

Legal Help 101

**Free or Low-Cost Legal Representation & Consultation Services in Santa Clara County
For Family Law Cases** (divorce/ legal separation, custody/visitation, domestic violence)

FREE LEGAL SERVICES

Lawyers in the Library

Free basic legal consultation is available on Monday evenings, from 6 – 8 p.m. at these locations:

- Dr. Martin Luther King, Jr. Library (San Jose). Call 408-808-2355 for an appointment.
- Fenwick and West Building (Mountain View). Call the Pro Bono Project at (408) 998-5298 ext. 311 to schedule an appointment.

Bilingual Family Law Clinic (Spanish/English)

Speak face-to-face with J. Hector Moreno, an attorney knowledgeable of both criminal and civil law (domestic violence, custody/visitation, family support, divorce). First Saturday of the month 8 a.m.-12 p.m. at the Home Church, 1711 South Winchester Blvd. in Campbell. Bring all court papers with you for free legal advice.

The Pro Bono Project of Santa Clara County

website: www.probonoproject.org

The Pro Bono Project offers a Family Law Clinic, as well as high-quality representation in family law cases by volunteer attorneys. The Pro Bono Project can be reached at 998-5298. For help with Divorce, Paternity, & Domestic Violence, fill out their online form (under “family law services”) to have them contact you directly.

Legal Aid Society of Santa Clara County

website: www.legalaidsociety.org

Legal Aid Society handles family law cases, such as divorce, custody/visitation, domestic violence for very low-income clients (\$10.00 an hour or less, or recipients of Cal Works, SSI benefits, Food Stamps). Bring documents to show your income (W-2 Forms, Tax Returns, pay stubs), and the address of the other party. Call (408) 998-5200 for an intake interview.

LOW-COST LEGAL SERVICES

Lawyer Referral and Information Service

A program of the Santa Clara County Bar Association, this is one of the few lawyer referral services where the attorneys must meet certain minimum qualifications. These attorneys are screened for experience and disciplinary action, are located throughout Santa Clara County (from Palo Alto to Gilroy), and you can request an attorney who speaks your language. Contact the Lawyer Referral Service at (408) 971-6822 to schedule a free 30 minute consultation appointment with an attorney (usually within 24 to 48 hours).

- Administrative fee of \$38 paid to the Lawyer Referral Service
- Phone consultations available

But I Can't Afford an Attorney!

Join the club! There is a Modest Means Panel—another program of the Santa Clara County Bar Association.

- Attorneys charge a reduced fee (not free)
- Clients must financially qualify (low to moderate income)
- Attorneys available in many practice areas
- For eligibility, please contact the Lawyer Referral Service at (408) 971-6822.

Where can I get legal forms to file with the court?

To obtain free court forms online, go to: <http://www.courtinfo.ca.gov/selfhelp>. Good news--You can even fill them out online so the information is typed and ready to file with the court once you've printed them.

How do I know what forms to get or how to fill them out correctly?

Family Law Facilitator & Self Service Center Offices

website: www.scselselfservice.org

Mon. - Thurs. 8:30 am - 4:00 pm; closed 12:30 - 1:30. Located in the courthouse at 99 Notre Dame Ave. in San Jose (between St. John & Santa Clara Streets). **There is a lawyer on-site. The lawyer is there to help you learn about your legal rights and responsibilities, but they cannot give legal advice or tell you the best way to deal with your case.** They can only give you information, help with forms, and provide options. If you already have a Court case, bring copies of all papers in your Court file. **No appointment is necessary: You'll get a number when you arrive. Get there early-- before the courthouse opens, if possible. The line is long, so bring a good book or something to occupy your time.** People are helped on a first come, first served basis.

What do I do with my children when I go to court (or get help with my forms)?

There is free childcare for kids from 2-12 years old at the Children's Waiting Room at the Notre Dame Courthouse only (**no other courthouse offers this service**). It is open Monday – Friday from 8:00 to 5:00 (except court holidays), and has snacks and activities for your children. **You should make an appointment in advance (408) 882-2900. If you come without an appointment, they might not be able to help you. Come early**—there are forms fill out before you can drop your children off.

How do I file for a restraining order?

The Restraining Order Help Center

website: www.scselselfservice.org/ro/roh

The Restraining Order Help Center is located at in the basement of the Family Court at Park Center Plaza (downtown San Jose). Open Monday thru Friday 8:30 - 12:30 and 1:30 - 4:00, but not on court holidays. The staff there will talk to you about your problem and give you the forms and sample books for your specific situation. **It does not cost anything to talk to the staff at the Restraining Order Help Center, and the forms and other handouts are free.** Only the victim of violence/threats/harassment can apply for a restraining order. Someone who has been told about the situation cannot sign the forms for them, but may assist them in filling them out if necessary. Minors age 12 or older can also ask for a restraining order. **Please do NOT bring your children. The paperwork can take a long time to complete.** After the forms are completed, you can expect to have your restraining order signed by a judge (usually in about a 24-hours).

Where do I file forms for family law cases (custody/visitation, divorce, domestic violence)—and how much will it cost?

Forms must be filed with the clerk of the Superior Court. The Clerk's Office is located on the lower level in the Family Court Building at 170 Park Center Plaza in downtown San Jose (between Alameda & Market Streets). The clerk's office is open from Mon. - Thurs. 8:30 am - 4:00 pm; closed for lunch from 12:30 - 1:30. **It would be wise to first have the Document Examiner review your papers before they are filed.**

Domestic Violence (restraining order) filings are free. There is a fee for filings for divorce, legal separation, and custody/support/visitation, however. If your income is low, you can apply to not pay ("waive") the fee. To show the court what your income is, you should bring your *three most recent pay stubs* or other proof of income. Civil Harassment filings are free if there has been violence; if there hasn't, you can apply for a fee waiver.

After your forms are filed, you must provide a copy of the forms to the other party (called "service" of legal papers). **Some forms can be mailed; others must be delivered in person.** In most cases, you'll need to have someone else—not you!—serve the papers. The person doing the serving must be over the age of 18, and not be a party to the case. After the other party is served, you'll need to file a "proof of service" form with the clerk.