

## **Family Law**

### **Moderate Means Program Introduction**

**PLEASE READ BEFORE COMPLETING APPLICATION**

The Moderate Means Program is a reduced fee referral program designed to make legal services accessible to lower and moderate-income people who are ineligible for legal aid and who meet the eligibility requirements of the program (see the Maximum Income Level chart on page 3). The Moderate Means program is for **family law cases only**. The attorneys who have been accepted into the program are private attorneys – not government or legal aid attorneys – who have agreed to charge \$150 per hour, with an initial deposit of \$1,500.

Below is a menu of services that may be provided to an eligible client by a Moderate Means attorney. Please note that each legal issue below is a **separate case and will be treated as different cases and will require different Moderate Means agreements**. After the initial deposit of \$1,500 is exhausted, you will be required to prepay additional monies (“replenish” the retainer). The amount of additional prepayments is the attorney’s decision, based on the amount of work that remains to be completed. Please be aware that this is not a **flat fee service – Attorneys on the panel charge by the hour**.

All services and fees are between the client and the assigned attorney and not the responsibility of the program.

### **Moderate Means Program Guidelines**

#### **Fee: \$1,500 Retainer and \$150 hourly rate**

##### **Services covered under the Moderate Means Program:**

- Annulment
- Child Custody
- Child and Spousal support issues to include requests for, modification of or opposition to support
- Department of Child Support Services (DCSS)
- Discovery
- Dissolution of Marriage
- Evidentiary Hearings
- Legal Separation
- Mandatory Settlement Conferences
- Move Away Order
- Name Change
- Paternity
- Settlement Agreements
- Trials
- Temporary/Permanent Restraining Orders (Domestic Violence)
- Visitation Rights

**Services not covered under the Moderate Means program:**

- Child Welfare Services (CWS) investigations
- Writs
- Appeals

**COSTS TO BE COVERED BY CLIENT, INCLUDE BUT NOT LIMITED TO:**

- \$435 Initial filing fee – one-time payment to court (fees are subject to change by the California Superior Court)
- Additional filing fees payable to the court for each motion filed. Current filing fees range between \$60 - \$85.

**To Qualify:** Before you can be referred to a Moderate Means attorney you must

- Meet the qualifications on the Maximum Income Level chart on page 3. You may not have any assets more than \$5,000, excluding the family's principal residence, retirement accounts and personal vehicle
- Complete the Moderate Means Request for Participation Application and pay a non-refundable \$40 application fee
- Be able to pay a \$1500 retainer fee to the attorney **at the time they are hired**

Please see [here for Frequently Asked Questions about the Moderate Means Program](#).

There are four steps in the process before you qualify to be referred to an attorney.

**Step 1:** Look at the Maximum Income Levels chart on page 3 to see if you qualify\*. If your income level falls below the guidelines, you have the option to have a co-signer for the application. By co-signing on the application, that person agrees to pay the attorney's fees if the applicant is unable to do so. **The cosigner is also required to provide all the supporting financial and personal documentation that is required from the applicant.** Please contact us at [moderatemeans@cccba.org](mailto:moderatemeans@cccba.org) if you require a co-signer application.

\* *Child/Spousal support received is not calculated in the monthly income range.*

**Step 2:** Complete the Moderate Means Request for Participation Application. Incomplete forms will be returned to you for completion. You will be asked to provide 4 current pay stubs. If you are self-employed, please provide copies of tax returns for the last 2 years which include Schedule C and a current year-to-date Profit and Loss statement. Please provide a list of all your assets, including any property owned, bank accounts and/or retirement accounts. If you are not employed, provide a copy of your unemployment or SSI/SSDI monthly benefits. **Do not send any original documents. Paperwork sent to the program will not be returned.**

**There is a \$40 non-refundable application fee as well.** Please complete the payment information on the application. You may also submit payment in the form of a check or money order and mail it to: **Moderate Means Program, 2300 Clayton Road, #520, Concord, CA 94520.** **No applications will be processed without receipt of this payment.**

### Maximum Income Levels

NO. IN HOUSEHOLD	TOTAL MONTHLY INCOME (GROSS)
1	\$2,845.00
2	\$3,670.00
3	\$4,571.00
4	\$5,555.00
5	\$6,500.00
6	\$7,445.00
7	\$8,890.00
8	\$9,330.00

*\*Child/Spousal support received is not calculated in the monthly income range.*

**Please make sure to sign and date your “Moderate Means Request for Participation Application.” Your submission will not be processed if the request is incomplete or if you fail to sign or date the document.**

**Step 3:** Once we receive the request, we will review it for qualification and if you do qualify, we will contact available attorneys and discuss your legal matter. The attorney has the option to meet with you and see if they can help you or decline to take the case. The attorney has the final say as to whether they believe you qualify for the program based on the parameters outlined above. Please be aware that this program is for uncontested issues. Please note that if you are not truthful in your application you may be barred from the program altogether.

**Step 4:** If you do not meet the criteria in steps 1-3, you will be notified of the outcome. If you do meet the criteria in steps 1-3, you will be given the attorney’s contact information. You will be asked to contact the attorney to make an appointment with their office for an initial 30-minute consultation which will involve discussing your legal matter and costs. If you decide to hire the attorney, you will be required to pay a \$1,500 retainer fee before any work is started on your case. Please make sure you read and sign a retainer agreement. The attorney should provide you with a signed copy of the retainer agreement

Please be aware that the attorneys on the Moderate Means panel have agreed to take cases at a reduced hourly rate of \$150 and have the right to ask for additional upfront deposits to continue working on your case. If you can no longer pay the attorney or if you do not follow the [Moderate Means Code of Conduct and Client Agreement](#), the attorney may request that you sign a Substitution of Attorney form, or the attorney may file a motion with the court requesting to withdraw as your attorney.

If you decide not to hire the attorney, please make sure to contact our program at [moderatemeans@cccba.org](mailto:moderatemeans@cccba.org) with the reason(s) why you did not retain the attorney. Once we receive this information, we will refer you to a different attorney. Please be aware that we have a very limited number of Moderate Means attorneys in the program. Once you have exhausted the two referrals, you will not receive any additional referrals to Moderate Means attorneys. The CCCBA and the LRIS Committee reserve the right to refuse to make a referral.

If you decide to hire one of the program attorneys, all correspondence and case details are between you and the attorney with one exception – if you are not truthful in your application you will be barred from the program.

If you have any questions, please contact the Moderate Means program at [moderatemeans@cccba.org](mailto:moderatemeans@cccba.org) or by telephone at (925) 677-0234.