

The Internet: Uses and Limitations for the Family Law Practitioner

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For most young lawyers, aside from the mandatory legal research class offered in the first year of law school, books are a thing of the past. Nevertheless, although we have grown up in the era of computers and the internet, recognize that computers are not invulnerable and sometimes crash. Therefore, we have to be willing and capable of researching the “old fashioned” way. However many of our more senior counterparts are unable (or unwilling) to incorporate the computer and the internet into their practices. This article is intended to serve as an introduction to less computer literate peers about some of the ways the Internet can simplify the life of a family law practitioner.

There are endless web sites that can save hours of time which translate into substantial savings to our clients. We can also prepare our cases more efficiently and access necessary information within moments before a Court appearance or settlement conference. Websites are also extremely helpful in lower income cases when the parties do not have the financial ability to hire employability experts and/or appraisers.

Legal research is the most widely used, obvious advantage of Internet technology. A site such as Westlaw, a costly site, provides access in seconds to current laws and cases, so long as the fact pattern is appropriately referenced in a typed question. A computer user also can “keycite” a source to determine whether it is still good law.

Accessing secondary sources, such as New Jersey Practice, provides background information on your specific topic and leads you to more specific sources such as statutes and case law. These secondary sources also provide access to hundreds of forms and sample motions and pleadings that the practitioner can “cut and paste” to fit a particular

set of facts. Excerpts can be “cut and pasted” from sources into legal briefs and memoranda. Online researching is usually more reliable, timely, and much faster than locating the information from a book.

More specific websites, allow you to access important information in moments:

Support Obligations

If you represent a payee spouse, you will want to access <http://www.njchildsupport.org> for up to date information regarding the status of child support payments. Many of us know how difficult it is to contact the various probation departments for this information and to retrieve written conformation, especially if we are walking out the door to argue an Enforcement Motion. Accessing this web site will allow you to instantly view and print up to date information in support of your position, Information provided includes the amount of the weekly obligations, last payment date, arrears due and owing if any and whether or not the case is in “warrant status”. This website also provides access to probations forms, community resources and information on local offices.

Supportguidelines.Com will give the family law practitioner information on child support guidelines nationwide, for all 50 states and the District of Columbia including, Statutes, Court Rules and child support calculators. It also includes links to other websites to research family law topics.

The U.S. Department of State, Office of Children’s Issues:

http://www.travel.state.gov/children’s_issues.html is a website that explains the “Child Passport Issuance Alert Program.” Give this website to clients who have expressed concerns that the other parent may remove the child from the country without consent. This program is not a passport tracking system. The purpose is to insure that once your

client is in possession of the existing passport, a duplicate will not be issued without notification to your client. The website explains with specificity how to enroll your child in this program to protect against abduction.

US Department of State, Child Support Enforcement Abroad:

http://travel.state.gov/child_support.html provides information regarding enforcement of a child support obligation when the payee spouse is not residing in the United States, including a listing of countries that have agreements with the United States regarding Child Support Enforcement. The website also includes specific contact information for central authorities of reciprocating countries. Other information includes how to locate an absent parent owing child support who may be overseas and how to request information from the U.S. Embassy to locate a U.S. Citizen abroad who is obligated to pay child support. There is also a listing of child support enforcement offices for all (50) fifty states.

Njcourtsonline.com (<http://www.judiciary.state.nj.us/probchild/prob02.htm>) is a useful site for your client after you have concluded your representation. The site contains information pertaining to commonly asked questions about child support enforcement hearings when actions are brought by the probation department post-judgment.

US Department of Health and Human Services, Administration for Children and families, www.acf.dhhs.gov/contracts.html has a several pages of important contact information i.e. National Domestic Violence Hotline, National Center for Missing and Exploited Children, National Runaway Switchboard, National Adoption Directory, how to report suspected child abuse, and state liaison officers for child abuse and neglect.

Valuation Issues and Occupational Data

Kelly Blue Book values are available at www.kbb.com (for car values). This website offers, among other things, retail and trade in value of automobiles. In order to determine the value of a boat, see www.internetboats.com. See <http://www.nada.com> for airplanes, motorcycles, personal watercraft, classic cars, recreational vehicles mobile homes and more. Art values can be found at www.artbrokerage.com, although the site provides only information about retail value. Collectible information can be found at www.csmonline.com. (firearms, knives, stamps, coins, records, toys and antiques). All of these websites (other than www.csmonline.com) do not require fees and/or membership. All of these sites are user friendly. I caution, however that most of these sites should be used only as an aid , which should guide you as to whether additional evidence should be sought if the web site reveals there is a legitimate valuation issue.

If you are attempting to estimate certain expenses for the purpose of preparing a Case Information Statement, you can visit the following sites:

If a client is seeking an automobile loan, and you are trying to determine the monthly cost, www.carcalculator.com.will help the practitioner estimate the cost of same except that this website requires you to pay a fee. An excellent site used to determine the cost of life insurance can be found at www.budgetlife.com. This site is free and does not require you to become a member. For auto, life and home visit www.e-insure.com, however, be aware that to gain access to the information, the inquirer must complete a personal information sheet that enables the site to send unsolicited information..

In matrimonial litigation we often face the issue of an unemployed and/or underemployed spouse. In a case when an employability expert is too costly for the

litigants, the attorney can rely on the New Jersey Occupational Wages Survey <http://www.state.nj.us/labor/>. This site supplies immediate up to date information on prevailing wages for the purpose of imputing income to a spouse in computing a support obligation. The Child Support Guidelines permit the Court to take judicial notice of this information when determining support to be paid. In addition, <http://stats.bls.gov> US department of Labor, Bureau of statistics supplies labor statistics throughout the entire United States.

Martindale.com and Findlaw.com will help the practitioner to find information about their adversary in a matrimonial case including their education, years of practice, accomplishments, affiliations and level of experience in family law.

NJICLE.com, New Jersey Institute of Legal Education online provides up to date seminar information by topic. You can purchase seminar materials and software and download articles written by the top family lawyers in the State of New Jersey by topic area (for a fee) and link directly to the “New Jersey Lawyer”.

Locating People, Phone Numbers, Etc.

The following websites will help the family law practitioner to locate people and phone numbers:

1. To locate people: <http://www.411locate.com>, <http://www.switchboard.com>, <http://www.ussearch.com>, <http://www.anywho.com>. When I entered my name into all four websites, each website was able to locate my phone number and address. When I entered by address, they provided the name and phone number; when I entered by phone number, they provided my name and address. Although you can search these websites free of charge and locate addresses in seconds, for more advanced searches you will have to pay

a fee.

2. To locate email addresses: www.iaf.net/. I attempted to locate my email address on this website and I was unsuccessful. I also entered several other names of friends and colleagues and this website was unable to find even one of them. However, there is note on the website stating that it is a work in progress and when it is finished, it will be the most complete email directory on the web. This website is also free of charge and you are not required to become a member.

3. Address Reverse lookups (enter an address and get a published phone number) www.anywho.com. When entering my phone number, it took seconds for this site to locate my address. I entered several other phone numbers and the site was able to locate the addresses of all the people I attempted to locate. This site is free of charge and you are not required to become a member.

4. Convicted sex offenders can be located by a state registry located at <http://www.crimetime.com>.

The website <http://timeanddate.com/date/dateadd.html> quickly calculates the precise date a service filing.

There are many websites, all of which are free of charge and easy to use, that can assist the attorney in determining generally why certain medications are prescribed. If one spouse located a prescription bottle of another spouse, this site will help you to determine whether or not the other spouse may suffer from a mental or physiological condition.

<http://mentalhealth.com> has a list of medications, pharmacology, indications, side effects, warnings etc. and <http://www.druginfonet.com> has medications, diseases

frequently asked questions, medical conditions and related sites. Again, this site was comprehensive and extremely helpful in providing information about the underlying disease or sickness for which various medications are prescribed.

If a client is considering relocation, there are many free sites that enable the family law practitioner to retrieve invaluable information regarding cost of living comparisons, salaries, information on school systems and crime rates. <http://salary.com>, <http://homefair.com> and <http://ddir.yahoo.com/education> were the most user friendly sites. In using these websites I was able to locate information on my former high school, including programs offered and actual email addresses of former teachers. In addition, homefair.com enables you to conduct a cost of living comparison by entering the salary earned in New Jersey and comparing that salary with any city in the United States. The site will tell you for example, if you earn \$90,000 in New Jersey, you must earn \$85,000.00 in Palm Beach Florida to maintain your standard of living.

To determine the cost of mortgage payments for the purpose of estimating a client's future expenses see <http://www.mortgagecalc.com>, <http://www.ewmortgage.com>, and <http://nolo.com>. These websites are easy to use and provide additional services such as a mortgage calculator, credit card calculator, IRA calculator, college savings calculator and more.

In short, although it is important for all of us to be able to research our many publications, and although the computer will never substitute for a human being, none of us should ignore the value of the internet, and the ability to access endless sites of information. The more familiar we become with the changing technology, the more we will discover how to use the internet to our advantage to prepare cases more effectively

and in turn save our clients the time and money associated with more costly alternatives.

Limitations on Use of the Internet

Although the Internet is an invaluable tool in our every day lives, “The more hours people use the internet, the less time they spend with human beings” said Stanford Professor Norman Nie in his recent study of the social consequences of the Internet Entitled, “*Is the Internet Causing Social Demise?*”. Learning through the computer has changed the entire educational experience. Communication through the computer does not allow emotional interaction with other human beings.

Direct communication allows people to interact in ways that are precluded by the computer. A sentence can be said a number of ways to invoke several different emotions in the listener. Emphasis can be placed on any one word in a sentence and can be expressed in a number of volumes and tones. Computer screen communication cannot always accurately convey the feeling or mood of the writer. For example, if a child were to send an instant message to his parent stating “I got a B on my math test”, it is impossible for the parent to know immediately how the child felt about this experience without probing further. In addition, viewing an image of a loved one on a screen can never compare to the actual touch of someone’s hand, a hug, or the sound of a voice.

However, on January 5, 2001, the Appellate Court determined that a trial Court should have considered the use of the internet to enhance visitation with a child. In McCoy v. McCoy 336 NJ.Super 172 (App. Div. 2001) the Appellate Court found that in denying relocation of the custodial parent, the trial Court failed to consider the plaintiff’s suggested use of the internet to enhance visitation. They called this proposal “creative and innovative”.

The suggested internet communication in these cases would be accomplished by setting up a website with video cameras at the home of the child and the parent. The parties connect to one another and they can either type or talk to one another. Through this setup, the technology has the ability to digitize anything through a scanner into an image, for example, report cards, drawings, and photographs. There is also the option of a “web camera” that can be accessed by anyone over the internet; this allows the non custodial parent to view sporting events, school plays and any activity the child is engaged in. This alternative however, is costly and is not yet mainstream. The other method of contact is through email and instant messaging, which is available in virtually every home with a computer. Reni Gertner, *Lawyer Weekly USA No. 9919902*.

As evidenced by the recent division in *McCoy v. McCoy*, the internet will undoubtedly play a role in relocation cases, but it should not play a significant one. In deciding whether or not the current visitation can be duplicated, the internet, in most cases, probably should not be substituted for actual parenting time with the child. For example, if the non-custodial parent has frequent weekly contact i.e. dinners during the week and participation in after school activities, the internet is no substitute. This is especially true for younger children who cannot respond the same way to a parent over the internet, and to older children as well, who may not be disciplined enough, or interested enough in the process to log onto a computer to initiate contact with the non-custodial parent.

As the *New Jersey Law Journal* reports, (on January 15, 2001, in “Appeals Judge Order Serious Look at Using Internet for Child Visitation), leading family law practitioners in New Jersey have mixed feeling on the subject. “With the growing

mobility of society, it is only natural that litigants and courts will increasingly be looking to technology to try to maintain ties between children and non-custodial parents”, says Sally Goldfarb, who teaches at Rutgers Law School-Camden. Gary Skoloff says that internet contact is not only less expensive but parent and child can see each other in contrast to the telephone. See 163 N.J.L.J. 153.

Others disagree, “the internet makes no difference and “certainly doesn’t substitute for personal contact”, says Elliot Gourvits. But Robert Levy, University of Minnesota Law Professor who co-authored a book with Skoloff on child custody law says cybervisitation is “not the same as holding your child in your lap, but faced with the reality that someone is going to be without the child on a daily or weekly basis, this is going a great distance by the custodial mother to try to maximize the opportunities”. 163 *N.J.L.J.* 153.

The bottom line in this ongoing debate is that although the internet has become a valuable tool in our society, we need to step back and be careful not to rely on this technology to replace human contact, especially in the context of child custody and relocation cases. Although this technology can enhance parenting time that would not have otherwise occurred, it probably, in most cases, should not be considered as a substitute for parenting time that already exists, especially if the relationship between child and non-custodial parent is close, frequent and consistent.