

## **FAMILY LAW PARALEGAL**

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**ALL OF THE BELOW DUTIES ARE ASSUMED TO, AND MUST BE, UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ATTORNEY.**

### **A. DOMESTIC RELATIONS CASES**

1. Screen prospective clients by telephone and/or personal interview.
2. Commencement of Action:
  - a. Initial interview with client to obtain information for pleadings.
  - b. Prepare initial pleadings, including Petition, Summons and Waiver of Service, Affidavit as to Children (if separate from Petition), informational data, and Response.
  - c. Prepare protection order pleadings, if necessary.
  - d. Draft correspondence with clients, courts and attorneys.
  - e. Arrange for service of process.
3. Prepare for Initial Status Conference:
  - a. Process case management order.
  - b. Schedule initial status conference.
  - c. Prepare stipulated case management plan.
4. Temporary Orders:
  - a. Gather facts from client and witnesses via telephone and/or personal interviews.
  - b. Prepare motions for temporary orders or temporary injunctions.
  - c. Notice and set hearings.

d. Prepare and distribute preliminary automatic disclosure documents pursuant to C.R.C.P. 16.2 and follow up on statutory and court deadlines.

e. Assist in settlement negotiations; arrange pre-temporary orders settlement meetings.

f. Draft stipulations for temporary orders after negotiations.

g. Draft subpoenas and arrange for service of process.

h. Attend hearings.

5. Financial Affidavits:

a. Work with clients in gathering and compiling financial information and required disclosure documents pursuant to C.R.C.P. 16.2/

b. Prepare financial affidavits.

c. Analyze income and expense information provided by client.

d. Work with accountants, financial advisors, brokers and other financial experts retained by client.

e. Retain appraisers for real estate, business and personal property.

6. Child Support:

a. Prepare child support worksheets.

b. Prepare child support arrearage calculations.

c. Assist in all phases of income assignments.

d. Work with clients and child support agencies in compiling information for determining child support arrearage.

7. Discovery:

a. Draft discovery requests.

b. Assist clients in gathering documents and data to respond to discovery requests.

c. Prepare responses to discovery requests.

- d. Organize, index and summarize discovered and produced materials.
- e. Prepare for and attend depositions.
- f. Interview witnesses.
- g. Develop and maintain databases for indexing and tracking discovered and produced materials.

8. Settlement Negotiations:

- a. Distribute information regarding mandatory mediation and parenting classes, follow up on compliance, and file proof of compliance with the court.
- b. Assist in scheduling Alternative Dispute Resolution (ADR) sessions (often referred to as mediation) with client and opposing counsel.
- c. Assist in preparing client for ADR.
- d. Draft proposed Parenting Plan for attorney review.
- e. Draft proposed property division spreadsheet.
- f. Communicate settlement proposals and counter offers to client and opposing counsel.
- g. Assist attorney in analysis of proposed settlements.
- h. Research legal questions and assist in drafting correspondence, briefs, and memoranda.
- i. Assist in drafting separation agreement.
- j. Prepare decree, affidavit for decree without appearance of parties and support order.

9. Final Orders:

- a. Notice and set final orders hearings.
- b. Research legal questions and assist in drafting briefs and memoranda.
- c. Prepare trial exhibits and trial notebooks.

- d. Draft subpoenas and arrange for service of process.
- e. Arrange for expert witnesses and assist in preparing witnesses and clients for trial.
- f. Calculate and determine child support obligation.
- g. Draft final Parenting Plan as proposed or stipulated, for attorney review.
- h. Prepare trial management certificate (if your firm is Petitioner's counsel).
- i. Prepare attorney fee affidavit.
- j. Attend final orders hearings and coordinate testimony of witnesses.
- k. Prepare decree, support order and permanent orders.

10. Post Decree:

- a. Draft instruction letter to client requesting information and/or documents required from client to complete dissolution process.
- b. Prepare documents for transfers of assets.
- c. Arrange for filing and recording of transfer documents.
- d. Review bills for tax deductible fees and draft opinion letters to client.
- e. Prepare income assignments, writs of garnishment for support, writs of continuing garnishment, motions for entry of judgment and motions for contempt citations.
- f. Prepare motion (response or reply) for modification of parenting time, parental responsibilities or child support.
- g. Draft pleadings for withdrawal from case.

11. Special Projects:

- a. Develop forms for gathering information from clients.
- b. Maintain files on the following:

- (i) ADR Professionals;
- (ii) Separation Agreement provisions;
- (iii) Current case law;
- (iv) Resource materials for clients; and
- (v) Experts in various fields (*i.e.* parental responsibilities evaluators, child and family investigators, parenting coordinators, decision-makers, business, real estate, household, jewelry, antique, coin, *etc.*, appraisals).

## **B. ADOPTION CASES**

1. Screen prospective clients by telephone and/or personal interview to determine:
  - a. Type of adoption (custodial, kinship or step-parent);
  - b. If Petitioner fulfills requirements for type of adoption in which they are seeking.
2. Commencement of Action:
  - a. Meet with client to obtain information to prepare pleadings.
  - b. Assist in determining whether child is “available for adoption” and if consent can be obtained by biological parent(s).
  - c. Assist with determining whether the provisions of the Indian Child Welfare Act must be consulted and applied.
  - d. Assist with determining whether parental rights need to be terminated.
  - e. Provide information to the prospective adoptive parent(s) concerning the completion of both state and federal fingerprint-based criminal history record checks.
  - f. Determine whether or not the prospective adoptive parent(s) have been convicted of a felony or misdemeanor.
  - g. Confirm that the child is not the subject of a pending dependency and neglect proceeding.
  - h. Prepare initial pleadings as follows:

<b><i>Custodial:</i></b>	<b><i>Kinship:</i></b>	<b><i>Step-Parent:</i></b>
Verified Statement of Fees Charged	Verified Statement of Fees Charged	Verified Statement of Fees Charged
Petition for Custodial Adoption	Petition for Kinship Adoption	Petition for Step-Parent Adoption
Affidavit in Support of Petition for Custodial Adoption	Affidavit in Support of Petition for Kinship Adoption	Affidavit in Support of Petition for Step-Parent Adoption
Summons	Summons	Summons
Affidavit of Service/Waiver of Service	Affidavit of Service/Waiver of Service	Affidavit of Service/Waiver of Service
Motion to Waive Family Assessment/Home Study and Proposed Order	Motion to Waive Family Assessment/Home Study and Proposed Order	
Petition to Terminate Parent - Child Legal Relationship	Petition to Terminate Parent - Child Legal Relationship	Petition to Terminate Parent - Child Legal Relationship
Consent to Adoption – Child Over Twelve Years of Age	Consent to Adoption – Child Over Twelve Years of Age	Consent to Adoption – Child Over Twelve Years of Age
		Consent to Adoption – Custodial Parent
Consent to Adoption – Non-Custodial Parent	Consent to Adoption – Non-Custodial Parent	Consent to Adoption – Non-Custodial Parent
Motion and Affidavit for Publication of Notice and Order for Publication	Motion and Affidavit for Publication of Notice and Order for Publication	Motion and Affidavit for Publication of Notice and Order for Publication
Motion to File with Payment and Supporting Financial Affidavit	Motion to File with Payment and Supporting Financial Affidavit	Motion to File with Payment and Supporting Financial Affidavit

- i. Contact the Court in which the case will be filed to determine the exact pleadings needed for the initial filing and prepare same for filing with Court.
  - j. Arrange for service of process (if necessary).
  - k. Court will set hearing once all paperwork is in order.
  - l. Prepare Notice of Hearing, making sure that ALL interested parties are notified of the date and time of the hearing.
  - m. Prepare Finding of Fact and Decree, Final Decree of Adoption and Report of Adoption. These documents can be filed at the same time as the initial filing or submitted to the clerk the day of the hearing.
3. Final Order Hearing:
- a. Attend hearing.
  - b. Have additional copies of the Finding of Fact and Decree, Final Decree of Adoption (note: 3 copies of the Decree for each child being adopted) and Report of Adoption.
  - c. After the Court executes the Final Decree of Adoption, the court will send the Report of Adoption to Vital Records to obtain the new birth certificate. A \$35.00 check payable to the Bureau of Vital Records should be provided to the court for each birth certificate.

4. Post-Decree:
  - a. The new birth certificate will be sent to the attorney's office.
  - b. Review the certificate to verify its accuracy.
  - c. If there is a mistake, prepare an Amended Report of Adoption, submit to the Court for execution and contact the Department of Public Health for the procedure and fees involved with obtaining an amended birth certificate.

### **C. PATERNITY CASES**

1. Screen prospective clients by telephone and/or personal interviews.
2. Commencement of Action:
  - a. Initial interview with client to obtain information for pleadings.
  - b. Prepare initial pleadings, including petition in paternity, summons and waiver of service, admission of paternity, and response.
  - c. Draft correspondence with clients, courts and attorneys.
  - d. Arrange for service of process.
  - e. Arrange for genetic testing, if necessary.
3. Hearing:
  - a. Notice and set hearing.
  - b. Calculate and determine child support obligation; prepare support order.
  - c. Calculate and determine birthing costs and health insurance obligation.
  - d. Attend hearing.
  - e. Draft order of paternity.

### **D. CHILD LEGAL REPRESENTATIVE (CLR) ACTIONS**

1. Schedule initial meeting for CLR with child and parents/adult for whom CLR appointed.

2. Assist with initial interview with child and/or parents/adult to gather facts of case and review duties as ordered by the court.
3. Draft appropriate information releases for attorney review, and secure execution of releases in order for CLR to speak with and obtain reports from affiliated professionals.
4. Schedule and participate in meetings and/or telephone conferences for CLR to speak with and/or meet with affiliated professionals.
5. Accumulate, organize, index and summarize pertinent documents from schools, medical providers, therapists and other affiliated professionals.
6. Schedule and assist as requested by attorney, with home and school visits with child and parents/adults.
7. Coordinate scheduling of hearings and properly notice same, where appropriate.
8. Assist in coordinating parenting time, parenting time exchanges, nurturing classes, and telephone and/or personal visitations between parties and child.
9. Draft CLR report and file with the court.
10. Draft withdrawal documents upon termination of CLR.