

## Frequently Asked Questions

### **Suggestion box (questions and answers) about the family court**

#### **What happens if someone is breaking family court orders?**

- 1) **What is the function of a Family Court?** Family courts settle legal cases concerning families, including legal separation, custody, and maintenance.
- 2) **Is the general Public allowed in my Family Court hearing?** No, matters are held in camera. Ordinarily, only the Magistrate, attorney, respondent, applicant, court orderly, and witness (if any) are in the courtroom.
- 3) **What is the burden of Proof in a family proceeding?** A Balance of Probability.
- 4) You may want to consider a contempt action to take the person breaking court orders back to court. Maintain a record of every violation of the court order and build documentary evidence of each violation.
- 5) **Do I need a lawyer for a Family Court matter?** Although not required, a lawyer can ensure that your rights are protected and that you go through the process correctly.
- 6) **How are family cases resolved?** They can be resolved through negotiation, mediation, or court proceedings.
- 7) **What is mediation?** Mediation is a process wherein a neutral third party, known as a mediator, helps parties in dispute settle their case out of court.
- 8) **How long does a typical family case take?** It depends; uncontested cases can be dealt with right away, but contested cases might take months or years.
- 9) **How is child support determined?** It's calculated based on income, the means of the person obligated to pay maintenance, a child's needs, and how children are to be cared for.
- 10) **What evidence should I bring to court?** financial statements, all documents, pictures, pictures of pay slip, bills, medical reports, loan documents ect., that you intend to rely on to prove your case.
- 11) **What if a parent does not pay child support?** The court can make wage garnishments, impose fines, or jail a parent who doesn't pay child support.

- 12) **Do unmarried parents have the same custody rights?** Generally, the mother has initial custody until the father establishes paternity. Under sec 16 of the Families and Children Act states that “the mother of any child born out of wedlock shall be the guardian of that child, and the court shall be capable of exercising with respect to the child born to a single woman all the powers conferred upon it by this Act with respect to a child born within wedlock.”
- 13) **What is a protection order?** A protection order is issued by a court to protect a person (the applicant) from another individual (the respondent) who is alleged to have caused harm or poses a threat. It is a legal tool that restricts the respondent’s actions, such as prohibiting contact, harassment, or approaching the applicant, and can extend to family members or children if necessary to ensure safety
- 14) **How does domestic violence affect custody decisions?** Courts take into account domestic violence when deciding custody and frequently prioritize the safety of the child.
- 15) **What is legal guardianship?** A court order where someone besides the parent is responsible for taking care of a child.
- 16) **What is mediation in family law?** Mediation is a process in which a neutral mediator assists families in resolving disputes outside of court, usually more quickly and less contentious.
- 17) **How is legal separation different from divorce?** Legal separation allows couples to live apart without ending the marriage, while divorce legally dissolves the marriage.
- 18) **What documents are required when making an application at the Family Court?**
- ID- social security card, birth certificate, divorce documents, any other relevant documents, address of the respondent (phone #, name, and address work/home)**
- 19) **What happens if I am an applicant and fail to appear on my court date?** The matter could be dismissed or adjourned. **Please ensure you attend all court hearings.**
- 20) **What happens if I am the respondent and fail to appear on my court date?** If you received your summons and fail to appear at court, a bench warrant can be sent to you, or the matter can be heard ex parte. **Please ensure you attend all court hearings.**
- 21) **What can a person do if they can’t make it to the court for a court matter?** To ensure that your matter is not dismissed, you should email the court requesting an adjournment or try to call the court and speak to the clerk of the court. [bzfamilycourt@gmail.com](mailto:bzfamilycourt@gmail.com) or call- (2274114/2274107).
- 22) **How do I request an adjournment?** Please provide a copy of your ID and a letter requesting an adjournment to the clerk of the court. Also, provide all your contact information.
- 23) **If a Maintenance Order was granted against me, where do I make payments?** If you are in a district outside of Belize City and Toledo, please pay to the cashier at your nearest Magistrate Court. If you are in Belize or the Toledo District, please make payments to the cashier at the Family Court in that district. **PLEASE DO NOT** pay the other party directly.

- 24) **What happens if I fail to pay my maintenance?** Maintenance payments become in arrears 14 days after it due date. The Court can proceed by way of Recovery of Arrears, Salary Attachment, Distress Warrant, or Comital Warrant.
- 25) **The Family Court also handles matters of Juvenile Justice. Is the general public allowed to sit in a Juvenile Court trial in the Family Court?** No, these cases are confidential. Persons present are ordinarily the Community Rehabilitation Officer (CRD), a social worker, Magistrate Court orderly, parents, attorney, the juvenile, and a witness (where applicable), and an interpreter (if needed).
- 26) **Juvenile Court- who is a juvenile within the Court system?** Any child between the age of 12-17 years old.
- 27) **Do I need to bring the children to court?** Please do not bring children, unless the Magistrate or Intake Officer has requested the child's presence.

## **Court procedures, what to wear, and what not to wear**

### **What Should a Female Wear to Family Court?**

**Tops:** Button-down shirts and sweaters are safe choices. If you want to wear a sleeveless or short-sleeve shirt, put a cardigan or blazer over it.

**Pants:** Dress pants or slacks are appropriate.

**Dresses and skirts:** A skirt or a dress can be a good look if the length is appropriate when you're standing and sitting down.

**Shoes:** Your shoes should be clean, comfortable, and closed-toed.

**Accessories and makeup:** Jewellery and makeup should be simple and minimal.

### **What Should Men Wear to Family Court?**

**Shirts:** A collared shirt is a must. A classic button-down shirt is best. A simple polo shirt might also work in some places, too, but a tucked-in button-down is the safest bet.

**Ties:** A tie is optional

**Pants:** Well-fitting dress slacks, chinos, or khakis all work well.

**Shoes:** Dress shoes, loafers, or clean sneakers

### **What Not to Wear to Family Court**

No shorts

No tank tops

No cropped tops

No plunging necklines

No tight or baggy pants

No leggings and athleisure.

No hats

No non-prescription sunglasses

No torn clothing

No ripped jeans or cargo pants.

No flip flops or slides, and no clothing with offensive or obscene images.

**If you wear clothing that is specifically banned, you could be refused entry into the Court. As a result, the court may dismiss your application or proceed ex parte (in your absence).**

## **How to set an appointment to see an intake officer**

Appointments can be done through the contact information provided below (2274114/2274107). However, Clients can be dealt with by simply walking into the office and asking to speak to an intake officer.

## **List of services that are not available at the Family Court**

Divorces

Probate and succession matters

Adoptions

Adult Traffic Matters

Powers of Attorneys

Land disputes/property rights

Adult Murder Trials

Adult Criminal proceeding (except Breach of Protection Order)

**Where a person can go for assistance when the family court cannot deal with their matter, or they can't make an application to the court.**

**Referrals:** The Family Court intends to be a holistic provider of family intervention legal services. However, in some cases, legal proceedings required by families will be outside the current jurisdiction of the Family Court. In those cases, the Family Court will make appropriate referrals to other attorneys-at-law, the legal aid centre, the Departments under the Ministry of Human

Development, or other judicial bodies such as the Supreme Court, as may be appropriate to assist the person seeking legal assistance.

- Family Support and Gender Affairs Department
- Department of Human Services
- Police Department
- Community Rehabilitation Department
- Legal Advice and Services Centre
- Magistrate Court
- High Court
- Vital Statistics