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NATIONAL CLEARINGHOUSE OF REHABILITATION TRAINING MATERIALS, JULY 29, 2013.

INTERPRETING IN FAMILY COURT, JULY 29, 2013.

>> WELCOME TO TONIGHT'S WEBINAR ON "INTERPRETING IN FAMILY COURT." OUR PRESENTER IS CARLA MATHERS.

MY NAME IS CARRIE WHITE AND I AM THE MARIE CENTER COORDINATOR AND I HAVE A FEW THINGS THAT I NEED TO TALK WITH YOU BEFORE WE BEGIN.

CAPTIONING AND INTERPRETERS ARE PROVIDED.

THE STREAMING WINDOW OPENS AUTOMATICALLY.

THERE IS A TAB FOR THE AUDIO AND VIDEO ON THE FAR RIGHT.

CLICK ON THE BOTTOM CORNER AND THE MENU WILL DROP DOWN.

CLICK "DETACH PANEL." AND YOU CAN RESIZE THE VIDEO BOX.

TO OPEN THE CAPTIONING, CLICK ON THE CAPTIONING ICON ON THE TOOL BAR.

WINDOWS CAN BE CLOSED OR SIZED TO CREATE YOUR PERSONAL VIEWING ENVIRONMENT.

THE CHAT WINDOW CAN BE MADE BIGGER BY PULLING IT OUT.

CLICK ON THE ICON BOX IN THE UPPER RIGHT CORNER OF THE CHAT BOX.

TO ACCESS THE MENU AND TO MAKE THE CHAT FONT BIGGER.

IF YOU HAVE TECHNICAL ISSUES, USE THE CHAT FUNCTION AND A MEMBER OF THE CLEARINGHOUSE STAFF WILL AID YOU.

QUESTIONS FOR THE PRESENTER WILL BE IN THE CHAT FUNCTION.

PLEASE WRITE DOWN YOUR QUESTIONS, AND THEN WAIT FOR CARLA TO ASK FOR THE QUESTIONS, THEN TYPE THEM INTO THE CHAT BOX.

AT THE END OF THE WEBINAR WHEN YOU CLOSE OUT, A SURVEY WILL POPULATE.

PLEASE FILL OUT THE SURVEY, ABOUT YOUR EXPERIENCE, AND ALSO AT THAT TIME YOUR CEU INFORMATION WILL BE GATHERED.

I WILL TALK MORE ABOUT CEUS AT THE END, AND FOR RIGHT NOW I WOULD LIKE TO TURN IT OVER TO CARLA.

>> THANKS.

THANKS SO MUCH AND WELCOME BACK EVERYONE.

THIS IS THE THIRD IN OUR SERIES OF LEGAL INTERPRETING WEBINARS ENTITLED "INTERPRETING IN FAMILY COURT." AND SO FIRST I WOULD LIKE TO THANK CARRIE AND THE MARIE CENTER AND OUR TECHIE, WHO IS BUSY HOPEFULLY HELPING ALL OF YOU WHO ARE STILL STRUGGLING.

AND THE CENTER DIRECTOR THANK YOU FOR ALL YOUR SUPPORT IN ALL FIVE OF THESE SEMINARS.

IF THIS IS THE FIRST ONE FOR YOU, THIS WILL NOT BE REPETITIVE.

I NEED TO APOLOGIZE TO MY DEAF COLLEAGUES BECAUSE THE TRADITION IN COURT INTERPRETING IS TO PRESENT IN OUR SHARED LANGUAGE, A LANGUAGE WE ALL HAVE ACCESS TO, BUT DUE TO THE TECHNOLOGY CURRENTLY AVAILABLE, THE SAFEST WAY TO ENSURE ALL OF THE CONTENT IS ACCESSIBLE IS TO HAVE INTERPRETERS AND CAPTIONING.

THERE ARE ONLY 356 OF YOU REGISTERED.

I DON'T KNOW IF EVERYONE WILL ACTUALLY COME, BUT I HAVE TO SAY THAT IS A PRETTY AMAZING NUMBER WHO ARE TAKING ADVANTAGE OF THIS RESOURCE.

ANOTHER JUST SIDE NOTE, IF YOU CANNOT GET IN OR ARE HAVING DIFFICULTY GETTING IN, JUST GOOGLE "NCRMT." THE NATIONAL CLEARINGHOUSE OF REHABILITATION TRAINING MATERIALS. A NUMBER OF PEOPLE HAVE EMAILED ME AND I'M NOT CHECKING EMAILS FOR THE NEXT 90 MINUTES.

OTHER THAN CRIMINAL AND TRAFFIC COURT, FAMILY LAW IS WHERE WE ARE MOST OF THE TIME.

AND NOT ONLY ARE WE THERE, IT'S VERY HIGH-STAKES INTERPRETING. SO I'M REALLY THRILLED THAT SO MANY PEOPLE HAVE DECIDED TO TAKE ADVANTAGE OF THE TRAINING AND INDICATE THAT THERE IS A HUGE NEED FOR IT.

WE'RE GOING TO DO OUR BEST AND IT MIGHT SOUND SOMETIMES LIKE A LITTLE BIT LIKE A LAW SCHOOL CLASS FOR THE LAWYERS WHO ARE ON THE LIST, YOU PROBABLY WANT TO TUNE OUT.

BUT IT'S BECAUSE THERE IS A LOT OF DEFINITIONS THAT WILL GO THROUGH PROCEDURES AND TERMINOLOGY AND VOCABULARY THAT ARE SPECIFIC, SOMETIMES JUST TO STATE THAT I AM LICENSED TO PRACTICE LAW WITH THE CONTEXT GENERALLY WILL APPLY WHERE YOU ARE, BUT JUST USING DIFFERENT TERMINOLOGY FOR THEM. SO WE'LL GO THROUGH THESE SEPARATE DOMAINS.

WE'LL TALK ABOUT SOME OF THE MAJOR ISSUES THAT YOU WILL FACE IN A FAMILY LAW MATTER, INCLUDING SEPARATION AND DIVORCE, PROPERTY, WHICH TYPICALLY MEANS "MONEY," BUT THERE ARE DIFFERENT TYPES OF PROPERTY ISSUES.

WE'LL TALK ABOUT THE MOST COMMON CHILD CUSTODY AND VISITATION ISSUES AND EXPLAIN WHAT THOSE ARE, INCLUDING CHILD SUPPORT.

WE'LL BRIEFLY TOUCH ON SOME DOMESTIC VIOLENCE MATTERS THAT ARE HEARD IN FAMILY COURT.

AND THEN CLOSE OUT -- WE'RE NOT GOING TO GO INTO THAT MUCH FURTHER BECAUSE THE NEXT SESSION IS DEVOTED ENTIRELY TO "DOMESTIC VIOLENCE" AND INTERPRETING IN THOSE SETTINGS AND TOUCH ON THE ABUSE AND NEGLECT SYSTEMS.

WE'LL ALSO THROUGHOUT, WE'LL TALK ABOUT INTERPRETING ISSUES THAT COME UP, AND THE CHALLENGES THAT WE FACE, AND DIFFERENT ASPECTS ON INTERPRETING IN THESE TYPES OF MATTERS, ANY IMPLICATIONS. SO AS AN OVERVIEW, GENERALLY WE WILL INTERPRET IN FAMILY LAW IS THE SAME FOR ANY OTHER SETTING, ALTHOUGH BECAUSE PREPARATIONS FOR A DOMESTIC TRIAL IS EXTENSIVE, TO INTERPRET THAT PREPARATION, AS WELL AS TO BE PRESENT TO MONITOR THE COURT INTERPRETERS.

FAMILY LAW INTERPRETING HAPPENS IN A VARIETY OF SETTINGS, INCLUDING IN ACTUAL COURTS.

AS I MENTIONED MUCH OF IT HAPPENS IN THE LAW OFFICE.

YOU MIGHT INTERPRET A DEPOSITION.

YOU MIGHT INTERPRET A MEDIATION AS A PART OF A FAMILY LAW MATTER.

YOU MIGHT INTERPRET A SUPERVISED VISITATION FOR DEAF PARENTS OR DEAF CHILDREN AND THEIR PARENTS WHO VISIT EACH OTHER.

THERE IS A GREAT DEAL OF SIGHT TRANSLATION, IN ADDITION TO REGULAR CONSECUTIVE AND SIMULTANEOUS INTERPRETING, SIGHT TRANSLATION IS AN IMPORTANT PART OF OUR JOB.

AND THE CONFLICTS, THE CONFLICTS THAT EXIST FOR LEGAL INTERPRETERS IN FAMILY LAW SETTINGS CAN BE EXTENSIVE.

BECAUSE THERE IS SO MUCH PREPARATION INVOLVED IN THE TYPICAL LITIGATED MATTER ANYWAY.

THE INTERPRETER WHO WORKS ANY OF THAT THEN CANNOT WORK IN THE PROCEEDINGS EXCEPT AS A TABLE INTERPRETER. SO IF YOU HAVE MULTIPLE DEAF PARTIES, AND YOU HAVE POTENTIALLY CHILDREN OR DEAF CHILDREN, WHO HAVE THEIR OWN ATTORNEYS, THEN IT'S VERY QUICK THAT YOU CAN GET CONFLICTED OUT IF YOU ARE NOT REALLY CAREFUL ABOUT ALLOCATING INTERPRETER RESOURCES. SO THAT YOU KEEP THOSE LINES CLEAN AND THAT YOU SAVE A COUPLE OF INTERPRETERS FOR THE COURT WORK.

AND I KNOW THAT IS DIFFICULTY TO DO IN AREAS WHERE THERE ISN'T A WHOLE LOT OF INTERPRETERS. SO JUST TO KEEP IN MIND, IT'S VERY EASY TO GET CONFLICTED OUT.

THERE ARE A LOT OF GOOD RESOURCES WE'LL MENTION AS WE GO THROUGH, BUT THERE ARE RESOURCES FOR LEARNING FAMILY LAW, AND YOU NEED TO LOOK AT YOUR STATE COURT INTERPRETING SITE.

BECAUSE THEY WILL HAVE INFORMATION FOR PRO SE LITIGANTS THAT IS GOOD INFORMATION FOR COURT INTERPRETERS TO USE BECAUSE IT'S TELLING PEOPLE NOT REPRESENTED BY COUNSEL WHAT THEY NEED TO DO TO GET A DIVORCE OR TO FILE A MOTION FOR CUSTODY. SO IT'S A GOOD PLACE FOR YOU TO GO,, AS WELL AS YOU CAN ALSO TRY THE AMERICAN BAR ASSOCIATION HAS A FAMILY LAW SECTION.

AND I TRIED TO USE A GOOD DEAL OF THEIR INFORMATION, BECAUSE THE PROBLEM WITH FAMILY LAW IS THAT FOR THE MOST PART IT'S GOING TO BE STATE LAW AND THERE ARE 50 DIFFERENT STATES. SO THERE ARE 50 DIFFERENT STATUTORY SCHEMES THAT SET UP HOW YOUR INDIVIDUAL STATE IS GOING TO HANDLE FAMILY LAW MATTERS.

AND I AM ONLY LICENSED IN TWO OF THOSE STATES SO I ACCEPTED A HUGE CAVEAT OUT AHEAD OF TIME THAT THIS WHOLE PREPARATION IS NOT TO BE CONSIDERED LEGALLY BINDING FIRST OF ALL AND I WILL TRY TO POINT OUT WHEN I AM TALKING SPECIFICALLY ABOUT MARYLAND AND THE DISTRICT OF COLUMBIA, WHERE I AM LICENSED.

BUT IN GENERAL YOU REALLY NEED TO LOOK AT YOUR SPECIFIC STATE, THEIR COURT WEBSITE OR EVEN JUST A DOMESTIC LAW SEARCH ON GOOGLE, YOU WILL GET A GOOD DEAL OF INFORMATION. SO WE'RE GOING TO START WITH SOME OF THE MAJOR ISSUES THAT YOU CAN ANTICIPATE YOU WILL BE FACED WITH IN INTERPRETING FAMILY LAW MATTERS.

AS WE HAVE DONE ALL ALONG, I WILL STOP AT TIMES AND TAKE QUESTIONS AFTER WE GET THROUGH A SPECIFIC CHUNK OF INFORMATION. SO SOME OF THIS IS GOING TO SOUND LIKE, I SAID, A DICTIONARY CLASS.

I'M GOING TO DO A LOT OF DEFINING OF TERMS, BECAUSE REGARDLESS OF WHAT IT MAY BE CALLED IN YOUR STATE, THE CONCEPTS ARE STILL PROBABLY GOING TO BE PRESENT. SO IN ORDER TO FILE ANY KIND OF DIVORCE, YOU HAVE TO HAVE "GROUNDS." AND "GROUNDS" MUST BE UNDERSTOOD.

GROUNDS ARE NOT SOMETHING YOU SLEEP ON WHEN YOU CAMP.

"GROUNDS" ARE THE LEGAL REASON THAT THE LEGISLATURE PERMITS YOU TO FILE OR TO SEEK A DIVORCE FROM THE COURT. YOU CAN'T JUST GET A DIVORCE IN MOST PLACE BECAUSE YOU WANT ONE.

YOU HAVE TO FIT INTO ONE OF THESE SPECIFIC AREAS OR "GROUNDS." AND WHEN YOU HAVE GROUNDS, AND YOU QUALIFY FOR ALL OF THE OTHER QUESTIONS OF YOUR PARTICULAR STATE

STATUTE, THEN YOU HAVE "STANDING" TO FILE A DIVORCE. SO "GROUNDS" ARE JUST A LEGAL REASON.

SOMETIMES THOSE GROUNDS INVOLVE THE SEPARATED PERIOD OF TIME BEFORE THE COURT WILL GRANT YOU A DIVORCE.

AND GENERALLY IN MOST PLACES THERE IS SOME PROVISION FOR THIS SEPARATION AND PERIOD OF TIME, BUT IF YOU ARE SEPARATED, YOU MAY HAVE INTERIM ISSUES THAT YOU CAN'T AGREE UPON AMONG THE PARTIES.

AND SO YOU ASK THE COURT TO HELP YOU WITH THIS TEMPORARY SUPPORT, TEMPORARY ITEM. SO FOR EXAMPLE, YOU PHYSICALLY SEPARATE AND ONE PARTY GOES TO THE COURT AND ASKS FOR TEMPORARY CHILD SUPPORT.

THAT IS CALLED "A LIMITED DIVORCE." DURING THAT PERIOD OF SEPARATION WHEN YOU HAVE GONE TO THE COURT AND YOU ASKED THE COURT TO DECIDE CERTAIN INTERIM ISSUES IS WHAT WE IN MARYLAND AT LEAST CALL A "LIMITED DIVORCE." THEN YOU GET WHAT ASSISTANCE YOU NEED FROM THE COURT AND THEN WHEN YOUR PERIOD OF TIME HAS BEEN SEPARATED LONG ENOUGH UNDER YOUR STATUTE TO GET A FINAL DIVORCE, YOU COME BACK IN AND THAT IS WHEN YOU GET YOUR FINAL DIVORCE AND THAT PERIOD OF TIME IS CALLED "PENDENTE LITE," A LATIN TERM THAT MEANS "PENDING." WHEN YOU ARE WAITING FOR YOUR GROUNDS, WHEN YOU HAVE QUALIFIED BY BEING SEPARATED LONG ENOUGH TO GET A DIVORCE.

THEN YOUR GROUNDS -- AND YOU ARE QUALIFIED TO GET A FULL DIVORCE. SO DURING THAT INTERIM TIME YOU MIGHT HERE OR INTERPRET MOTIONS FOR TEMPORARY MAINTENANCE.

AND THAT IS A TERM THAT MEANS "TEMPORARY FINANCIAL SUPPORT." IT MIGHT BE FOR CHILD SUPPORT.

IT MIGHT BE FOR SPOUSAL SUPPORT, BUT IT'S TEMPORARY UNTIL THE GROUNDS -- ONE MIGHT BE ASKING FOR CHILD SUPPORT, FOR ATTORNEY FEES, COSTS, EXPERT WITNESS FEES, CUSTODY/VISITATION, MODIFICATION OF PRIOR TEMPORARY ORDERS OR REQUESTS FOR EXCLUSIVE POSSESSION.

AND "EXCLUSIVE POSSESSION" RELATES TO THE HOME OR THE FAMILY APARTMENT OR CONDO OR WHEREVER YOU LIVE.

ONE PERSON IS GOING IN AND ASKING THE COURT TO GIVE THEM THE RIGHT TO LIVE THERE.

THOSE ARE THE KIND OF PENDENTE LITE MOTIONS YOU MIGHT HEAR. SO IN MARYLAND WE HAVE BY STATUTE WE HAVE GOT GROUNDS FOR THIS LIMITED DIVORCE.

AND THOSE INCLUDE -- WE HAVE FOUR -- AND IT'S PROBABLY FAIRLY GENERAL THAT THESE OR MORE WOULD BE IN YOUR STATE AS WELL.

YOU CAN ASK FOR A GROUNDS -- YOU CAN ASK FOR A LIMITED DIVORCE BASED ON CRUELTY OF TREATMENT.

EXCESSIVELY VICIOUS CONDUCT, WHICH ARE TWO RELATIVELY NEW GROUNDS THAT WERE ADDED WHEN THE EMPHASIS ON DOMESTIC VIOLENCE BECAME TO PREVALENT.

ANOTHER GROUND IN MARYLAND IS "DESERTION." AND VOLUNTARY SEPARATION.

IF A CERTAIN -- IF CERTAIN ELEMENTS ARE PRESENT.

YOU HAVE TO PROVE THAT THE PARTIES LIVE SEPARATE AND APART, WITHOUT COHABITATION.

AND THAT THERE IS NO REASONABLE EXPECTATION OF RECONCILIATION.

THAT IS WHAT IT TAKES TO GET A LIMITED DIVORCE.

AND THEN YOU WAIT OUT THE GROUNDS AND YOU COME BACK AND GET A FINAL DIVORCE.

PEOPLE OFTEN THINK THAT IF THEY HAVE A SEPARATION AGREEMENT AND THEY GET IT SIGNED, THAT THAT IS THE SAME THING AS A "LEGAL SEPARATION." AND IT'S NOT.

CERTAINLY AT LEAST NOT IN MARYLAND. A "LEGAL SEPARATION" IS A LIMITED DIVORCE, WHEN YOU HAVE GONE IN AND GOTTEN THE COURT TO ISSUE AN ORDER DECIDING ON THESE PARTICULAR THINGS THAT YOU HAVE ASKED FOR IN THE FAMILY COURT.

SEPARATION AGREEMENT IS JUST A CONTRACT BETWEEN SPOUSES, THAT SETS FORTH THEIR AGREEMENTS WITH RESPECT TO ANY OF THE ISSUES INVOLVED IN THEIR CASE. SO THEY MAY AGREE ON WHO GETS TO LIVE IN THE MARITAL HOME.

THEY MAY AGREE ON CUSTODY.

THEY MAY AGREE ON CHILD SUPPORT. THOSE KIND OF ISSUES ARE SPELLED OUT IN THE DOCUMENT AND THEY VERY, VERY USEFUL IN FAMILY LAW CASES.

BECAUSE COURTS REALLY PREFER THAT PEOPLE HANDLE THEIR BUSINESS IN PRIVATE.

THEY DON'T REALLY WANT TO DECIDE A VISITATION SCHEDULE FOR THE FAMILY.

THEY WOULD PREFER THAT PEOPLE WHO ARE ADULTS ABOUT IT ENOUGH, SO THAT THEY CAN MAKE THESE AGREEMENTS THEMSELVES.

AND THE COURTS DO LIKE IF PEOPLE MAKE THE AGREEMENTS THEMSELVES, THAT THEY ARE MORE INVESTED IN MAKING SURE THAT THEY ARE ABIDING BY THE AGREEMENT. SO SOME OF THE INTERPRETING ISSUES THAT MAY COME UP IN THIS TYPE OF MATTER IS PRIMARILY SIGHT TRANSLATION. YOU MIGHT HAVE TO DO A SIGHT TRANSLATION OF A SEPARATION AGREEMENT.

AND OF COURSE, YOU WOULD WANT TO DO THAT WITH ATTORNEY PRESENT, ANSWERING QUESTIONS.

IF THE PARTIES DO HAVE A SEPARATION AGREEMENT IN PLACE, IT'S MUCH MORE LIKELY THAT THE AMOUNT OF TIME NEEDED FROM THE INTERPRETERS IN COURT IS LESS.

IN CASES MORE STREAMLINED, IF PARTIES HAVE DECIDED SOME OR ALL OF THE ISSUES THEMSELVES.

AND SO THE COURT WILL ONLY BE ASKED TO DECIDE ON A LIMITED NUMBER OF MATTERS BETWEEN EACH SIDE ONLY HAS TO PROVE A LIMITED NUMBER OF MATTERS AND THAT CUTS DOWNTIME THAT YOU ARE USING THE INTERPRETING. SO YOU NEED TO ASK THE ATTORNEY DURING PREPARATION, DO THE PARTIES HAVE AN AGREEMENT?

SOMETIMES -- OR ARE THERE ANY ISSUES THAT THE COURT IS GOING TO BE ASKED TO RESOLVE?

SOMETIMES IF THEY DO HAVE AN AGREEMENT ON ALL OF THE OUTSTANDING ISSUES, THEN EVEN THOUGH THE DOCKET SAYS YOU ARE THERE FOR A TRIAL, YOU ARE REALLY NOT.

IT'S CALLED "A CONSENT AGREEMENT." AND THEY ARE JUST GOING TO GO IN AND PUT IT ON THE RECORD BY READING IT AND THEN THE COURTS IS GENERALLY GOING TO ACCEPT IT AS LONG AS THE ISSUES WITH RESPECT TO THE CHILDREN AND CUSTODY ARE FAIR AND REASONABLE. SO EVEN THOUGH THE COURT CLERK SAYS IT'S A "TRIAL," I CAN FIND OUT WHETHER THERE IS A CONSENT AGREEMENT AND IT'S JUST GOING TO BE PUT ON THE RECORD, THEN I CAN STAFF THE CASE MORE EFFICIENTLY BY ASSIGNING ONE INTERPRETER TO IT.

BECAUSE IF THEY ARE JUST GOING TO GO IN AND READ A 5-PAGE DOCUMENT YOU DON'T NEED FIVE INTERPRETERS THERE, TWO PROCEEDING INTERPRETERS AND TWO TABLE INTERPRETERS AND JUST PART OF THAT IS TO GATHER THE INFORMATION SO YOU CAN INTELLIGENTLY AND EFFICIENTLY HELP THE COURT, BUT AT THE SAME TIME, NOT OVER STAFF THE CASE.

ALONG THOSE LINES, IF YOU KNOW THAT THERE IS GOING TO BE A CONSENT OR SEPARATION AGREEMENT READ INTO THE RECORD, ASK TO SEE A COPY OF IT AND READ IT.

BECAUSE ALL OF THE ISSUES THAT THEY ARE GOING TO GO THERETO WILL HAVE TO BE SPELLED OUT AND OF COURSE, IT'S BEING READ. SO IT'S MUCH QUICKER.

AND YOU WILL WANT TO TAKE ADVANTAGE OF THAT PIECE OF PREPARATION. SO THEN YOU WILL KNOW THAT IF THE COURT IS BEING ASKED TO RESOLVE A NUMBER OF ISSUES, THE MATTER IS GOING TO BE MORE COMPLICATED AND YOU MAY NEED THE FULL TEAM OF INTERPRETERS.

IF THE COURT IS BEING ASKED TO RESOLVE PROPERTY ISSUES, THEN YOU NEED TO BE PREPARED FOR COMPLICATED MATH CONCEPTS.

THINGS LIKE ACTUARIAL ISSUES INVOLVING INSURANCE AND LIFE EXPECTANCY, PROPERTY VALUES, PROPERTY VALUES NOW, PROPERTY VALUES IN THE FUTURE.

BECAUSE ONE OF THE PARTIES MIGHT HAVE THE RIGHT TO EXCLUSIVE POSSESSION OF THE HOME FOR A PERIOD OF TIME AND THEN THE COURT MIGHT ORDER IT TO BE SOLD.

RETIREMENT ASSETS, AND THE LIKE, ALL INVOLVE SOMEWHAT COMPLICATED MATHEMATICAL CONCEPTS.

IF ISSUES THAT YOU KNOW WILL BE LITIGATED RELATE TO CUSTODY OF CHILDREN, THEN THE INTERPRETER NEEDS TO FIND OUT WHETHER THE CHILDREN ARE GOING TO BE TESTIFYING AND IF THEY NEED INTERPRETERS.

AND IF THEY HAVE ATTORNEYS, WHICH WE'LL COME BACK TO, BUT THIS IMPACTS STAFFING DUE TO THE NEED OF DEAF INTERPRETERS IF YOU HAVE CHILDREN IN THE CASE.

THE KIDS MAY BE TESTIFYING IN OPEN COURT, BUT DEPENDING UPON THEIR AGE, PARTICULARLY FOR YOUNGER KIDS THEY OFTEN MEET PRIVATELY WITH THE JUDGE IN CHAMBERS.

SOMETIMES WITH COUNSEL.

SOMETIMES WITHOUT COUNSEL.

TYPICALLY NOT WITH THE PARENTS, BECAUSE THE JUDGE IS TRYING TO GET AN IDEA OF THEIR VIEWS ON CUSTODY AND WHERE THEY WANT TO LIVE. SO IF THE KIDS DO HAVE THEIR OWN ATTORNEYS, STAFFING IS ALSO AFFECTED BECAUSE IF THE KIDS ARE DEAF, THEN THEY MAY -- EVEN IF THEY ARE NOT DEAF, THE ATTORNEY MAY WANT TO HAVE A TABLE INTERPRETER PRESENT FOR THEMSELVES AND THEIR CLIENTS OBVIOUSLY, IF THE KIDS ARE DEAF. SO THAT IS THE BASIC CONCEPT OF "A LIMITED DIVORCE." NOW MOVING ON TO GROUNDS, THERE ARE DIFFERENT MATTERS THAT A INTERPRETER MIGHT FIND THEMSELVES INTERPRETING IN A CONTESTED DIVORCE CASE. SO AS I MENTIONED, IF YOU ARE ASKING THE COURT TO RESOLVE ANY OF THE ISSUES THAT ARISE DURING A MARRIAGE, AND AN "ISSUE" IS SOMETHING THAT YOU DON'T AGREE ON, CHILD SUPPORT, CUSTODY, WHATEVER, THEM IT'S CALLED A "CONTESTED CASE," AND THEY HAVE TO PROVE THEIR CASE AS TO EACH ISSUE THAT IS CONTESTED.

KNOWING THAT WILL HELP YOU PREDICT AS AN INTERPRETER, KNOWING IF IT'S CONTESTED, FINDING OUT WHAT THE GROUNDS ARE THAT THEY WILL GO THROUGH, WILL HELP YOU BETTER ABLE TO MORE EFFECTIVELY INTERPRET, BECAUSE YOU WILL BE ABLE TO PREDICT THE CONTENT.

ALSO BECAUSE THE PARTIES WANT DIFFERENT THINGS, AND THEY WANT DIFFERENT RESOLUTIONS ON THE OUTSTANDING ISSUES, THEY MIGHT FILE COUNTERCLAIMS AND CROSS-CLAIMS.

SO HERE WE HAVE A PLAINTIFF, OR PETITIONER AND DEFENDANT OR RESPONDENT AND THE PLAINTIFF MIGHT FILE THE COMPLAINT AND THEN THE RESPONDENT MIGHT FILE AN ANSWER, BUT ALSO INCLUDE A COUNTERCLAIM, SAYING GIVE ME THE DIVORCE.

YOU KNOW, I WANT CUSTODY, THAT KIND OF THING. SO WHENEVER YOU ARE ASKING THE COURT FOR SOMETHING, YOU HAVE TO PROVE IT; THAT YOU ARE ENTITLED TO IT.

"ABSOLUTE DIVORCE" IS JUST THE TERM THAT WE USE AS COMPARED TO A "LIMITED DIVORCE." THE GROUNDS -- THE PARTIES ARE ASKING THE COURT TO DISSOLVE THE MARRIAGE FINALLY.

ONCE THAT IS DONE, IN OTHER WORDS, ONCE AN ABSOLUTE DIVORCE HAS BEEN GRANTED, THE COURT IS NO LONGER INVOLVED, EXCEPT WITH RESPECT TO CHILD SUPPORT AND CUSTODY.

BECAUSE THE COURT HAS JURISDICTION THEN TO HEAR THOSE -- ANY KIND OF ISSUES THAT COME UP, WHILE THE CHILD IS STILL A MINOR THAT RELATE TO MATERIAL CHANGES IN CIRCUMSTANCES. SO IN OUR HISTORY, YOU WILL TYPICALLY HAVE TO HAVE A LEGAL REASON TO GET A DIVORCE, AS I MENTIONED "GROUNDS." YOU COULDN'T JUST GET MARRIED AND THEN DIVORCED. THE STATE HAS AN INTEREST IN ENSURING THAT THAT DOESN'T HAPPEN.

STATES HAVE CREATED WHAT IS CALLED A NO-FAULT DIVORCE." YOUR STATE MAY CALL THEM DIFFERENT THINGS.

MARYLAND CALLS THEM ONE-YEAR VOLUNTARY SEPARATION AND TWO-YEAR INVOLUNTARY SEPARATION.

IT'S DIFFICULT TO GET A DIVORCE IN MARYLAND.

IN THE DISTRICT OF COLUMBIA IT'S SIX MONTHS VOLUNTARY SEPARATION, AND ONE-YEAR INVOLUNTARY SEPARATION.

YOU MIGHT HEAR THESE GROUNDS CALLED "IRRECONCILABLE DIFFERENCES," OR INCOMPATIBILITY.

IT JUST DEPENDS ON HOW YOUR STATE STATUTE IS WRITTEN AND ESSENTIALLY THEY AGREE AND THEY WANT A DIVORCE AND THEY ARE NOT BLAMING EACH OTHER.

IN MARYLAND WE HAVE SOME FAIRLY TYPICAL GROUNDS.

WE HAVE ADULTERY.

WE HAVE DESERTION.

BUT ONLY IF THE FOLLOWING THREE FACTORS ARE MET: THE DESERTION HAS TO CONTINUE FOR 12 MONTHS OUT INTERRUPTION BEFORE THE FILING OF THE DIVORCE.

THE DESERTION IS DELIBERATE AND FINAL AND THERE IS NO REASONABLE EXPECTATION OF RECONCILIATION.

THOSE ARE THE ELEMENTS THAT YOU HAVE TO PROVE. SO WHEN YOU ARE INTERPRETING AND YOU ARE PREDICTING, THOSE ARE THE ELEMENTS THAT YOU ARE GOING TO SEE PRESENTED IN THE TESTIMONY.

THEY ARE GOING TO HAVE TO DRAW QUESTIONS -- QUESTIONS THAT DRAW ANSWERS THAT PROVE EACH OF THOSE ELEMENTS OF YOUR GROUNDS OF DESERTION FOR GETTING A DIVORCE. SO UNDERSTANDING THE GROUNDS IN YOUR STATE IS GOING TO HELP YOU PREDICT, AS WELL AS SOME OF THE OTHER KINDS OF PREPARATION INFORMATION THAT WILL YOU DO.

IN THE COMPLAINT, TALKING TO THE ATTORNEYS AND THAT KIND OF THING.

TYPICALLY STATES ARE ALSO GOING TO HAVE -- TYPICALLY STATES ARE ALSO GOING TO HAVE SOME KIND OF GROUND THAT ALLOWS A DIVORCE BASED ON A CONVICTION OF SERIOUS FELONIES.

INSANITY AND AGAIN, MARYLAND HAS A NUMBER OF ITEMS THAT HAVE TO BE PROVEN.

WE HAVE TO HAVE TWO DOCTORS COME IN, TWO PSYCHIATRISTS COME IN AND PROVIDE TESTIMONY.

AGAIN, KNOWING THAT, YOU KNOW WHAT THE GROUNDS ARE, YOU CAN START TO PREDICT WHAT THE TRIAL LOOKS LIKE THAT YOU WILL BE INTERPRETING.

AND THEN RECENTLY AS WITH LIMITED DIVORCES BECAUSE DOMESTIC VIOLENCE IS SUCH A PROBLEM IN THIS COUNTRY, MARYLAND ADDED TWO DIFFERENT GROUNDS.

AS I ALREADY SAID, "CRUELTY OF TREATMENT." AND "EXCESSIVELY VICIOUS CONDUCT." IF NONE OF THESE EXIST YOU ARE NOT QUALIFIED TO GET A DIVORCE.

AND IF THEY NEED THE COURT'S HELP, BECAUSE THEY HAVE SEPARATED, THEN THEY NEED TO FILE FOR A LIMITED DIVORCE. A COUPLE OF MISCELLANEOUS ISSUES, JUST TO KEEP IN MIND AND THIS DEPENDS UPON THE STATE AS WELL.

BUT ALIMONY IS -- USED TO BE PROVIDED WHEN ONE OF THE PARTIES WAS UNABLE TO WORK AFTER A DIVORCE FOR WHATEVER REASON.

TYPICALLY BECAUSE THE PERSON WAS A HOME-MAKER AND THEY SPENT THEIR CAREER SUPPORTING THE SPOUSE THAT WORKED.

THEN AT THE TIME OF DIVORCE, THEY COULD ASK FOR A MONTHLY PAYMENT TO HELP THEM MAINTAIN THE STANDARD OF LIVING THAT THEY ENJOYED WHILE THEY WERE MARRIED.

TODAY INDEFINITE ALIMONY IS VERY LIMITED IN MARRIED AND THE DISTRICT OF COLUMBIA. WHAT THEY DO HAVE IS CALLED "REHABILITATIVE ALIMONY." OR "FIXED-TERM ALIMONY" BECAUSE IT WAS FELT THAT INDEFINITE ALIMONY WAS SORT OF LIKE A LIFETIME PENSION AND THEY PREFERRED THAT PEOPLE WERE ABLE TO MORE APPROPRIATELY BECOME SELF-SUPPORTING. SO THE PURPOSE OF THAT KIND OF ALIMONY TODAY IS TO PROVIDE FUNDS, SO THE PERSON WHO IS RECEIVING IT, CAN GET THE TRAINING AND EDUCATION AND BECOME FINANCIALLY SELF-RELIANT.

THERE IS STILL HOWEVER INDEFINITE ALIMONY, BUT IT'S DIFFICULT TO PROVE.

YOU HAVE TO ESSENTIALLY PROVE THAT THE PERSON WILL NEVER BECOME ABLE TO MAKE SUBSTANTIAL PROGRESS AND BECOME SELF-SUPPORTING.

OR THAT THE RESPECTIVE STANDARDS OF LIVING BETWEEN PARTIES WILL BE UNCONSCIONABLE.

YOU MAY HEAR THAT PHRASE "STANDARD OF LIVING" OVER AND OVER IN FAMILY LAW AND IT'S A CONCEPT THAT IS COMMON, AND IT REQUIRES THE INTERPRETATION TO BE EXPLICIT AND COMPARATIVE IN TERMS OF WHAT THE PARTY'S LIFE WAS LIKE BEFORE, DURING THE MARRIAGE? AND WHAT THEIR FINANCIAL SITUATION IS LIKE AND THE LEVEL OF COMFORT IS LIKE AFTERWARDS?

BECAUSE IT'S A CONCEPT NOT ONLY WITH ALIMONY, BUT WE'LL SEE IT AGAIN WITH CHILD SUPPORT. SO IT REQUIRES THOUGHT AND PREPARATION TO INTERPRET.

AN "ANNULMENT," YOU CAN'T JUST GET AN ANNULMENT BECAUSE YOU WERE MARRIED FOR 24 HOURS.

ACCORDING TO THE LAW, THE PEOPLE WERE NEVER MARRIED AND THE GROUNDS FOR ANNULMENT VARY BY STATE, BUT IT'S NOT "OOPS WE MADE A MISTAKE WITH THE MARRIAGE."

IT'S USUALLY STUFF THAT ONE OF THE PARTIES WAS ALREADY MARRIED. SO THE SECOND MARRIAGE WAS INVALID BY LAW.

OR IT WAS SOMEHOW ENTERED INTO WITH SEVERE AND PROVABLE FRAUD.

YOU MIGHT HEAR THE TERM "COMMON-LAW MARRIAGE." AND THAT IS A RELATIONSHIP BETWEEN A MAN AND A WOMAN, THAT SOME STATES DO RECOGNIZE AS BEING LEGALLY MARRIED, EVEN THOUGH THERE WAS NO LICENSE EVER OBTAIN ORDER MARRIED FAMILY EVER HELD.

IF, IN FACT, YOU ARE IN A COMMON-LAW MARRIAGE A DIVORCE IS REQUIRED TO TERMINATE A COMMON-LAW MARRIAGE.

YOU HAVE TO DO A COUPLE OF THINGS LIKE HOLD YOURSELF OUT TO THE WORLD AS MARRIED, WEAR RINGS, SHARE FINANCES; THAT KIND OF THING.

YOU MIGHT FIND YOURSELF IN A NUMBER OF DIFFERENT MATTERS THAT DEAL WITH PATERNITY.

AND "PATERNITY" IS SIMPLY DETERMINING WHO THE ACTUAL FATHER IS AND IT'S USUALLY IN RELATIONSHIP TO A COMPLAINT FOR CHILD SUPPORT.

AND ALSO, AN UNWED FATHER WITH COME FORWARD VOLUNTARY AND CLAIM PATERNITY AND FILE HIS OWN MOTION FOR PATERNITY AND YOU NEED SOME KIND OF BLOOD TEST OR DNA TEST AND IT CAN BE LITIGATED.

YOU MAY HAVE HEARD OF "PRENUPTIAL AGREEMENTS." AND FOR MANY, MANY YEARS THEY WERE NOT PERMITTED.

IT WAS FELT THAT THEY WERE AGAINST PUBLIC POLICY, IT WAS BAD POLICY TO ENCOURAGE PEOPLE TO WRITE A CONTRACT ABOUT HOW THEY WERE GOING TO DIVIDE THEIR PROPERTY WHEN THEY GOT DIVORCED. SO THEY ARE NOW PERMITTED -- IT DEPENDS ON YOUR STATE OF COURSE -- BUT THEY USUALLY SET FORTH ALIMONY AND PROPERTY RIGHTS.

THEY HAVE TO BE IN WRITING.

THEY CANNOT BE ORAL.

AND THE LITIGATION THAT YOU SEE IS WHEN ONE PARTY OR THE OTHER SAYS THAT THEY WERE INDUCED BY FRAUD, OR MISTAKE OR DURESS TO ENTER INTO THE AGREEMENT AND THEN IT SHOULD

BE INVALIDATED. SO IN TERMS OF INTERPRETING IMPLICATIONS, YOU MIGHT FIND YOURSELF GOING WITH ALLEGED FATHER TO HAVE A DNA TEST OR SWAB.

YOU MIGHT DO A SIGHT TRANSLATION OF THE PRENUPTIAL AGREEMENT.

MORE LIKELY YOU WILL BE INTERPRETING THE CASE DECIDING OVER WHETHER THAT AGREEMENT IS VALID OR NOT.

AND INTERESTINGLY, THE COMMON-LAW MARRIAGE, SOMETIMES COMES UP AS IN A CRIMINAL MATTER. SO IF YOU ARE MARRIED, THERE ARE PRIVILEGES.

THE MARITAL COMMUNICATION PRIVILEGE.

YOU CAN'T BE FORCED OR YOUR SPOUSE CAN'T BE FORCED DURING THE MARRIAGE AND IT CAME UP IN A TRIAL -- 10, 11, 12 YEARS AGO NOW, HE HAD MADE SOME STATEMENTS TO HIS GIRLFRIEND, AND SO HIS ARGUMENT WAS THAT SHE WASN'T REALLY HIS GIRLFRIEND.

SHE WAS HIS WIFE AND THE DISTRICT OF COLUMBIA RECOGNIZED THE COMMON-LAW MARRIAGE. SO THE STATE CAN'T FORCE HER TO REPEAT ANY OF THE STATEMENTS IN COURT THAT HE HAD MADE TO HER AT OR SHORTLY AFTER THE TIME OF THE MURDERS.

HE LOST, BUT LIKE I SAID, YOU MIGHT SEE IT EVEN COMING UP IN CRIMINAL LAW MATTERS. SO WE'RE GOING TO TAKE A BREAK HERE AND I'M GOING TO LOOK AT -- YOU CAN GO AHEAD AND TYPE YOUR QUESTIONS IN, IF YOU HAVE ANY QUESTIONS WITH RESPECT TO WHAT WE HAVE TALKED ABOUT THUS FAR. WELL, I'M LOOK AT CATHERINE -- I DON'T KNOW THAT I KNOW HOW TO PRONOUNCE YOUR LAST TIME.

THE OPTION WHERE THE PARTIES CAN MEET WITH THE COURT EMPLOYEE WHO IS A MEDIATOR, USUALLY AN MFG AND THEY MEET INDIVIDUALLY WITH THE PARTIES AND CHILDREN AND WRITE AN AGREEMENT WHICH IS BROUGHT INTO THE COURT FOR A JUDGE TO AFFIRM.

WOULD CONFLICTS EXIST IN THIS SITUATION, THAT REQUIRE SEPARATE INTERPRETERS FOR EACH PARTY?

SAME QUESTION FOR PRO SE PARTIES SEEKING HELP FROM SELF-HELP CLINIC?

ONE PARTY MIGHT SHOW UP AND THE OPPOSING PARTY COULD SHOW UP ANOTHER DAY? SO I ACTUALLY ADDRESS THIS PARTICULAR POINT A LITTLE BIT LATER WHEN I TALK ABOUT "ADR." AND THE INTERPRETING IMPLICATIONS. SO IN ADDITION, I DON'T KNOW WHAT AN MFG IS, BUT I SUSPECT IT'S A CALIFORNIA THING, EITHER THAT OR A DEGREE.

BUT I WILL ADDRESS THIS A LITTLE BIT LATER.

AND THE QUESTION, IS DISSOLUTION STILL ON THE BOOKS AS A DIVORCE MATTER?

DISSOLUTION HAS NOT BEEN ON THE BOOKS IN MARYLAND AND YOU WOULD HAVE TO CHECK YOUR STATE COURT WEBSITE TO SEE WHAT YOUR LISTED GROUNDS ARE.

DEB MARTINEZ, WILL YOU TALK ABOUT SEPARATION DURING A CONTESTED DIVORCE CASE? YES, EXCEPT THAT I AM NOT ENTIRELY SURE WHAT YOU MEAN BY "SEPARATION." IF YOU MEAN KEEPING THE TABLE INTERPRETERS SEPARATE -- IF YOU MEAN SOMETHING ELSE, I NEED SOME CLARIFICATION.

PATRICIA, PLEASE EXPLAIN THE WORD "STANDING." SURE.

"STANDING "MEANS WHETHER YOU ARE QUALIFIED TO FILE A DIVORCE CASE.

OR ANY LAWSUIT FOR THAT MATTER.

EVERY LAWSUIT SAYS YOU HAVE TO HAVE "STANDING." SO IN MARYLAND ONE OF THE PARTIES HAS TO LIVE -- HAVE LIVED IN STATE A YEAR PRIOR TO FILING THE COMPLAINT.

YOU HAVE TO HAVE GROUNDS. SO YOU HAVE TO HAVE THAT LEGAL REASON.

IT MIGHT BE ADULTERY.

IT MIGHT BE TWO-YEAR SEPARATION, ONE-YEAR VOLUNTARY SEPARATION. SO EACH STATE IS GOING TO HAVE A LIST OF QUALIFICATIONS WHO SAYS WHO CAN GET DIVORCED AND WHO CANNOT? AND YOU CAN QUALIFY BY SATISFYING EACH OF THOSE ELEMENTS.

THEN YOU HAVE STANDING.

DID THE COMMON-LAW STAND WITH THE GIRLFRIEND? I ASSUME YOU MEAN MR. MESA? AND NO.

IT WOULDN'T STAND IF YOU HELD YOURSELF AS BOYFRIEND AND GIRLFRIEND ANYWAY.

IT ONLY STANDS IF YOU HOLD YOURSELF AS BEING MARRIED EVEN THOUGH YOU HAVEN'T GONE THROUGH THE CEREMONY.

MARRIAGE AND FAMILY THERAPIST.

THANK YOU.

MORE AND MORE COURTS ARE REQUIRING ADR AND MEDIATION AND YES, THE GOAL OBVIOUSLY IS TO COME TO AN AGREEMENT, AND I WILL GO INTO THE INTERPRETING ISSUES A LITTLE BIT LATER.

HERE IS A QUESTION FROM SUZANNE REGARDING A CONFLICT OR PERCEIVED CONFLICT OF INTEREST.

IF WE INTERPRET FOR A CLIENT IN FAMILY LAW COURT, AND THEN THE CLIENT IS LATER BROUGHT UP ON CRIMINAL CHARGES FOR THE BREACH OF TERMS AND CONDITIONS OF THE DIVORCE DECREE; WE ARE CALLED TO INTERPRET THE CRIMINAL CASE. WELL, THAT DOESN'T HAPPEN IN THE STATES THAT I AM LICENSED IN.

THERE IS NO CRIMINAL CHARGES BROUGHT FOR A BREACH OF CONTRACT.

ESSENTIALLY A SEPARATION OF AGREEMENT IS A CONTRACT.

IF THERE IS A VIOLATION OF THE COURT ORDER, BECAUSE IN THE DIVORCE, YOU PROBABLY WILL HEAR THIS, BUT IN THE DIVORCE, THEY MERGE AND INCORPORATE THE SETTLEMENT AGREEMENT INTO THE DECREE OF DIVORCE.

BECAUSE IF THEY DON'T, IN ORDER TO ENFORCE IT THEY HAVE TO GO TO REGULAR CIVIL COURT, JUST AS YOU WOULD WITH ANY BREACH OF CONTRACT.

IF IT'S MERGED, THE COURT CAN ENFORCE IT THROUGH A CONTEMPT ACTION.

IF I AM THE PROCEEDINGS INTERPRETER FOR THE INITIAL DIVORCE DECREE AND I'M THE PROCEEDINGS INTERPRETER FOR THE CONTEMPT CASE, THEN TECHNICALLY THERE IS NOT A CONFLICT OF INTEREST.

THERE MAY BE A PERCEIVED CONFLICT OF INTEREST, BUT THAT IS MORE SUBJECTIVE IN TERMS OF WHETHER OR NOT THE INTERPRETER FEELS LIKE THE DEAF PERSON IS GOING TO TRUST THEM, THAT THEY ARE INTERPRETING WELL THE SECOND TIME AROUND.

AND I SUSPECT THAT IS LESS OF A CONCERN, BECAUSE THEY ARE PROBABLY MORE CONCERNED ABOUT NOT GOING TO JAIL ON CRIMINAL CONTEMPT.

BUT I DON'T KNOW. SO IT'S POSSIBLE.

CARLA, YES, "STANDING" IS JURISDICTION.

"STANDING" IS BROADER THAN JURISDICTION "JURISDICTION" MEANS DOES THE COURT HAVE THE SUBJECT-MATTER AUTHORITY TO HEAR THE CASE OR HAVE THE ACTUAL PERSON IN FRONT OF THEM SO THEY CAN HEAR THE CASE? THAT IS HOW WE TYPICALLY USE THE TERM "JURISDICTION." "STANDING" IS BROADER BECAUSE YOU HAVE TO NOT ONLY HAVE SUBJECT-MATTER AND PERSONAL JURISDICTION OVER THE PERSON, YOU ALSO HAVE TO MEET THE ELEMENTS OF WHAT YOU ARE ASKING THE COURT TO DO AND YOU HAVE TO MEET AND PROVE THOSE ELEMENTS. SO IF YOU DON'T HAVE ONE-YEAR VOLUNTARY -- IF YOU DON'T HAVE A ONE-YEAR SEPARATION, YOU CAN'T GET A VOLUNTARY DIVORCE IN MARYLAND.

BECAUSE YOU DON'T HAVE STANDING. ALTHOUGH THE COURT HAS JURISDICTION, BECAUSE YOU ARE IN FRONT OF IT AND THEY HAVE THE SUBJECT-MATTER AUTHORITY TO HEAR THE CASE.

BUT IT'S A GREAT POINT AND THAT IS ONE OF THE THINGS THAT YOU NEED TO DO IS RESEARCH THE TERMS IN YOUR STATE AND HOW IT MAY DIFFER. SO I'M GOING TO CONTINUE ON AND I KNOW THERE ARE OTHER QUESTIONS THERE, BUT I WANT TO MAKE SURE THAT WE HAVE TIME TO GET THROUGH EVERYTHING. SO IF THERE IS TIME AT THE END, I WILL COME BACK WHERE WE LEFT OFF WITH DAVE MORRISON AND HIS QUESTION.

ANOTHER MAJORITY ISSUE IS PROPERTY.

WE TOUCHED ON IT BEFORE AND WE TOUCHED ON THE SEPARATION AGREEMENT, ALSO CALLED THE "PROPERTY SETTLEMENT AGREEMENT." IF YOU ARE MARRIED AND GETTING A DIVORCE AND HAVE NO KIDS AND YOU ARE JUST DIVIDING UP THE PROPERTY, THIS IS WHAT IT WOULD BE CALLED.

AND THE COURTS ARE OF THE OPINION THAT PEOPLE WILL DIVIDE THE PROPERTY AS THEY SEE FIT AND JUST WRITE IT DOWN IN THE CONTRACT, THE PROPERTY SETTLEMENT AGREEMENT AND THAT IS HOW BOTH PROPERTY AND DEBT ARE RESOLVED.

AND ALTHOUGH MANY, MANY DIVORCES START WITH A HIGH DEGREE OF ACRIMONY, BY AND LARGE, MOST OF THEM SETTLE.

WHEN YOU CAN GET TO A SETTLEMENT, YOU PUT IT DOWN IN THE PROPERTY SETTLEMENT AGREEMENT.

AND IF YOU CAN'T -- IF YOU CAN'T AGREE ON WHAT TO DO WITH YOUR PROPERTY, THEN THE COURT IS GOING TO DECIDE FOR YOU.

AND LAWS ARE GOING TO VARY FROM STATE TO STATE AS TO HOW DO THEY DO THAT? BUT MOST STATES THEY HAVE A DIFFERENCE BETWEEN "MARITAL AND NON-MARITAL PROPERTY." AND IF YOU CAN ESTABLISH A PIECE OF PROPERTY IS NON-MARITAL, THEN YOU GET TO KEEP IT.

YOU DON'T HAVE TO SPLIT IT. SO COURTS AT LEAST IN MARYLAND ARE MORE CONCERNED NOW -- NOT WITH HOW A PIECE OF PROPERTY IS TITLED, IN WHOSE NAME ITS IN?

BUT RATHER HOW AND WHEN IT WAS ACQUIRED? SO IT WAS ACQUIRED DURING THE MARRIAGE, IT'S MARITAL PROPERTY AND SUBJECT TO DIVISION.

IT WAS FROM INHERITANCE, A GIFT OR A VALID PRE-NUPTIAL AGREEMENT, IT'S NOT MARITAL PROPERTY. SO AGAIN, EVERY STATE IS GOING TO BE DIFFERENT.

OUT WEST, AS YOU KNOW IF YOU LIVE OUT THERE, THOSE STATES CAME INTO THE UNITED STATES THE LAST AND THEY ARE NEWER STATES THAN MARYLAND.

AND MANY OF THEM ARE WHAT WE CALL "COMMUNITY PROPERTY STATES." AND THAT ESSENTIALLY IS THAT IF PROPERTY WAS ACQUIRED DURING THE MARRIAGE, IT GETS SPLIT DOWN THE MIDDLE, UNLESS THERE IS A VALID PRE-NUPTIAL AGREEMENT. SO MOST OF THE OTHER STATES ARE WHAT WE CALL "EQUITABLE DISTRIBUTION STATES." BECAUSE WE CAN'T -- THE COURT CAN'T TAKE A TITLE TO A HOUSE AND IF IT'S IN THE HUSBAND'S NAME ONLY, THEY CAN'T FORCE HIM TO CHANGE TITLE.

AT LEAST IN MARYLAND, OUR COURTS DON'T HAVE THE JURISDICTION -- THE AUTHORITY TO DO THAT.

BUT WHAT THEY CAN DO, THEY CAN TAKE AN INVENTORY OF ALL OF THE PROPERTY THAT WAS ACQUIRED DURING THE MARRIAGE, LOOK AT HOW IT'S TITLED AND THEN DO AN OFFSET.

AND THAT OFFSET IS ESSENTIALLY BASED ON WHAT THE COURT THINKS IS FAIR.

THEY ALSO LOOK AT THINGS, LIKE THE FALL AND DEMISE OF THE MARRIAGE, THE LENGTH OF THE MARRIAGE, CONTRIBUTIONS TO THE ACQUISITION OF THE PROPERTY AND THEN THEY DIVIDE IT.

IT'S CALLED "EQUITABLE DISTRIBUTION." SO ESSENTIALLY IT'S THE HUSBAND HAS A HOUSE AND IT'S IN HIS NAME AND IT'S WORTH \$300,000 IN EQUITY, THE COURT CAN'T ORDER -- THE COURT CANNOT ORDER THE TITLE CHANGED TO MAKE IT A JOINTLY OWNED HOUSE, BUT THEY CAN ORDER THE HUSBAND TO PAY THE WIFE \$150,000.

THAT WOULD BE HOW THEY WOULD EQUITABLY DISTRIBUTE THE PROPERTY.

BUT FIRST THEY HAVE TO FIGURE OUT WHAT IS MARITAL PROPERTY AND WHAT IS NON-MARITAL?

THEN THEY DO AN INVENTORY AND LISTEN TO VARIOUS TESTIMONIES AND STATUTES SET FORTH ABOUT WHY THE MARRIAGE IS BEING DISSOLVED AND THEN THEY MAKE A DECISION.

YOU WILL HEAR LOTS OF TALK ABOUT PENSIONS.

BECAUSE A "PENSION" IS YOUR PROPERTY, BUT YOU DON'T HAVE A RIGHT TO IT UNTIL YOU RETIRE OR UNTIL YOU REACH A SPECIFIC AGE.

AND IF YOU WERE DIVORCED YEARS AGO, THEN YOUR SPOUSE MAY HAVE A RIGHT TO A PERCENTAGE OF THAT, AT LEAST A PERCENTAGE OF THAT PENSION THAT WAS EARNED DURING THE MARRIAGE. SO YOU WILL HEAR THE WORD AN ACRONYM FOR "QUALIFIED DOMESTIC RELATIONS ORDER." YOU WILL HEAR THAT PRONOUNCED QDRO AND IT'S DEALING WITH HOW TO DIVIDE A PENSION THAT PORTIONS OF THE PENSION WERE EARNED WHILE THE PARTIES WERE MARRIED. SO YOU WILL HEAR OTHER TERMINOLOGY ABOUT THE AMOUNT OF NON-MARITAL PROPERTY EACH SPOUSE HAS.

YOU WILL HEAR ABOUT WHAT THEIR EARNING POWER IS? WHETHER THEY PROVIDED OR CONTRIBUTED TO THE MARRIAGE WITH SERVICES AS A HOMEMAKER? YOU WILL HEAR TWO WORDS.

ONE IS "WASTE," AND THE OTHER IS "DISSIPATION." AND THOSE TYPICALLY MEAN THAT ONE PERSON IN THE MARRIAGE HAD POWER OVER THE PROPERTY.

AND WASTING OR DISSIPATING THE PROPERTY WAS TO AVOID HAVING TO SHARE IT WITH THE OTHER SIDE. SO IN TERMS OF INTERPRETING OTHER THAN CRIMINAL AND MINOR TRAFFIC CASES, COURT INTERPRETERS FIND THEMSELVES IN FAMILY LAW WITH MATTERS MOST OFTEN AND THEY ARE HIGH-STAKES AND THEY CAN BE COMPLICATED AND UNLESS YOU HAVE GONE THROUGH A DIVORCE YOURSELF, THE CONCEPTS CAN BE FOREIGN. SO IT TAKES A LOT OF PREPARATION.

AND I KNOW ONE OF THE THINGS THAT INTERPRETERS TELL ME IS WELL, I DON'T REALLY NEED TO KNOW ALL OF THAT.

BECAUSE ISN'T THAT THE LAWYER'S OBLIGATION TO EXPLAIN THAT TO THE CLIENT PRIOR? AND IT'S TRUE.

IT'S THE ATTORNEY'S OBLIGATION, BUT I DON'T THINK IT LESSENS THE INTERPRETER'S FAMILIARITY WITH THE CONCEPTS AND HOW THEIR JURISDICTION TALKS ABOUT THE CONCEPTS.

YOU KNOW, NOT ALL ATTORNEYS SPEND A GREAT DEAL OF TIME WITH DEAF CLIENTS AND YOU DON'T KNOW WHO IS INTERPRETING.

YOU DON'T KNOW IF IT'S A FAMILY MEMBER THEY BROUGHT WITH THEM OR IF THE ATTORNEY HIRED A PROFESSIONAL INTERPRETER OR THEY DID ALL OF THE PREPARATION? SO WE DON'T ALWAYS KNOW.

BUT I THINK FOR THE MOST PART, THOSE ARE THE BASIC MAJOR ISSUES THAT YOU ARE GOING TO SEE IN MARITAL PROPERTY.

QUESTIONS?

QDRO, JUNE ACTUALLY ANSWERED AMY'S QUESTION.

QUALIFIED DOMESTIC RELATIONS ORDER.

SOMEONE IS ASKING THE INTERPRETER TO MOVE A LITTLE BIT TO THE LEFT -- I'M SORRY, TO MOVE TO THE CENTER FROM HER LEFT. WELL, THAT IS ALL RIGHT.

WE DON'T HAVE QUESTIONS ABOUT PROPERTY.

BUT THERE IS A LOT TO GET THROUGH STILL.

AND SO WE'LL MOVE ON.

CUSTODY: IF THE PARENTS CAN'T AGREE ON THE CUSTODY OF THEIR CHILD, THEN COURTS ARE GOING TO DECIDE CUSTODY BASED ON WHAT THEY CALL THE "BEST INTEREST OF THE CHILD STANDARD." AND DETERMINING WHAT IS BEST FOR THE CHILD IS NO EASY MATTER.

THERE IS NO ONE OR TWO OR THREE FACTORS THAT THE COURT LOOKS AT.

IT IS USUALLY A LOT OF DIFFERENT FACTORS.

AND THE FACTORS ARE IMPORTANT, BECAUSE KNOWING THEM, YOU CAN ANTICIPATE WHAT THE DEAF PEOPLE ARE GOING TO TESTIFY TO.

BECAUSE WHOEVER IS ASKING FOR CUSTODY HAS TO PROVE THESE THINGS: THESE ARE SOME OF THE FACTORS.

WHICH PARENT IS THE MOST SUITABLE CUSTODIAN BASED ON CHARACTER, TEMPERAMENT AND STABILITY?

THEY HAVE TO TESTIFY TO THE CHILD'S RELATIONSHIP WITH EACH PARENT.

THE COURT WILL LOOK AT THE EDUCATION LEVEL OF EACH PARENT, THEIR CHILD-REARING SKILLS?

WHETHER THEY HAVE AN ILLNESS THAT MIGHT HARM THE CHILD?

WHICH PARENT CAN PROVIDE A BETTER HOME ENVIRONMENT?

WHETHER THE CHILD HAS STRONGER TIES TO ONE OR ATTACHMENTS TO ONE OR THE OTHER PARENT?

WHERE THE CHILD HAS BEEN LIVING ON A REGULAR BASIS? THAT IS CALLED THE "STATUS QUO." AND THE COURT DOESN'T LIKE TO DISRUPT THE STATUS QUO WHEN IT COMES TO WHERE A CHILD LIVES.

THEY WOULD MUCH RATHER DISRUPT THE PARENT.

THEY HAVE A CONCEPT CALLED "NESTING," WHERE ESSENTIALLY YOU HAVE TO HAVE THREE HOMES BECAUSE THEY LEAVE THE CHILD IN THE FAMILY HOME, AND WHEN MOM HAS CUSTODY, SHE MOVES IN, FOR A MONTH OR SO AND THEN SHE MOVES OUT AND DAD MOVES IN AND THEY GO BACK AND FORTH BECAUSE THE COURT DOESN'T WANT TO DISRUPT THE CHILD'S STATUS QUO.

THEY ALSO LOOK AT RELATIVES AND IF THERE IS EXTENDED FAMILY THAT CAN HELP?

THEY LOOK AT EMPLOYMENT STATUS.

FINANCIAL STATUS.

SOMETIMES THEY LOOK AT THE MOTIVES THAT THE PARENT HAS IN SEEKING CUSTODY.

WHEN YOU HAVE CUSTODY, YOU ALSO GET PAID CHILD SUPPORT TO TAKE CARE OF THE CHILD. SO SOMETIMES THAT IS A MOTIVE FOR SEEKING CUSTODY.

YOU LOOK AT WHETHER ONE PARENT IS UNFIT OR FIT? AND IMPORTANTLY, AND PARTICULARLY IN RECENT YEARS, IT'S WHICH PARENT IS MORE LIKELY TO ALLOW THE CHILD TO CONTINUE IN HIS OR HER RELATIONSHIP WITH THE OTHER PARTY, OTHER PARENT OR EXTENDED FAMILY?

COURTS WANT TO SEE PARENTS WHO ARE DIVORCED GET ALONG AND WHEN THEY CAN'T GET ALONG AND COMMUNICATE, THEN THEY GET PUNISHED, ESSENTIALLY BY NOT BEING GIVEN THINGS LIKE JOINT CUSTODY.

THERE USED TO BE A MATERNAL PREFERENCE IN CUSTODY AND FOR ALMOST A HUNDRED YEARS, THERE WAS A PRESUMPTION THAT THE MOTHER COULD BE A BETTER CUSTODIAN FOR THE CHILD.

THAT IS HISTORICAL IN MY VIEW.

I DON'T THINK ANY PLACE IN THE COUNTRY USES THAT PRESUMPTION ANYMORE.

IT WOULD PROBABLY BE UNLAWFUL TO USE IT. SO AGAIN, KNOWING THE BEST INTEREST STANDARD AND KNOWING WHAT PEOPLE ARE FIGHTING ABOUT WILL HELP YOU PREDICT AND ANTICIPATE DEAF PERSON TESTIMONY.

GUARDIAN AD LITEM.

SOMETIMES THEY ARE CALLED GAL.

SOMETIMES THEY ARE CALLED COURT-APPOINTED SPECIAL ADVOCATES OR COSTAS.

IT JUST DEPENDS ON YOUR STATE, BUT IN A CONTESTED CUSTODY CASE, IT'S THEIR DUTY TO ADVISE THE COURT, AMONG OTHER THINGS, WHAT IS IN BEST INTEREST OF THE CHILD? SO COURTS OFTEN APPOINT A GAL TO REPRESENT A MINOR CHILD AND THEY HAVE DIFFERENT ROLES DEPENDING UPON WHAT THE COURT SAYS. SO THEY MIGHT BE THERE AS AN ADVOCATE FOR THE BEST INTEREST.

THEY MIGHT BE THERE TO INVESTIGATE, TO TRY TO FIND OUT WHAT IS IN THE BEST INTEREST? AND THEY MIGHT FUNCTION AS A GUARDIAN, WHERE THEY CAN ACTUALLY MAKE DECISIONS FOR THE CHILD. SO AN ATTORNEY CAN PRESENT THE CHILD'S PERSPECTIVE TO THE COURT, CAN SEEK AN EVALUATION, IF IT'S NECESSARY.

LIKE A PROFESSIONAL PSYCHOLOGICAL EVALUATION AND CAN SEEK THE TESTIMONY OF THE CHILD'S DOCTOR ABOUT WHAT IS THE BEST THING FOR THE CHILD IN TERMS OF THEIR DEVELOPMENT? AND DO HOME VISITS, SCHOOL VISITS AND CUSTODY SUPERVISION.

SOMETIMES THE CHILD IS TOO YOUNG TO PERSONALLY EXERCISE THE PRIVILEGE OF CONFIDENTIALITY THAT THE CHILD MIGHT HAVE WITH A PSYCHIATRIST OR DOCTOR AND IT'S PRESUMED THAT THE CUSTODIAL PARENT HAS CONFLICT OF INTEREST IN DETERMINING, IN TRYING TO WAIVE THAT PRIVILEGE. SO THEY APPOINT THE GAL AND ESSENTIALLY WHAT THEY ARE DOING, THEY LOOK AT THE WHOLE SITUATION AND DETERMINE WHETHER IT'S IN THE BEST INTEREST OF THE CHILD TO WAIVE THE PRIVILEGE AND SAY LET THE DOCTOR TESTIFY. SO THAT IS GUARDIAN AD LITEM.

THEY ARE CALLED DIFFERENT THINGS AND IF THE CHILDREN ARE DEAF, THAT HAS IMPLICATION FOR PROVIDING TABLE INTERPRETERS FOR THE ATTORNEYS.

BUT BOTH DURING THE MATTER WHILE IT'S IN COURT AND FULL PREPARATION.

LEGAL CUSTODY: LEGAL CUSTODY ESSENTIALLY IS A DECISION-MAKING POWER.

IT HAS NOTHING TO DO WITH WHERE THE CHILD LIVES.

IT IS THE RIGHT AND OBLIGATION TO MAKE LONG-RANGE DECISIONS INVOLVING THE CHILD'S EDUCATION, RELIGIOUS TRAINING, DISCIPLINE, MEDICAL CARE, AND OTHER IMPORTANT MATTERS IN THE LIFE AND WELFARE OF THE CHILD.

AGAIN, IT DOESN'T RELATE AT ALL TO WHERE THE CHILD LIVES.

JOINT LEGAL CUSTODY MEANS THAT BOTH PARENTS HAVE AN EQUAL VOICE IN THOSE LONG-TERM DECISIONS AND NEITHER PARENT HAS A SUPERIOR RIGHT TO MAKE THOSE DECISIONS.

IT'S ABSOLUTELY CRITICAL THAT PARENTS ARE ABLE TO COMMUNICATE AND TO COOPERATE WITH EACH OTHER AND IF NOT, AT LEAST IN MARYLAND YOU WILL NOT GET JOINT LEGAL CUSTODY.

PHYSICAL IS ALSO CALLED "RESIDENTIAL CUSTODY." THAT DEALS WITH WHERE THE CHILD LIVES AND FOR WHAT PORTION OF THE TIME? IT'S THE RIGHT AND OBLIGATION TO PROVIDE A HOME FOR THE CHILD, AND TO MAKE THOSE DAY-TO-DAY DECISIONS THAT ARE REQUIRED WHEN THE CHILD IS ACTUALLY WITH THAT PARENT. SO THERE IS THE CUSTODIAL PARENT, WHO THE CHILD MIGHT LIVE

WITH MOST OF THE TIME AND WHEN THE CHILD IS IN THEIR CUSTODY, THAT PARENT MAKES THE DECISION.

THE OTHER PARENT HAS VISITATION RIGHTS.

BUT WHEN THE CHILD IS WITH THAT WILL PARENT, THE VISITATION RIGHTS, THEY ARE IN THE CUSTODY OF THAT PARENT AND THAT PARENT MAKES THE DECISIONS AS TO THE DAY-TO-DAY DECISIONS. SO THAT IS PHYSICAL CUSTODY.

JOINT PHYSICAL CUSTODY, AT LEAST IN MARYLAND DOESN'T EXIST, BUT WE DO HAVE SHARED PHYSICAL CUSTODY.

AND YOU JUST LOOK AT HOW MUCH TIME THE CHILD SPENDS WITH EITHER THE MOM OR THE DAD, AND COME UP WITH A PERCENTAGE OF HOW MUCH TIME? THAT PERCENTAGE IS USED THEN IN CALCULATING CHILD SUPPORT.

BECAUSE WE HAVE DIFFERENT -- AND WE'LL GO INTO "CHILD SUPPORT" BUT WE HAVE DIFFERENT PERCENTAGES THAT APPLY DEPENDING ON HOW MUCH TIME YOU ACTUALLY HAVE THE CHILD IN YOUR CUSTODY. JOINT PHYSICAL CUSTODY HELPS TREMENDOUSLY IF THE PARENTS LIVE CLOSE.

IF THEY LIVE FAR AWAY, IT'S DIFFICULT BECAUSE OF SCHOOL AND TRAVEL TO GET ANY KIND OF JOINT PHYSICAL CUSTODY. SO ALONG WITH CUSTODY, ALWAYS COMES THE ISSUES OF CHILD SUPPORT.

CHILD SUPPORT IS WHEN YOU PAY BY THE NON-CUSTODIAL PARENT TO THE PARENT WHO HAS CUSTODY. IT'S NOT TAXABLE TO THE PARENT WHO GETS THE SUPPORT AND IT'S NOT DEDUCTIBLE FOR THE PERSON PAYING FOR IT.

ALL 50 STATES HAVE CHILD CUSTODY GUIDELINES THAT SHOW THE AMOUNT OF SUPPORT BASED ON INCOME AND FACTORS SUCH AS CHILD-CARE AND HEALTH INSURANCE.

AGAIN, USUALLY THE PARENT WITHOUT CUSTODY PAYS CHILD SUPPORT.

BUT IT CAN ALSO BE REDUCED IF THE CHILD SPENDS MORE TIME WITH THE NON-CUSTODIAL PARENT.

CONGRESS HAS GOTTEN INVOLVED AND HAS A NUMBER OF DIFFERENT ENFORCEMENT MECHANISMS IN ORDER TO ENSURE THAT CHILD SUPPORT IS PAID.

BECAUSE IT HAS AN INTEREST IN MAKING SURE THAT -- I THINK IT'S CALLED TEMPORARY AID TO CHILDREN AND FAMILIES IN NEED.

IT WAS CALLED PREVIOUSLY "WELFARE."

AND CONGRESS HAS AN INTEREST IN MAKING SURE THAT PEOPLE PAY THEIR CHILD SUPPORT OBLIGATIONS. SO THEY ALLOW NOW SEIZURE OF BANK ACCOUNTS AND LICENSES, PROFESSIONAL LICENSE TO LEVY AND MAKE THE CHILD SUPPORT PAYMENTS FROM WHAT IS CALLED THE "DEADBEAT PARENT." SO A COUPLE OF CONCEPTS THAT YOU WILL HEAR IN ANY CHILD SUPPORT LITIGATION.

ONE IS "VOLUNTARY IMPOVERISHMENT." IT'S WHEN A PERSON CAN WORK, BUT THEY CHOOSE FOR THEIR OWN REASONS NOT TO WORK. SO THEY HAVE VOLUNTARILY BECOME POOR.

AND IF THAT IS AN ARGUMENT, IF THAT IS AN ISSUE IN TRIAL, THERE HAS GOT TO BE PROOF THAT THE PERSON COULD WORK AND YOU HAVE TO HAVE SOME KIND OF EVIDENCE AS TO WHAT THEY WOULD EARN IF THEY WERE WORKING.

AND IF THE COURT FINDS THAT THEY ARE, IN FACT, VOLUNTARY IMPOVERISHED THE COURT WILL DO WHAT IT CALLS IMPUTE INCOME AND IT ESSENTIALLY MEANS THAT YOU MAKE \$10 AN HOUR, BUT WE FIND THAT YOU COULD MAKE \$50. SO WE'RE GOING TO SAY THAT YOU MAKE \$50 AND WE'RE GOING TO BASE OUR CHILD SUPPORT DECISION UPON THE AMOUNT THAT YOU COULD WORK OR YOU COULD MAKE IF YOU WEREN'T VOLUNTARILY IMPOVERISHING YOURSELF.

CHILD SUPPORT AND CUSTODY, LIKE I TOLD YOU, COURTS HAVE CONTINUING JURISDICTION TO HEAR THOSE CASES AND THEY COME BACK AND THEY COME BACK AND THEY COME BACK, BECAUSE PEOPLE WILL WANT TO HAVE A MODIFICATION HEARING.

AT LEAST IN MARYLAND, THERE HAS TO HAVE BEEN A SIGNIFICANT OR MATERIAL CHANGE IN CIRCUMSTANCES IN ORDER TO HAVE STANDING TO FILE A MODIFICATION OR FOR A COURT TO HEAR A MODIFICATION. SO THAT IS USUALLY THE FIRST FIGHT IS ARE THINGS THE SAME OR HAVE THEY CHANGED? AND HOW HAVE THEY CHANGED?

SOMEONE LOST THEIR JOB.

MAYBE ONE OF THE PARENTS MOVED OUT OF THE COUNTRY.

THOSE ARE THE KIND OF INSTANCES THAT RISE TO THE MATERIAL CHANGE IN CIRCUMSTANCE IN ORDER TO ASK THAT CHILD SUPPORT AND CUSTODY BE MODIFIED. SO INTERPRETING IMPLICATIONS, MATH.

I ALREADY SAID THAT.

MATH AND SOME OF US ARE JUST GOOD AT IT AND SOME AREN'T.

AND WHILE THE GUIDELINES ARE ACTUALLY RUN BY A COMPUTER, YOU WILL STILL HEAR THINGS -- YOU WILL HEAR THE WORD AND THINGS LIKE IT'S "OUTSIDE THE GUIDELINES OR INSIDE THE GUIDELINES."

SO YOU DON'T NEED TO KNOW HOW TO DO THE GUIDELINES, BUT YOU NEED TO BE FAMILIAR WITH WHAT THEY ARE IN YOUR STATE.

ALSO AS I MENTIONED IMPUTING INCOME ARE COMMON IN THE FAMILY LAW SETTING, SO WE CAN PREDICT AND BE ABLE TO HANDLE BECAUSE WE HAVE PREDICTED AN APPROPRIATE INTERPRETATION THEN.

QUICKLY, QUESTIONS?

CHRIS DILLON SAYS -- OH, THIS IS A PROPERTY QUESTION.

MARITAL PROPERTY IS DIVIDE, BUT ITEMS EARNED BEFORE THE MARRIAGE ARE KEPT BY THE INDIVIDUAL? YES, IF THEY ARE BROUGHT INTO THE MARRIAGE AND THE VALUE IS NOT ADDED TO DURING THE MARRIAGE. SO THE MORTGAGE I HAD BEFORE THE MARRIAGE, I GO INTO THE MARRIAGE AND PAY MY MORTGAGE WITH MONEY EARNED DURING THE MARRIAGE, IT BECOMES PARTIAL MARITAL PROPERTY.

JODI IS MENTIONING IS A GAL IS AN ATTORNEY AND THEY CALL IT A LAW GUARDIAN.

YES, IN MARYLAND "GALS" ARE ATTORNEYS.

AND IN NEW JERSEY, "GALS" ARE NOT ATTORNEYS.

THERE YOU HAVE IT.

YOU HAVE TO LOOK AT YOUR OWN STATE, BECAUSE THERE ARE 50 STATES GOVERNING ALL OF THIS.

I'M TRYING TO GET DOWN TO THE CHILD SUPPORT QUESTIONS.

DAVE ASKED ME ABOUT THE NEW DEFENSE OF MARRIAGE ACT BEING HELD UNCONSTITUTIONAL, ONE SECTION OF IT.

I CAN'T REALLY ANSWER THAT QUESTION.

I DO KNOW THAT ONE OF THE THINGS THAT THEY DIDN'T TOUCH WAS THE FULL FAITH AND CREDIT PROVISION OF IT. SO IT'S UNCLEAR AT THIS POINT WHETHER A MARRIAGE IN ONE STATE MUST BE RECOGNIZED BY THE OTHER STATE.

KNOW THAT IS ALL GOING TO GET WORKED OUT REALLY QUICKLY.

MARIA, YOU ASKED ABOUT WHEN FIGURING OUT HOW MUCH IS TO BE PAID IF SOMEONE HAS DETERMINED TO BE VOLUNTARY IMPOVERISHED, HOW IS THAT COLLECTED? I WENT THROUGH THE ENFORCEMENT MECHANISMS.

TAX REFUNDS.

QUITTING YOUR JOB IS NOT A GOOD EXAMPLE, BECAUSE YOU WOULDN'T HAVE A TAX REFUND, BUT YOUR TAX REFUND COULD BE GARNISHED AND YOUR WAGES CAN BE GARNISHED.

ANY TIME YOU WIN A CASE AND YOU HAVE TO FIGURE OUT HOW TO COLLECT YOUR MONEY.

IT'S JUST THAT WITH CHILD SUPPORT, THE STATE IS GOING TO HELP YOU, WHETHER IF YOU WERE TRYING TO COLLECT A PRIVATE DEBT FROM A LAWSUIT, THE STATE ISN'T GOING TO HELP YOU SO MUCH.

AND ANNA SAID I WAS TRAINED AND WORKED AS A GA IN NORTH CAROLINA FOR SEVERAL YEARS AND NOT REQUIRED TO BE AN ATTORNEY, BUT YOU ARE REQUIRED TO BE COLLEGE-EDUCATED.

OKAY.

WE'RE GOING TO MOVE ON JUST BRIEFLY ABOUT VISITATION.

IT IS STILL THE BEST INTEREST STANDARD.

AND I HAVE ALREADY SAID THAT THE PERSON WHO DOESN'T HAVE CUSTODY HAS VISITATION RIGHTS.

AND ALSO PAYS CHILD SUPPORT TO THE CUSTODIAL PARENT.

AGAIN, COURTS PREFER THAT YOU WORK OUT YOUR OWN VISITATION SCHEDULE, BUT IF NOT, THERE IS JUST ESSENTIALLY A DEFAULT THAT THEY GO TO. SO IF EVERY OTHER WEEKEND WITH THE NON-CUSTODIAL PARENT.

EVERY FATHER'S DAY WITH THE FATHER.

MOTHER'S DAY WITH THE MOTHER.

YOU ALTERNATE BIRTHDAYS, YOU ALTERNATE HOLIDAYS AND YOU MAY OR MAY NOT HAVE A DAY DURING THE WEEK.

BUT OF COURSE, THAT IS ONLY WHAT THE COURTS IS GOING TO DO AND IF PEOPLE AGREE TO SOMETHING MORE AND IT'S IN THE BEST INTEREST OF THE CHILD, THEN COURTS ARE GOING TO PERMIT IT.

VISITATION, THIS IS AN ABSOLUTE RIGHT.

IT CAN BE SUSPENDED, DENIED OR RESTRICTED, IF THE COURT FINDS IT'S NOT IN THE BEST INTEREST OF THE CHILD TO HAVE VISITATION.

BUT AT THE SAME TIME, THAT IS BALANCED BETWEEN THE COURT AND THE STATE NOT INTERFERING WITH FAMILY RELATIONS. SO EVEN IF YOU ARE INCARCERATED, THAT IS NOT AN ABSOLUTE BAR TO VISITATION.

AND, IN FACT ONE OF THE PLACES THAT WE SEE SIGN LANGUAGE INTERPRETERS OFTEN IS AT SUPERVISED VISITATIONS THAT OCCUR AT OUR COURTHOUSE ON THE WEEKENDS.

AND SO GENERALLY, A PARENT'S RIGHT TO VISIT WITH THEIR CHILD IS NOT GOING TO BE DENIED, BUT IF THERE HAS BEEN VIOLENCE, IF THERE HAS BEEN SOME OTHER CIRCUMSTANCE THAT ENDANGERS THE CHILD, PHYSICAL, MENTAL OR MORAL OR EMOTIONAL HEALTH, THEN THE COURT COULD CERTAINLY LIMIT VISITATION AND SOMETIMES OUTRIGHT DENY IT.

THIRD-PARTY VISITATION DEPENDS ON YOUR STATE STATUTE.

BUT IF THERE IS DIVORCE OR A PARENT DIES, YOU CAN FREQUENTLY SEE A GRANDPARENT PETITION THE COURT FOR VISITATION RIGHTS. SO THIRD-PARTY VISITATION, SOMEONE WHO IS NOT IMMEDIATE FAMILY, BUT HAS AN INTEREST IN THE CASE.

IN TERMS OF INTERPRETING IMPLICATIONS, I HAVE TO SAY THAT FIGHTING OVER CHILDREN AND VISITING SCHEDULES AS BEEN SOME OF THE HARDEST LEGAL WORK AND INTERPRETING WORK THAT I HAVE EVER, EVER EXPERIENCED.

EMOTIONAL.

IT'S DRAINING.

IT'S WAY TOO EASY FOR AN INTERPRETER TO SYMPATHIZE OR DEVELOP A PREJUDICE, EITHER FOR OR AGAINST ONE SIDE OR THE OTHER. SO WE HAVE TO BE VERY, VERY CAREFUL ABOUT KEEPING THOSE FEELINGS IN CHECK.

AND AS A COURT INTERPRETER, AS A TABLE INTERPRETER, THERE IS A LITTLE BIT MORE LEEWAY, BECAUSE YOU ARE PART OF THE LITIGATION TEAM.

IT'S AGAIN ANOTHER REASON WHY WE WANT TO KEEP THE LINES OF SEPARATION ABSOLUTELY CLEAR AND OUR ROLES.

AND WHAT I MEAN, IF YOU HAVE DONE THE TABLE WORK IN THIS KIND OF CONTESTED CASE, YOU DON'T WANT TO DO THE PROCEEDINGS WORK.

IT'S JUST TOO EASY TO BECOME BIASED.

I HAVE SEEN A JUDGE GRANT CUSTODY TO A HEARING SPOUSE OVER THE DEAF SPOUSE BECAUSE THE JUDGE FELT THAT THE DEAF SPOUSE, WHO WORE A HEARING AID AND TOOK IT OFF AT NIGHT WOULD NOT BE ABLE TO ADEQUATELY SUPERVISE THE TEENAGED BOY, BECAUSE SHE DIDN'T WEAR HER HEARING AID OVERNIGHT.

OBVIOUSLY USING THE FACT THAT PERSON IS DEAF AGAINST HER IN MAKING HIS DECISION ABOUT GRANTING VISITATION -- GRANTING CUSTODY WAS DEVASTATING. SO THESE CUSTODY AND VISITATION CONTESTED TRIALS REQUIRE FULL STAFFING.

YOU REALLY DON'T WANT TO BE SHARING INTERPRETERS BECAUSE NOT ONLY TO BE PERCEIVED AS A CONFLICT, BUT EMOTIONALLY, IT CAN BE VERY DIFFICULT TO KEEP SEPARATE.

LET ME RUN THROUGH THIS QUICKLY.

I THOUGHT IT WOULD BE A LOT SHORTER THAN IT'S BECOMING.

CONTESTED CASES.

I WANT TO GO OVER THE INTERPRETING IMPLICATIONS OF EACH.

INITIAL INTERVIEW IS A VERY IMPORTANT TIME FOR AN ATTORNEY TO DEVELOP RAPPORT WITH THE CLIENT. SO YOU ARE THE TABLE INTERPRETER AND JUST KNOW IT'S A REALLY CRITICAL TIME, BECAUSE THE ATTORNEY IS EVALUATING THE CLIENT.

THE CLIENT IS EVALUATING THE ATTORNEY.

TRY TO FIGURE OUT IF IT CAN BE RAPPOR AND TO GET INFORMATION ABOUT THE CASE.

YOU HAVE TO FIND OUT WHAT THE CONTESTED ISSUES ARE.

YOU START FILLING OUT FORMS, INCOME STATEMENTS, MONTHLY NEEDS, OTHER FINANCIAL STATEMENTS, SO MAYBE SIGHT TRANSLATION.

THEN YOU COMMENCE THE SUIT.

AND HOW A FAMILY LAW CASE PROCEEDS IS A PARTY MAKES AN APPEARANCE AND YOU CALL IT AN "ACTION." I ONLY POINT IT OUT BECAUSE IN COURT, IN THE LEGAL SETTING WE USE ENGLISH DIFFERENTLY THAN IS USED IN OTHER SETTINGS. SO IN THE HEARING AS AN INTERPRETER, YOU MIGHT THINK THAT THE ATTORNEY WHO HAS TO ENTER THEIR "APPEARANCE," ACTUALLY GOES TO COURT AND APPEARS IN THE CASE, BUT THAT IS NOT HOW IT HAPPENS.

YOU FILE A PAPER THAT THAT IS ESSENTIALLY A FORMAL WAY OF SAYING I AM THE ATTORNEY IN THE CASE AND THEN THE CLIENT ONLY COMMUNICATES WITH THE ATTORNEY. SO THEN THERE IS A COMPLAINT FILED, AND YOU SET FORTH IN THE COMPLAINT WHAT IT IS THAT YOU WANT THE COURT'S HELP WITH IN DISSOLVING THE MARRIAGE.

AND YOU ALSO HAVE TO SET FORTH THE FACTS TO SHOW THE COURT HAS THE POWER TO HEAR THE CASE, AND THAT THE PARTIES ARE FULLY QUALIFIED, OR HAVE STANDING TO MAKE THE REQUESTS THAT THEY ARE MAKING.

THE COMPLAINT HAS MORE CONTENT THAN AN ANSWER. SO YOU HAVE FILED THE COMPLAINT AND THE RESPONDENT FILE AND ANSWER.

ESSENTIALLY ADDRESSING EACH OF THE PARAGRAPHS IN THE COMPLAINT AND EITHER ADMITTING OR DENYING THEM OR SAYING I DON'T HAVE ENOUGH INFORMATION TO ADMIT OR DENY. SO IF YOU ARE AN INTERPRETER AND YOU HAVE LIMITED TIME, YOU HAVE GOT THE CASE FILE.

YOU WANT TO READ THE COMPLAINT AS OPPOSED TO THE ANSWER.

IDEALLY YOU WOULD LIKE TO READ THEM BOTH.

IF THE DEFENDANT DOESN'T ANSWER IT'S AN AUTOMATIC WIN FOR THE PLAINTIFF AND WE CALL THIS A "DEFAULT JUDGMENT." THEN THERE IS A PERIOD OF DISCOVERY.

DISCOVERY AS IN ANY CIVIL CASE HAS INTERROGATORIES, DEPOSITIONS, ET CETERA.

THEN AN ADR, THE ADR IS CALLED "ALTERNATIVE DISPUTE RESOLUTION." THERE ARE A LOT OF DIFFERENT TYPES.

THEY ARE USED BOTH BEFORE LITIGATION AND CONTEMPORANEOUS LITIGATION.

YOU MAY ALWAYS HAVE SETTLEMENT TALKS GOING ON WHILE THE CASE IS BEING LITIGATED.

MOST COURTS HAVE A SCHEDULING SYSTEM, SO THAT WHEN YOU FILE A COMPLAINT, YOU ARE PUT ON A SCHEDULE AND THE ADR IS PART OF THAT.

AND THAT MEANS THAT YOU SHOW UP.

YOU SHOW UP.

THERE IS A MEDIATOR THERE, AND TYPICALLY THE MEDIATOR HAS SOME KIND OF CONFIDENTIAL SETTLEMENT STATEMENT THAT HAS BEEN PROVIDED AHEAD OF TIME; THAT THEY CAN READ, SO THEY CAN COME UP TO SPEED ON THE ISSUES.

THEY LISTEN TO BOTH SIDES AND THEY SPLIT THE PARTIES.

THE MEDIATOR MAY JUMP FROM PLAINTIFF'S TO RESPONDENTS AND BACK. WHAT I DO AS AN INTERPRETER DURING THAT IS TYPICALLY STAY WITH THE MEDIATOR.

UNLESS THERE IS NOT A TABLE INTERPRETER PRESENT.

AND THEN IF EVERYONE AGREES OR STIPULATES, THEN I WILL STAY, KNOWING THAT I AM GOING TO BE DOING PRIVILEGED COMMUNICATION.

AND THEN INTERPRETING FOR THE MEDIATOR.

INTERPRETING FOR THE MEDIATOR IS NOT COURT INTERPRETING.

THERE IS NO OATH.

THERE IS NO RECORD.

THERE IS AN EXPRESS AGREEMENT THAT THE MEDIATOR WILL NOT BE CALLED AND THAT NOTHING THAT HAPPENS DURING THAT MEDIATION CAN BE USED AS EVIDENCE. SO THERE IS LESS OF A RISK OF ME WORKING FROM PRIVILEGED COMMUNICATION TO PUBLIC THAN IF I WERE WORKING PRIVILEGED COMMUNICATION TO THE COURT HEARING.

AND PLUS IF I REFUSE TO STAY IN THE ROOM WITH THE ATTORNEY AND CLIENT, THAT MEANS THAT THEY ARE NOT GOING TO BE ABLE TO RATIONALLY OR EASY DISCUSS THE MERITS AND OFFER TO RESOLVE THE CASE. SO I AM NOT ASSISTING THE COURT IN ITS EFFICIENT ADMINISTRATION OF JUSTICE AND, IN FACT, I'M IMPAIRING IT.

IT MAY BE IF I AGREE TO IT, SOMETHING MIGHT HAPPEN DURING THE DAY THAT WOULD PRECLUDE ME FROM TAKING FURTHER WORK.

BUT FOR THAT DAY, GENERALLY, CARLA, AS THE INTERPRETER, I'M GOING TO DO BOTH OF THOSE ITEMS UNLESS THEY HAVE A TABLE INTERPRETER.

RIGHT.

THE LAST POINT I HAD ABOUT THAT IS THAT AS THE INTERPRETER, IT'S SORT OF MY OBLIGATION TO INQUIRE ENOUGH FACTS AHEAD OF TIME TO ADEQUATELY HELP THEM STAFF THAT CASE. SO IF I KNOW IT'S GOING TO BE A DAY LONG SETTLEMENT, I KNOW I NEED ANOTHER INTERPRETER.

I CAN FIND OUT FROM THE ATTORNEY HOW THEY PLAN ON COMMUNICATING PRIVILEGED COMMUNICATION?

PART OF THAT IS MY OBLIGATION TO DO. SO THAT WAS IN RESPONSE TO CATHERINE'S QUESTION ABOUT JUMPING SIDES AND CONFLICTS, ET CETERA.

AND THEN THERE MERIT HEARINGS OR TRIALS OR EVIDENTIARY HEARINGS WHERE A CASE HAS TO BE MADE AND THEN YOU MAY TAKE AN APPEAL FROM THE DECISION OF THE COURT.

IN MARYLAND WE CALL THEM "EXCEPTIONS FROM THE DECISIONS THAT WE HAVE MASTERS."

"MASTERS" ARE JUDICIAL REPRESENTATIVES. SO WE'RE GOING TO DO THIS ON AUGUST 19TH AND I WILL SAVE THIS SLIDE FOR OUR NEXT WEBINAR, ALL RELATED TO DOMESTIC VIOLENCE.

IN TERMS OF JUST SOME FINAL THOUGHTS BECAUSE I SEE THAT I AM RUNNING OUT OF TIME.

WE HAVE SOME RELATED MATTERS.

THE FAMILY LAW SYSTEM AND YOU INTERPRETING IN IT WILL RUN ACROSS CASES IN THE CHILD ABUSE AND NEGLECT SYSTEM.

THERE IS THIS CONCEPT CALLED "PARENS PATRIAE." IT'S LATIN, NOBODY KNOWS HOW TO PRONOUNCE LATIN.

ESSENTIALLY IT SAYS THAT THE COURT HAS AN INTEREST IN ENSURING THAT CHILDREN ARE RAISED RIGHT AND IF PARENTS CAN'T TAKE CARE OF THEIR CHILDREN, THIS GIVES THE STATE THE RIGHT TO INTERVENE FOR THE SAKE OF THE CHILDREN.

IT'S BASED ON ABUSE AND NEGLECT SYSTEM.

ABUSE AND NEGLECT CASES WILL DEPEND ON YOUR SPECIFIC STATUTES, BUT WE HAVE THEM CALLED "CINA."

CHILD IN NEED OF ASSISTANCE AND ALSO CHILD IN NEED OF SERVICES "CINS." THAT IS WHICH THE STATE SAYS THE PARENT IS NOT TAKING CARE OF THE CHILDREN AND THEY GET INVOLVED.

SOMETIMES THEY GET INVOLVED AND TAKE AWAY CUSTODY OF THE CHILDREN AND GIVE IT TO A THIRD-PARTY AND IF THE PARENT CAN'T BE REHABILITATED IN THE PROPER MANNER, IN A PROPER AMOUNT OF TIME, THAT MORPHS INTO A TERMINATION OF ONE'S PARENTAL RIGHTS.

IN MARYLAND WE CALLED THAT GUARDIANSHIP WITH INTENT TO ADOPT.

IT JUST DEPENDS ON YOUR STATE.

BUT A TERMINATION OF PARENTAL RIGHTS IS A VERY SERIOUS MATTER AND IT CAN BE DEVASTATED TO THE PARENTS AND FRANKLY INTERPRETING A TERMINATION CAN BE DEVASTATING FOR THE INTERPRETER AS WELL. I INTERPRETED A CASE MANY YEARS AGO WHERE THIS YOUNG WOMAN, IT JUST SHOWS THE TRAUMA FACING DEAF PEOPLE AND INTERPRETERS, BUT SHE BECAME PREGNANT EVERY YEAR.

AND TWO OF THE CHILDREN HAD DIED WHILE THEY WERE IN HER AND HER BOYFRIEND'S CARE.

AND ALL OF THE OTHER CHILDREN WERE MOVED TO OTHER FAMILY MEMBERS. SO SHE WAS PROSECUTED IN THE CRIMINAL MATTER FOR NEGLIGENT HOMICIDE AS WAS HER BOYFRIEND.

IN THAT CASE I WORKED FOR THE BOYFRIEND AND HIS ATTORNEY, AND WE WENT TO HIS HOME TO DO A HOME STUDY, AND HE LIVED WITH THIS VERY ELDERLY MAN, AND IT CAME TO LIGHT THAT HE THOUGHT THIS MAN WAS HIS FATHER.

HE NEVER REALIZED THIS MAN WAS ACTUALLY HIS GRANDFATHER.

AND HIS GIRLFRIEND HAD WANTED -- HAD GONE TO A DOCTOR AND WANTED TO BE STERILIZED BECAUSE SHE KEPT GETTING PREGNANT.

I DON'T KNOW THAT SHE EVER UNDERSTOOD THE RELATIONSHIP BETWEEN "SEX" AND "PREGNANCY." AND I DON'T REMEMBER NOW, BUT EITHER THE COURT OR THE DOCTOR REFUSED TO STERILIZE HER. SO MY WHOLE POINT OF BRINGING UP THIS STORY IS THAT YOU NEED TO BE HEALTHY TO INTERPRET IN THESE MATTERS.

BECAUSE YOU ARE GOING TO BE FACED WITH A LOT OF REALLY TRAUMATIC THINGS FOR DEAF PEOPLE AND IF YOU ARE ALSO BEING TRAUMATIZED, THAT IS NOT A HEALTHY INTERPRETING SITUATION.

AND I'M SURE THERE ARE MANY, MANY OTHER STORIES THAT FOLKS COULD TELL. SO A FINAL WORD ABOUT JUVENILE COURT MATTERS.

JUVENILE COURT IS A BRANCH OF FAMILY COURT AND TWO DIFFERENT TRACKS YOU COULD TAKE.

MIGHT BE DELINQUENCY PROCEEDING WHERE THE STATE HAS CHARGED THE JUVENILE WITH VIOLATING THE CRIMINAL STATUTE.

THOSE ARE SOMETIMES, BUT NOT ALWAYS HEARD IN JUVENILE COURT.

AND THE GOAL OF DISPOSITION IS TO REHABILITATE THE OFFENDER AND SOME PLACES HAS SPECIAL SENTENCING PROVISIONS, SO THAT THEIR RECORDS ARE PROTECTED WHEN THEY BECOME AN ADULT.

THERE IS ANOTHER TYPE OF MATTER CALLED "STATUS OFFENSES."

AND STATUS OFFENSES ARE IMPOSED UPON YOUNG PEOPLE, BUT NOT ON AN ADULT. SO THEY ARE BASED ON THE CHARACTERISTIC RELATE TOGETHER AGE.

LIKE A CURFEW EVENT.

AN ADULT WOULDN'T BE ARRESTED FOR BREAKING CURFEW, BUT A CHILD COULD.

OR TRUANCY OR BEING INCORRIGIBLE OR RUNNING AWAY FROM HOME.

THOSE ARE ALL STATUS OFFENSES THAT WILL BE HEARD IN JUVENILE COURT MATTERS.

WITH THAT, I WANT TO NOTE THAT THE NEXT WEBINAR IS GOING TO BE AUGUST 19TH.

AND I DID IT AGAIN.

I BELIEVE THIS TIME IS WRONG.

WE'LL GET THE CORRECT TIME OUT.

AND IT WILL BE "INTERPRETING IN DOMESTIC VIOLENCE MATTERS." AGAIN, THERE IS A CHANGE IN THE FINAL DATE.

IT'S NOT SEPTEMBER 7TH; IT'S THE 21ST AND THIS IS THE CORRECT TIME AT 1:00.

AND ARCHIVED SESSIONS AND CEUS, I WILL TURN IT OVER TO CAROLYN AND CARRIE WHITE TO EXPLAIN THAT TO YOU.

THANK YOU AND GOOD NIGHT.

>> THANK YOU, CARLA, JUST A FEW THINGS AND PLEASE DON'T GET OFF UNTIL I FINISH SO YOU CAN GET ALL OF YOUR CEU INFORMATION.

I WANT TO ESPECIALLY THANK CARLA MATHERS FOR PRESENTS THESE WEBINARS AND THANK KIRK AND TERI OUR INTERPRETERS AND CAROL OUR CAPTIONER AND JESSIE AND HER TEAM AT NCRTM.

AFTER YOU CLOSE OUT OF THIS WEBINAR, A SURVEY WILL COME UP AND YOU FILL THAT OUT ON HOW MUCH YOU ENJOYED THE WEBINAR TONIGHT.

AND IT WILL ALSO COLLECT YOUR CEU INFORMATION.

THAT IS FOR INDIVIDUALS.

IF YOU HAVE A COMPUTER AND YOU ARE LOGGED IN, PLEASE FILL IT OUT.

THERE IS A SIGN-IN SHEET FOR GROUPS ONLY.

IF THERE IS MORE THAN ONE PERSON WATCHING THE WEBINAR AND THEY ONLY HAVE THE ONE COMPUTER, THEY MAY SEND ME THE FILLED OUT SIGN-IN SHEET FORM.

THE LIST SERVE IS ONGOING AND I WILL SEND OUT EMAILS IN THE NEXT FEW DAY GIVING YOU AN OPPORTUNITY TO ASK CARLA QUESTIONS AND INTERACT WITH YOUR PEERS. THANK YOU VERY MUCH AND HAVE A GREAT EVENING.

>> THANK YOU, CARRIE.