

Seventh Judicial Circuit

COPE Too

Orientation for people involved in
cases establishing paternity of
children

COPE Too covers:

- How did this case get started?
- What happens in court?
- What choices do I have?
- Who decides what is best for the child?
- Are there resources available to help me?

Let's Begin...






“Establishing paternity” means to set out the legal rights and responsibilities between a child and both parents. This includes:

- ✓ Decision-making
- ✓ Care-giving (parenting schedule)
- ✓ Financial support
- ✓ Healthcare arrangements

Ways cases get started:



-  A parent hires an attorney to file a case.
-  A parent asks the Family Support Center for help to set child support.
-  The State files a case when a child has received public assistance.

“Parties” in the case

- The person who files the case is called “**Petitioner.**”
- Someone, normally the petitioner, is appointed as the “**next friend**” for the child.
- The person who receives notice of the filing of the case is called “**Respondent.**”

Steps in a Paternity case

- A “**petition**” is filed
- Possible “parent” is notified (service)
- Person notified may file an “**answer**”
- Biological testing may be requested
- A pre-trial hearing is held
- Mediation may be ordered
- Trial and entry of “**judgment**”

Paternity Cases are Confidential

- **Court records are closed**
 - the case file is available only to parties in the case
(Information is not posted on Case.net)
- **Hearings are also closed**
 - only parties may be in the courtroom during hearings on the case (other witnesses are only present while testifying)

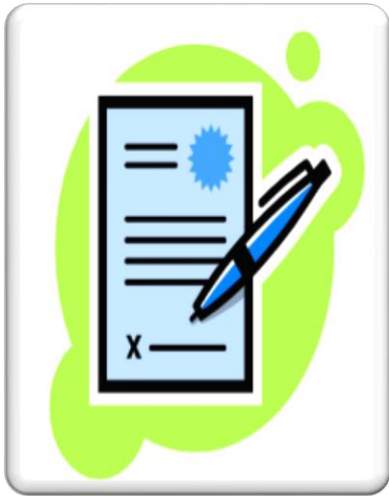


Working out a plan



- Parents are encouraged to have input on the decisions affecting their child
- Mediation is available to help develop a plan to present for the judge's approval at trial
(more on this later)

After the trial...



- A “**judgment**” is signed setting out custody, parenting time and child support for the child
- A new birth certificate will be made showing the names of both parents
- **Withholding** of wages for child support may be ordered

Biological testing

Biological testing determines the probability a child was parented by a person. DNA of the child and both parties is gathered from cells lining the mouth for testing.

A genetic match of 98% or above creates a “presumption” that the person is a parent of the child.

Key Point

Either parent may request biological testing or it may be ordered by the court.

Testing must be requested and performed before the trial. A “judgment” about who the parents are resolves the issue legally, and testing will rarely be ordered after the fact.

What if I am a parent?

- A trial is scheduled
- A person can “admit” to being a parent or the results of the testing are introduced in court
- A “parenting plan” is included in the “judgment” in the case



Types of “custody”

The parenting plan defines legal custody for your child.

- ❖ **Joint legal & physical custody** is the most common. Parents are both involved in decision-making and care giving.
- ❖ **Sole custody** is ordered less frequently. Both parents still have some care giving duties in most cases.

Key Point

A “parenting plan” addresses the following:

- The **decision-making roles** of the parents
- Schedule of time (**access or “visitation”**) between child and parents
- Financial **support** of the child’s needs
- Health insurance & healthcare costs
- A plan to resolve disputes when parents cannot agree on parenting issues

How is the Parenting Plan Created?

- Parents can agree on a plan or parts of a plan between themselves or through **mediation**
- When parents cannot reach agreement the plan is decided by a **judge**



Key Point

Parents who have not agreed on a “parenting plan” by the pre-trial hearing may be referred to mediation.

Mediation helps parents:

- Get involved in making decisions about what is best for the child
- Focus on the needs of the child
- Develop a workable parenting plan

Key Point

When a judge has to make the decision on custody the following factors are considered:

- Proposed plans submitted by parents
- Ability of parents to take care of child's needs
- Dealings with parents, siblings and other family
- Likelihood a parent will support frequent, continuing and meaningful contact between child and the other parent

Key Point

More factors the judge considers:

- Child's adjustment at home, school and in community
- Mental and physical health of parents, child
- Any intention to relocate the child
- Wishes of the child

(When appropriate given the age of the child. The court avoids putting children on the spot to choose between parents)

Key Point



- The parenting time schedule ordered by the court is the minimum amount of time necessary to maintain frequent, continuing and meaningful contact between the child and a parent. It is the “default” plan when parents do not agree on time the child spends with a parent.

Key Point

- Parents may agree to more or different parenting time (“visitation”) as long as they both agree to it.
- “Visitation” is the right of the child to spend time with each parent. A child should not be kept from a parent or used for “leverage” when parents are having disagreements about payment of child support or disputes that are not about the child.

Key Point

Parenting time (access or visitation) between the child and each parent is **ordered for all types of custody** unless the court finds that:

-  A parent is abusive or neglectful of the child's needs so that unsupervised visitation is not in the child's best interest
-  A parent or person in the household has been convicted of certain sex offenses.

Key Point

Missouri law requires parents to provide each other with current information about:

- The **parent's address** and phone numbers
- Child care arrangements for the child
- Where child goes to **school** & progress in school
- Child's schedule and **activities**
- Information about the child's health, treatment and **healthcare providers**

Key Point

Missouri law requires that a parent give the other parent notice in advance of any change in residence (“**Relocation**”)

Relocating the child is only permitted if:

1. the parents agree on the relocation
2. the court permits it after a hearing

Key Point

Plan for “Child-friendly” Exchanges

Your child will appreciate traveling between parents' homes in a way that avoids stress and parental conflict. Here's some tips:

- ✓ Keep it **low-key, courteous and businesslike**
- ✓ Know the schedule – keep a calendar
- ✓ Be ready on time – delays are hard on everyone
- ✓ Think ahead – plan in advance (not at the front door)

Unhealthy Way of Relating - Negative Intimacy

Some parents choose to stay connected in an unhealthy way through:

- ☹ Button pushing
- ☹ Fault finding
- ☹ Name calling
- ☹ Blaming

- Negative Intimacy is emotionally and financially draining.
- Research shows that negative intimacy has a profound negative effect on children.
- What can you do to improve the situation?

Healthy Way of Relating – “Business-Like” Relationship

- Smart parents choose to emotionally separate and think of each other as business partners.
- The mission of the business is to raise healthy children.
- One wouldn't take their business partner roses or cuss them out when things didn't go well. Same thing when working with the other parent.

A business-like relationship consists of:

- 😊 Courtesy
- 😊 Boundaries
- 😊 Formality
- 😊 Less intensity

***Treat the co-parent how you want to be treated.**

Parenting Differences enrich Child-development

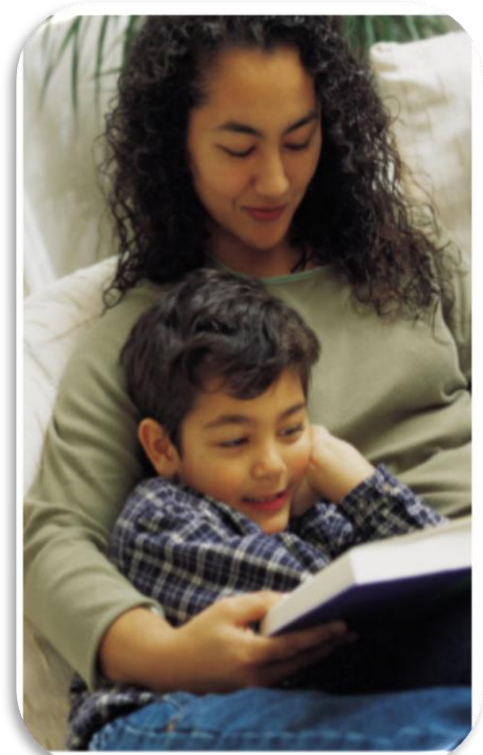
“Mom is great at comforting me when I’m hurt.”

“Dad helps me get right back in the game.”

All parents want their kids to have a sense of accomplishment and good self-esteem...however, they may use different tactics.

Dads are not substitute moms and vice versa!

Source: Partnership Parenting,
Kyle Pruett & Marsha Kline Pruett



Healthy Two-Parent Involvement leads your child to...

- Increased school success
- Less likelihood of juvenile justice issues in adolescence
- Later age of sexual exploration (fewer teen pregnancies)
- Emotional maturity – healthy future relationships
- Less aggression and better ability to talk things out



Child Support payments

can be ordered for:

- current support of child
- past support of child
- State recovery of benefits paid for child

Support continues to age 18 and may continue to age 21 if the child is in training school or college.

Key Point

The judge uses Child Support **Form 14** to set child support.

The income of both parents is used to calculate the amount of basic support. Other expenses for the child, like childcare and health insurance, are figured in to arrive at the total amount.

Missouri Family Support Payment Center

Payment can be made by:

- Direct payment – check or credit card
- Wage withholding by employer
- Automatic bank withdrawal

Payments are forwarded by

- Direct deposit to a bank account
- SecuritE Card (debit mastercard)

Key Point

“**Modification**” of Parenting Plan orders

- Parents can agree (“stipulate”) to changes and seek approval of the court any time.
- If parents cannot agree, court action is required:
 - Access/visitation schedule can be reviewed any time. Family Support Center will re-evaluate support once every 3 years on request
 - Custody/primary residence – courts usually will not review until at least one year has passed

Working out future changes



- Parents are eligible for free mediation for future changes or disagreements through the MARCH Mediation Program. Call 800-595-9750.

Instructions

- Congratulations – you have finished viewing the COPE Too orientation program
- You need to answer the 10 survey questions to complete the program. You must answer 60% correctly to pass.
- The court will be notified that you completed the program

