income amount above)	\$	Commission income/year (if included as part of income amount above)	\$

SPOUSE/OTHER PARENT EDUCATION			
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Highest level/Degree:		Certifications:	
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Step 1.7 Find a Lawyer

Why work with a lawyer?

- A lawyer can help you understand the strengths and weaknesses of your case.
- A lawyer can help you with a legal strategy to achieve your goals.

There are three common ways to work with a lawyer:

	Legal advice: If you have to, or choose to, represent yourself in court, it is wise to talk to a lawyer to make sure you are on the right track. There are various points in this book where we suggest that you go talk to a lawyer for advice.
	Full representation: This is usually the best option in important domestic cases. If you can afford to pay for full representation, or if you are eligible for free full representation, it can make life a lot easier for you.
	Limited-scope representation: Some lawyers are willing to work with you to share the tasks involved in a domestic case. This will cost less than full representation, and will allow you to get some legal representation instead of none.

Visit www.peoples-law.org/get-help to see the kinds of legal help available, and for tips on how to find it.

Try to find Full representation.

If you cannot find full representation, decide whether you prefer to seek limited scope representation, or to represent yourself with advice.

In any case, when you go see a lawyer, take this book, and be ready to show the lawyer what you have written down.



Now is the time to connect with a lawyer, to make sure you're not forgetting something important, or spending a lot of time going after something you cannot get.

When you talk with the lawyer, make sure you show them Step 3, and talk with them about your concerns. Ask the lawyer to tell you if there are other boxes you should check, or if you should not pursue some of the boxes you checked.

Adjust your Step 3 checklist to include the things you need to pursue.

If the other party has already filed a complaint in court, make sure the lawyer explains to you how to file an answer and a counter-complaint. Be sure you know the deadline for filing those documents, and that you do not miss that deadline.

Step 1.7 Lawyer Consultation Sheet

For each of your "Issues in Dispute" pages, use one of these pages to take notes when you talk with a lawyer.

- The lawyer can help you understand whether the court is likely to agree with you or not.
- The lawyer can help you decide which issues are most significant.
- The lawyer can tell you what information you need to gather to prove your point in each issue.

Lawyer Consultation
Attorney name: _____
Date of visit: _____ Time of meeting start _____ end _____
Issue: (correspond with each Issue in Dispute chart you completed)
Strengths of the case on this issue:
Weaknesses of the case on this issue:
What can be done to improve likelihood of success on this issue?
What is an option to resolve/mitigate (lessen the severity) of this issue if there are serious weaknesses to my case?

DIVIDER

Keep all evidence after this page organized by date and type (ie. a section for photographs; text messages; social media posts; court records; police reports).

SCRIPT FOR ENTERING EMAIL/TEXT/SOCIAL MEDIA POST INTO EVIDENCE

⑥ **MADAM CLERK**, could you please mark this document as EXHIBIT _____.

⑥ **YOUR HONOR**, I wish to identify this document as EXHIBIT _____.

QUESTIONS TO WITNESS (OR YOURSELF IF YOU ARE WITNESS):

⑥ Q: I am showing you what has been marked as exhibit 1, what is this document?

⑥ A: It is an email, text, or Facebook post

⑥ Q: Do you recognize it?

⑥ A: Yes

⑥ Q: How did you obtain it?

⑥ A: I received it from the opposing party [if you received it from the opposing party, it is an admission by that party and is an exception to the hearsay rule].

⑥ A: It is a screen shot from my phone (for text messages)

⑥ Q: When did you receive it the email/take the screen shot?

⑥ A: Give the specific date you received it [make sure that the date is included on the document you are trying to get admitted. For text messages, also make sure it includes the number it was sent from and the number it was sent to. For emails, make sure it includes the address line of who sent it and who it was sent to].

⑥ Q: How did you obtain it?

⑥ A: It was sent to me from an email address or text message number that I know to be the opposing party's email address or phone number. (Make sure that the email has the email address it came from and that it includes the email address to whom it was sent. If it was a text, again make sure the numbers are included to show from whom it was sent and the number it was sent to. It must also include the date it was sent)

⑥ Q: When did you receive it?

⑥ A: [WITNESS MUST PROVIDE DATE].

⑥ Q: Have you made any alterations to the document?

⑥ A: No.

⑥ Q: What is the significance of the document?

⑥ A: [WITNESS MUST EXPLAIN WHAT IT THE EVIDENCE PROEVES FROM YOUR PERSPECTIVE]

⑥ **YOUR HONOR**, I move Exhibit 1 into evidence.

SCRIPT FOR ENTERING EMAIL/TEXT/SOCIAL MEDIA POST INTO EVIDENCE

⑥ **MADAM CLERK**, could you please mark this document as EXHIBIT _____.

⑥ **YOUR HONOR**, I wish to identify this document as EXHIBIT _____.

QUESTIONS TO WITNESS (OR YOURSELF IF YOU ARE WITNESS):

⑥ Q: I am showing you what has been marked as exhibit 1, what is this document?

⑥ A:

⑥ Q: Do you recognize it?

⑥ A:

⑥ Q: How did you obtain it?

⑥ A:

⑥ Q: When did you receive it the email/take the screen shot?

⑥ A:

⑥ Q: How did you obtain it?

⑥ A:

⑥ Q: When did you receive it?

⑥ A:

⑥ Q: Have you made any alterations to the document?

⑥ A:

⑥ Q: What is the significance of the document?

⑥ A:

⑥ **YOUR HONOR**, I move Exhibit 1 into evidence.

Gather your documents into a Personal Case Binder

You will need:

- **A 3-ring notebook** (at least 2" thick)
- Section Dividers (Folders with pockets are best, but colored paper with yellow "post-its" will work as well)
- Notebook paper
- 3-Hole punch

Use the dividers to make the following sections:

Section 1: Clip in your Self Help Workbook

Section 2: Clip in all the Documents that you or another party has filed with the court, as well as any documents you have received from the court. Keep in date order with newest documents at the front.

Section 3: Gather all of your ISSUE IN DISPUTE CHARTS and the related LAWYER ADVICE charts.

Section 4: Clip in a "Month at a glance" calendar with journal entries

Section 5: Gather all your evidence here. Keep evidence organized by type (for example, all emails together) and date. You may have multiple sections if you have multiple types of evidence.

Section 6: Financial information (Financial Statements, Summary of Assets/Debts).

Section 7: Discovery materials (This concept will be explained further if your case progresses to trial).



Self-help/lawyer-assisted Personal Case Binder

Keep your Personal Case Binder up to date, and bring it with you any time you consult a lawyer about your case!