

## Appendix 8.2

### SUPERIOR COURT FAMILY LAW POLICY STATEMENT

A COPY OF THIS DOCUMENT SHALL BE SERVED  
ON EACH PARTY BY THE MOVING PARTY

ALL TEMPORARY ORDERS WILL REMAIN IN EFFECT UNTIL TRIAL UNLESS  
CHANGED BY THE COURT DUE TO CHANGED CIRCUMSTANCES

1. **Restraining Orders.** Restraining Orders forbidding the parties from molesting or harassing each other, and from transferring or disposing of community property, except for necessary living expenses, will usually be given upon request.
2. **Attorney Fees.** When either party lacks sufficient assets to pay the attorney, the Court may order the other party to pay the reasonable attorney fees, or make other arrangements.
3. **Residence Exclusion.** The Court may order the temporary exclusion of one party from the family dwelling when there is a showing that the party to be excluded has assaulted, or threatens to assault, the other party and that physical or emotional harm would result to the other party (or another person under the care, custody or control of the other party) unless the assaultive party is excluded.
4. **Child and Spousal Support.** Pending resolution and upon application, the Court may order child support and spousal support.

The Court will consider all forms of income, including public assistance, and may consider ability to earn as well as actual earnings.

It is not unusual that the parties' needs exceed their combined incomes. The Court is primarily concerned with the actual income of the parties and only secondarily with the living expenses.

5. **Custody of Children.**
  - (a) The custody of a child will be awarded according to the best interests of the child. The non-custodial parent will be granted reasonable visitation rights unless there is a showing of an emergency or unusual circumstance. Supervised visitation will be ordered only in cases of compelling necessity therefore that involve physical danger to the child or children.
  - (b) The Court may refer a custody dispute to an appropriate agency for investigation and report. This referral may be at the expense of the parties. The Court does not routinely refer all custody disputes for an investigation and report.
  - (c) If there is a dispute over custody or visitation the parties will be referred to mediation.
  - (d) In all cases in which there are minor children both parties must attend the Children of Divorce Workshop.