

FAMILY LAW FOR MENTAL HEALTH PROFESSIONALS

- I. LEGAL PROCESS
 - A. Family Court
 - B. Procedural Issues and Administrative Rule 17
 - C. Process (Petition/Answer/Statement of Property/Statement of Income and Expense)

- II. PROPERTY OWNERSHIP
 - A. General Concepts of Property Ownership
 - B. Separate/ Marital Property
 - 1. Definition of Marital Property
 - 2. Exceptions to Marital Property (Separate Property)
 - 3. Source of Funds Doctrine
 - 4. Commingling
 - 5. Debt
 - C. Valuations: Experts
 - D. Division of Property
 - 1. Equitable Distribution
 - 2. Statutory Factors
 - E. Special Issues in Property Division
 - 1. Deferred Compensation Plans: Qualified Domestic Relations Order
 - 2. Real Property
 - 3. Debt
 - a. Indemnification
 - b. Bankruptcy
 - 4. Business Entities
 - 5. Life Insurance
 - F. Types of Documentation

III. CHILD CUSTODY

A. Legal and Physical

1. Joint
2. Sole

B. Custody Plan

C. Factors Which May Not Be Considered as a Matter of Law

IV. CHILD SUPPORT

A. Statutory Factors

B. Child Support Guidelines

C. Health Insurance/Qualified Medical Child Support Orders

D. Child Care

E. Education

F. Life Insurance

G. Assignment of Income

H. Emancipation

V. SPOUSAL MAINTENANCE

A. Statutory Factors

B. Decretal and Contractual

C. Modifiability

D. Health Insurance/COBRA

E. Life Insurance

F. Termination

VI. TAX CONSIDERATIONS

A. Exemptions

B. Tax Treatment of Child Support, Child Care, and Spousal Maintenance

C. Filing Status Issues

D. Property Distribution

1. Tax Basis/Capital Gain
2. Residential Real Estate

VII. DISSOLUTION (Separation Agreement Vs. Memorandum of Understanding)

VIII. POST-DISSOLUTION

A. Continuing Jurisdiction

B. Enforcement

1. Collection

2. Motions for Contempt

3. Liens on Real Property

4. Uniform Acts: UCCJA and URESA

C. Modifications

1. Standard to Apply

2. Procedure

3. Custody

4. Financial

IX. OTHER LEGAL CONSIDERATIONS

A. Paternity Actions

B. Rights of the Unwed

C. Antenuptial and Postnuptial Agreements

X. MISCELLANEOUS FORMS