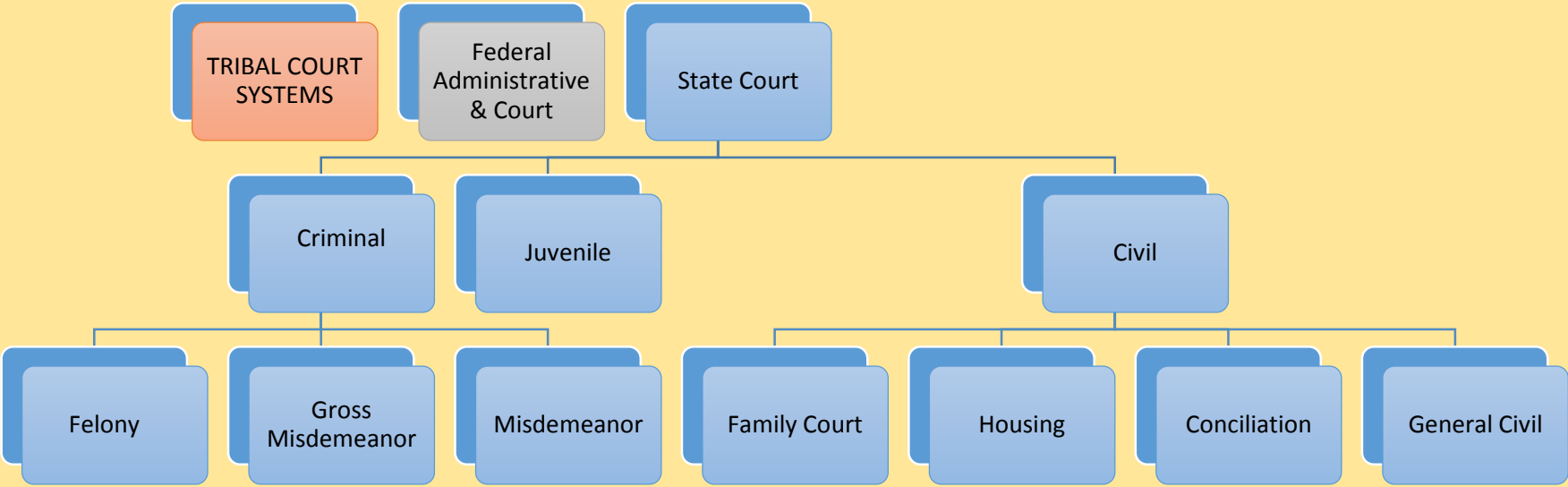


Overview of the Court Systems



Print out the following questions – one question per sheet of paper.

Distribute the questions to participants – one per participant or depending on numbers, one question per group of participants.

1. What court would you go to if you needed child support?
2. What court would you go to if due to multiple police calls, your landlord was evicting you from your apartment?
3. What court would you go to if the police called child protective services because your children witnessed the assault?
4. What court would you go to if you needed financial assistance but you were denied benefits?
5. What court would you go to if your abuser was petitioning for you to gain immigration status and now your abuser has stopped the process?
6. What court would you go to if your teenaged child has been truant from school and you received a notice that the matter was being taken to court?
7. What court would you go to if you were assaulted last night, the police were called and your abuser was arrested?
8. What court would you go to if the police called child protective services because your child was injured during last night's assault and your abuser is a tribal member?
9. What court would you go to if you need to get custody of your children and your children are members of the Red Lake Band but you live in Brooklyn Park?
10. What court would you go to if you need a protective order?

The objective of this exercise is to have participants experience the complexity of the various legal courts and to develop some understanding of what court system is involved with various issues encountered by battered women.

| | CUSTODY | DIVORCE | PATERNITY | OFP |
|---|---|--|--|---|
| Who can file | Parents who are <u>not married</u> to their child's other parent | -Must live in state for 180 day - residency requirement (or 180 days stationed in state as member of armed services) -Either spouse may bring a proceeding | An action to declare existence or nonexistence of paternity may be brought by: child, child's biological mother, man presumed to be the child's biological father If paternity is recognized (there is a valid ROP), the father may pursue custody and parenting time rights in an independent action | Any family or household member, guardian, reputable adult age 25 or older on behalf of minor family or household members |
| Where to file | A petition or motion must be filed in the county where the child is permanently a resident, where the child is found, or where an earlier order for custody of the child has been entered | Bring proceeding in county where either spouse resides, or if neither spouse resides in the state, the county where either party is domiciled or stationed as a member of the armed services | If seeking custody or parenting time (after paternity has been recognized), a petition or motion must be filed in the county where the child is permanently a resident, where the child is found, or where an earlier order for custody of the child has been entered | File in: -county where either party lives (no minimum # of days requirement -county where abuse happened -county where there is a current or completed family court proceeding involving the parties |
| [Some] relevant statutes | § 518.156, .17 | § 518.06-.07, .09, .17 | Parentage Act: §§ 257.51-.74; § 518.156, .17, .175 | § 518B.01 |
| Standard applied re: custody/parenting time issues | Best interests of the child | Best interests of the child | Best interests of the child | Safety of child and petitioner |