

Paternity, Custody, Child Support & Benefits- A Primer for Professionals Advocating for Teen Parents.

Training for SPPT Programs

September 12, 2012

Stacey Violante Cote, JD, MSW

Edwin Colon, JD, MSW

Overview- Tensions

- The Grey Area: Teens as both adults & children under the law
- Tensions between teen as parent & teen as child:
 - Notions of fairness & justice
 - Adolescent brain development
 - Legal responsibilities
 - Role of the law in protecting minors



Overview- The Players

- State/Federal Agencies: DSS, DCF, CSSD, SSA
- Courts: Family, Juvenile, Probate
- Schools: High Schools, Adult Education, Pre-School
- Medical Providers: Hospitals, School-Based Health Clinics, Community Clinics
- Community Agencies: Mental Health, Parenting Services, Adolescent Services



Types of Legal Issues Affecting Teen Parents:

- **Paternity Establishment**
- **Child Support**
- **Custody/Visitation**
- **Statutory Rape**
- **Access to Benefits**



Paternity Establishment

- Voluntary Paternity Establishment Program (CGS § 17b-27)
 - Hospital, CT DSS or DPH (\$50), Parties on Their Own
- Child Support Enforcement
 - CT DSS, Judicial Branch
- Probate Court (CGS §46b-172a)
 - Town in which the mother or child lives



Understanding Child Support Petitions

- A case may appear before the family court when:
 - Parent files petition with Support Enforcement Services Division of the court or DSS, or
 - DSS files a petition.



Understanding Child Support Petitions

- Short Calendar
 - Financial information provided by the parties
 - Meeting with child support enforcement
 - Child support guidelines & medical support order
- Paternity may be challenged at this point



Understanding Child Support Petitions

- Final order following a hearing
- Enforcing/Modifying the order
 - Motion for contempt
 - Party who fails to pay the order is subject to being sent to jail.
 - Will need to pay “purge” amount—any arrearage that is due-
 - Motion to modify
 - Changes in financial/employment situation

Custody v. Visitation Rights

- Joint or shared legal custody (rebuttable presumption-best interest of the child)
 - joint decision making
 - primary residence
- Sole custody
- Visitation
 - Liberal
 - Prescriptive



Chronology of Most Custody and Visitation Proceedings

Filing the case:

- *Pro Se* (self represented parties)
 - Obtaining free legal advice/services/representation
 - Court service centers
 - Asking for a fee waiver
- A case may appear before the court by way of:
 - *Ex-Parte* Emergency Motions for Custody and Visitation
 - Filing of a divorce proceeding
 - Filing of a foreign custody order (could be from another State)
 - Petition for custody or visitation

Chronology of Most Custody and Visitation Proceedings

- Motions *Pendente Lite* (pending final outcome of the case)
- Standing Orders
- Service
 - Person getting served may also file his or her own counterclaims.
- Short calendar:
 - Long day!
 - Wait to meet with family relations counselor
 - If there is an agreement on the motion parties go before the judge.
 - If partial or no agreement, parties will need to appear before the judge to argue their position on the motion.
 - Access to court interpreter services

Chronology of Most Custody and Visitation Proceedings

- Establishing paternity in Family Proceedings:
 - Usually the petitioner will pay the cost of the test.
- Appointment of attorney for the minor child or guardian *ad litem*
 - Appointment by the court
 - Parent may request appointment
 - Will conduct investigation and provide the court with a recommendation based on the best interest of the child.
- Pre-trial/Trial/Final Order or Decree
- Enforcing or modifying the order.
 - Motion for Contempt
 - Motion to Modify –Must prove a “significant change in circumstances”.

“Statutory Rape”

- Sexual assault under CT law
 - Sexual Assault in First Degree
 - Sexual Assault in Second Degree
 - Sexual Assault in Fourth Degree
- CONSENSUAL sexual activity
- Illegal because of age or inherent power dynamics in a relationship
- Punishment ranges from misdemeanor to felony conviction, fines, incarceration & registry on internet



“Statutory Rape”

Sexual Assault in the 2nd Degree (CGS § 53a-71)



A person is guilty of sexual assault in the 2nd degree when such person engages in **sexual intercourse*** with another person and:

- such other person is **13, 14, or 15 years old, and the actor is more than 3 years older; OR**

“Statutory Rape”

- School employee & student; OR
- Coach & student; OR
- Guardian or responsible for care & minor; OR
- the other person is mentally defective and unable to consent to sexual intercourse; OR
- the other person is physically helpless...

“Statutory Rape”



Punishment:

Felony; 9 months may not be suspended.

*Pursuant to CGS § 53a-70b(a)(1), the definition of sexual intercourse is as follows:

vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

Benefits

State:

Temporary Family Assistance (TFA)

State Administered General Assistance (SAGA)

Federal:

Supplemental Security Income (SSI)

Social Security Survivor's Benefits

Social Security (Dependent's Benefits)



Benefits for Immigrant & Refugee Teens

- Undocumented Teens: not entitled to any benefits except emergency medical care, child birth & WIC
- Refugees: entitled to all benefits, with some time limits
- LPR Teens: entitled to almost everything with some time limits





Resources...

Reproductive Healthcare

Planned Parenthood of CT

www.plannedparenthood.org/ppsne

CT AIDS Resource Coalition

www.ctaidscoalition.org

Center for Children's Advocacy

http://www.kidscounsel.org/tlac_publications.htm



Resources...

Legal Rights:

Center for Children's Advocacy Teen Legal Clinic,

http://www.kidscounsel.org/legalresources_teenrights.htm

(860)570-5327 or (203)223-8975

Statewide Legal Assistance

<http://www.slsct.org/>

(800)453-3320 (9-12:00 & 1-3:00 M, T, Th, F or 1-3:00 W)



Resources...

Benefits:

CT Department of Social Services:

www.ct.gov/dss

Child Support Enforcement, DSS

1-800-228-KIDS

End Hunger CT

102 Hungerford Street

Hartford, CT 06106

Phone: 860-560-2100 Fax: 860-560-2108

Social Security Administration: www.ssa.gov



Resources...

Abuse/Neglect:

CT Department of Children & Families

www.ct.gov/dcf

CT Child Protection Commission

Office of the Chief Public Defender

30 Trinity Street, 4th Floor, Hartford, CT 06106

Phone: (860)509-6400 Fax: (860)509-6495