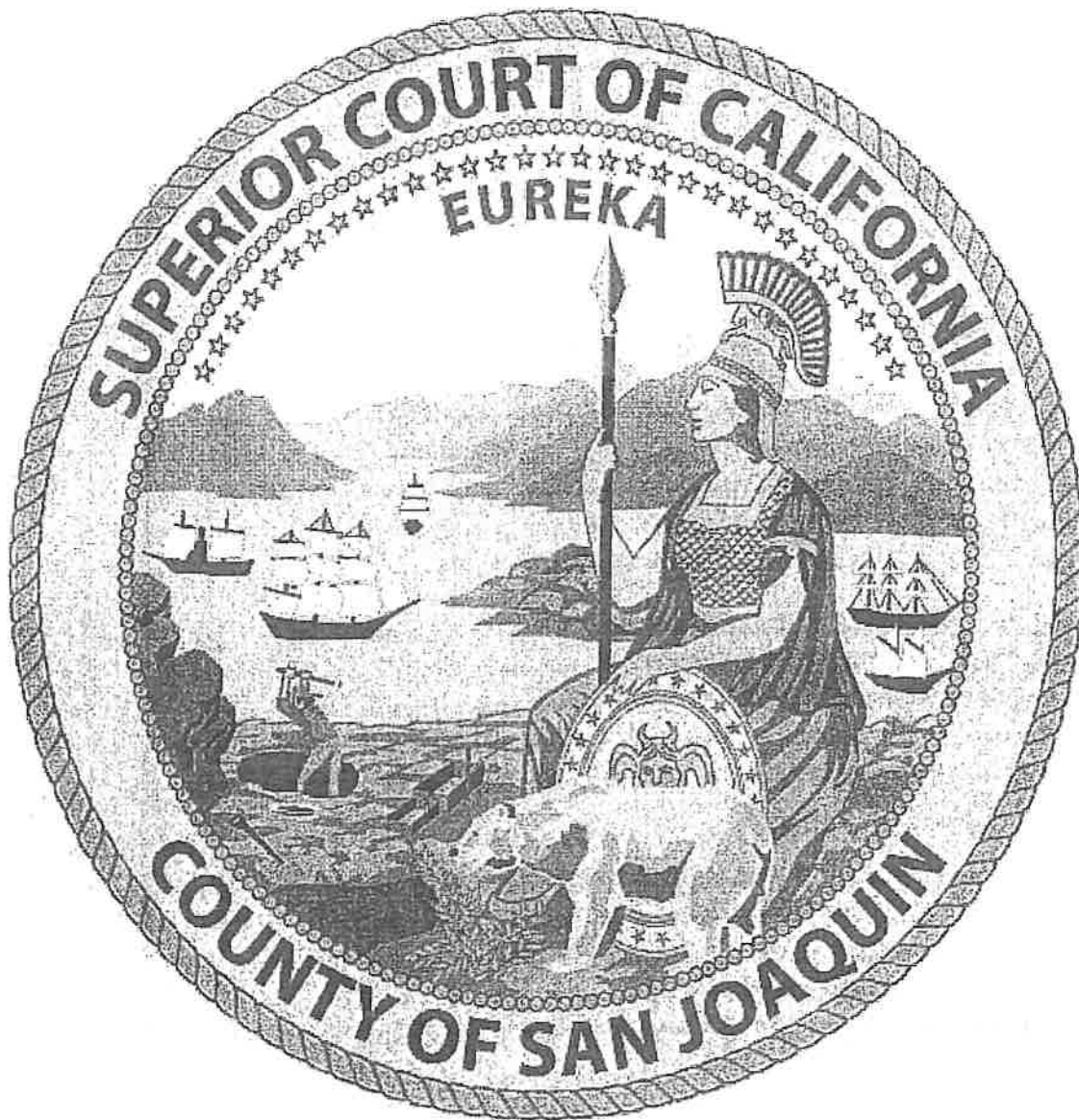




FAMILY COURT SERVICES

San Joaquin County Superior Court

FCS Mediation Orientation Program

(209) 992-5690



Superior Court of California County of San Joaquin

Family Law Litigants,

Family law cases are very stressful for the parties involved. There are ways to lessen the stress of your divorce, property division, custody, support or other family law matters by considering other dispute resolution methods. That means you may be able to settle your case without going to court. When you are able to do that it means you have greater control over the outcome of your case because you are directly involved with the decisions that are made.

Some ways to resolve your case without going to court are having attorneys negotiate directly, having a neutral third party help both sides negotiate a solution through mediation or using a method such as collaborative law. Alternatives to going to court allow you to participate directly to resolve your case, may be quicker than going to court, may be less expensive than going to court, may end with a better relationship with your former partner and will likely be much less stressful for you.

It is to your benefit to consider opportunities to reduce conflict and expenses in the Family Law process. I encourage you to focus on what is important. That means considering the best interests of your children and not using them to hurt the other parent. It also means finding ways to resolve your property and financial issues in a way that is realistic. Your agreements do not have to be perfect but they do have to be acceptable to both sides. The court offers mediation only regarding custody and visitation issues. There are community resources for you to consider handling other aspects of your disputes.

Regardless of what methods you choose to resolve your case, try to remember that this difficult time in your life can be made better by realistic expectations and sincere efforts to resolve your case in the most amicable manner possible.

Honorable Robin Appel
Presiding Family Law Judge

CUSTODY

California law says that judges must award parenting time to parents according to the "best interests" of the children. California custody laws have changed a lot in the past several years. Courts do not automatically give custody to mothers instead of fathers, even for small children. Courts cannot deny parenting time to parents based on them not marrying each other, physical disability, different lifestyles, religious beliefs or sexual preference.

There are two types of custody: legal and physical.

Legal custody refers to decisions about health care, education, and religious upbringing. This might include whether children will attend private school, whether parents will be required to provide medical care/medications they are opposed to, or whether a child may participate in certain religious events. If parents have joint legal custody, they must share information about the children with each other, and make mutual decisions about issues such as those listed above. No matter who has legal custody, both parents have the right to obtain information about their children from school, doctors and other service providers.

Physical Custody refers to the time spent with each parent. The children might live during school days with one parent and weekends and vacations with the other. Or, the children may live with each parent for a block of time. If the parents live near each other and have a good working relationship, the children may go back and forth between them without a specific schedule. A judge can give parents joint legal custody but not joint physical custody. In this case, both parents would have equal responsibility for important decisions affecting the child's life, but the children would spend more time with one parent than the other. The parent who does not have physical custody would usually have regular parenting time with the children.



The goal of mediation is to make a custody plan that is best for your children. Children can have a hard time coping with changes in their lives. Studies of parents and children show that most children cope better when both parents play active roles in their lives.

THE DEVELOPMENTAL NEEDS OF CHILDREN

BEHAVIORS

WHAT YOU CAN DO

Infants 0-18 months

- In early infancy a child is totally dependant upon parents and cries only to get needs met
- Cannot purposely disobey or willfully misbehave
- Older infants may show separation anxiety or distress in leaving a caregiver to go with another caregiver (these are healthy signs of attachment)
- Child does not have a concept of time, or knowledge when they will see the other parent again

- Consistent response to needs
- Regular schedule for naps, food, etc. . .
- Preferable not to separate child from either parent for lengthy periods of time
- Frequent and shorter periods of custody are better than blocks of time

Toddlers 18 months-4 years

- Child tests limits and begins to want to control their environment
- Normal to be noncompliant, uncooperative, and have tantrums
- Older toddlers may begin to have the ability to understand time and can spend more time away from either parent

- Teach appropriate ways of handling anger and frustration
- Clearly defined and enforced limits which help a child to feel safe and secure
- Predictable schedule
- Do not assume misbehavior or crying is due to the other parent

Early school years 4-6 years

- Focus is on social roles and on mimicking behaviors
- Acute sensitivity to parental conflicts and parents' moods and feelings
- Time perception is limited but continues to increase to a few days

- Socialization with peers and in educational settings in preparation for school enhances growth and development
- Stable routine and basic explanation of any changes

Elementary school age 6-12 years

- Child can begin to think independently about others and show empathy
- Time perception is more developed
- Child can maintain relationships with both parents with more extended periods away from each of them
- May show interest in sports, activities, or interest in the arts/music lessons

- Continue consistency in routine
- Both parents should be involved in supporting the child's education and interests in outside activities
- Make allowances within custody schedule to allow child's outside activities, sports, and peer relationships to grow

Early Adolescence 12-14 years

- Child is able to begin to think in a more adultlike way
- Behavior may swing in extremes from one end to the other
- May be dishonest with parents regarding their feelings about the custody schedule to protect themselves from being put in the middle

- Flexibility in custody schedules should allow the child to develop peer relationships in activities away from both parents
- Get their input on custody schedules, but do not allow them to feel as though they get to make your decisions
- Do not ignore any significant troubles in school, activities, or with friends

Adolescence 14-18 years

- Child begins to pull away from family and prefers time with friends versus family
- May challenge adults and assert their desire to be more independent

- Consistency of rules between both households
- Professional intervention of any significant school, emotional, or behavioral problems
- Custody schedules that fit the child's schedule first and the parent's schedule second
- Many prefer to have one home and spend time flexibly in the other home

A CHILD'S NEEDS WHEN PARENTS DON'T LIVE TOGETHER



I **need** to love both of my parents without guilt, pressure, or rejection.

I **need** to love step-parents, relatives, etc. . . without guilt or being made to feel disloyal. The more love I give, the more I have to give, and the more I will receive.



I **need** to have a regular routine that both of my parents will commit to following.

I **need** to spend time with both of my parents, regardless of my parents' wants and wishes, convenience, money, or their feelings.



I may be sad, angry, and fearful...and I **need** to be allowed to express those feelings.

I **need** you to consider my age, perception of time, personality and temperament, how far apart from each other you live, and what my relationship has been with each of you before you make changes to my schedule and expect me to adapt to them easily.



I **need** to not have to make adult decisions.

I **need** to not choose sides or to blame either parent.



I **need** never to have to choose where I live. Having to make such a choice will always hurt someone else, including myself.

Even when I'm a teenager, when people think I should make the decision, I **need** never to choose between my parents; **I need you both.**

GUIDELINES FOR GETTING ALONG BETTER WITH THE OTHER PARENT

1. Your mutual concern should be raising your children. Be businesslike. Be polite. Do not use bad language or call the other names. Do not try to conduct business under the influence of alcohol or drugs. If you feel yourself getting upset, say so and agree to resume the conversation at a later time.
2. Do not discuss any issues with each other in the presence of the children. Limit your conversation when the children are exchanged to "hello" and "goodbye".
3. Any phone calls about the children should be limited to that topic. Tell the other parent at the beginning whether you are calling to discuss the children or some other issue.
4. Do not send messages for the other parent through your child. Talk to the other parent directly, by phone, e-mail, or mail.
5. Be very clear with each other about your time with the children. Do not change any plans without first discussing the proposed change with the other parent in advance.
6. To be sure each parent has the same information, follow up on discussions of an arrangement or agreement in writing and both parents should sign it and keep a copy.
7. Talk together to teachers, doctors, or other involved professionals to help resolve differences of opinion about what is best for your children.
8. Each parent is responsible for their child's daily care when they are with them. It is important for parents to discuss any changes in the child's medical or educational status right away.
9. Above all, have a good partnership in raising your children. Keep in mind the importance of your investment and the expected returns. The investment is what you are willing to do for your child's happiness and success in life. The returns are comfort and security for your children, and the knowledge their parents care enough about them to make their life free of conflict.

AGREE AS PARENTS

1. AGREE to focus on the needs and interests of the children ahead of your own.
2. AGREE to give your children the opportunity to have a meaningful relationship with both of you.
3. AGREE that there have been mistakes in the past and start over as better, more committed parents.
4. AGREE that open, honest, direct and frequent communication is vital to an effective co-parenting relationship.
5. AGREE to disagree when necessary.
6. AGREE that conflict between you causes emotional trauma, pain and stress to the children.
7. AGREE not to put the children in the middle.
8. AGREE to leave the past in the past and start today working together as co-parents.
9. AGREE to give the children permission to love both parents.



IMPORTANT INFORMATION

Before court:

1. Be on time.
2. Be prepared.
3. Be respectful to the Court, the mediator and the other parent. Do not interrupt when the Judge, the mediator or the other parent is talking. You will have your turn to talk without interruption.
4. If you do not speak or understand English well enough to participate in the proceedings, you must request an interpreter by filing with the clerk's office a Request for Interpreter, form INT-300, at least five days prior to the hearing date to ensure interpreter availability.
5. Keep the best interests of the children in mind at all times. Children under 18 are not allowed in the courtroom and should never be brought to court hearings. If the Judge or mediator asks you to bring your children in so they may talk with them, in most cases it will be at a different time than your court hearing.
6. Be aware of the courtroom rules regarding appropriate attire, conduct, cell phones/pagers, gum, food and drinks.
7. If you have Domestic Violence issues, you may request separate mediations.

After court:

1. If you have questions following your court hearing and are represented by an attorney, please call your attorney; do not call your mediator. The mediators are not allowed to participate in ex parte communication.
2. Court orders cannot be changed or modified without a court hearing and a decision from the Judge. Exceptions are made only to correct errors or omissions. If this is the case, call the Family Law Clerk; do not call your mediator.
3. If you need to modify your order, you must file for a modification and set the matter for a hearing. Your attorney can assist you with this. If you do not have an attorney you can seek assistance at the Self-Help Center/Pro Per Clinic located on the first floor of the Courthouse.

Further resources:

www.familieschange.ca.gov

www.changeville.ca.gov

HOW TO MODIFY AND ENFORCE CUSTODY ORDERS

When can the order be modified?

The order can be modified if there is a significant change of circumstance so that the best interests of the child require a change in the custody schedule. A change of circumstances means something that is new, not something that happened before the current court order was made.

How can the order be modified?

The best way to modify an order is to agree on a new schedule with the other parent. We believe that parents should know what is best for their children and be able to work out a schedule that is right for the children.

If you cannot agree, you may file a Request for Order with the court. Your papers should always include why a change needs to be made and what your specific proposal is for the new schedule. At the hearing, if you do not have an agreement, you may be required to see a mediator to assist you in working out an agreement. If you do not reach an agreement in mediation, the mediator will make a recommendation to the Court as to what changes, if any, should be made.

How can you get help enforcing your existing orders?

If you have problems enforcing your court order after your hearing you must utilize the proper authorities for assistance. Mediators are neutral third parties who are not allowed to discuss aspects of the case unless all parties are present.

If you have an attorney, you should call your attorney about the issue. If you do not have an attorney, you can obtain information from the Family Law Facilitator, Self-Help Center located on the first floor of the Courthouse or the Law Library located at: 20 North Sutter Street, Stockton, CA 95202.

You can ask law enforcement to enforce the order. You can also file a contempt action against the other party in your family law case.

Forms can be obtained at any courthouse in California as well as the court's website, www.sicourts.org or www.courts.ca.gov. For further assistance you can visit the Self-Help Center/Pro Per Clinic located on the first floor of the San Joaquin County Superior Court. For additional information and assistance visit California Courts Online Self Help Center at www.courts.ca.gov/selfhelp for free, accurate and official legal information and resources.

Domestic Violence and Child Custody

If there has been domestic violence in your family, here is important information about a law that may affect you.

What is "domestic violence"?

It means to hit, kick, scare, throw things, pull hair, push, follow, harass, sexually assault, or threaten to do any of these things. It also includes other actions that make someone afraid of being hurt. Domestic violence can be spoken, written, or physical.

What is "child custody"?

There are two types:

- **Physical custody:** The person that the child lives with on a regular basis.
- **Legal custody:** The right for a person to make important decisions about the child's health care, education, and welfare.

When does domestic violence affect who gets custody of my child?

In the last 5 years, has a parent in this case committed domestic violence that resulted in a:

(1) **conviction** in criminal court for domestic violence against one of the following people:

- the other parent in the custody case,
- any of your children or your children's siblings,
- current spouse, someone they are currently dating, engaged to or currently lives with or
- their parent?

OR

(2) **"finding"** of domestic violence by a judge against any of the people listed above (*example: a judge granted a restraining order for 1 or more years*)?

If you answered "yes" to (1) or (2), a special law applies to your case. Judges, attorneys, and court professionals refer to this special law as "3044"—the exact law that applies to your case (see page 2). Even if this law does not apply to your case, you should give the judge any information about domestic violence or abuse that you want the judge to consider when making a decision about child custody.

If someone that is not your child's parent is asking the court for custody, this law applies to them as well.

What happens when the special law (3044) applies to my case?

Under the special law, the judge can only give custody to the person who has a domestic violence conviction/finding if the judge believes that it is in the child's best interest to do so. The judge must look at 7 factors, including the child's best interest, in making this decision. The 7 factors that the judge must look at are:

1. What is in the child's best interest?
2. Has the person committed any other domestic violence?
3. Has the person followed all the terms and conditions of any restraining order?
4. Has the person finished a 1 year batterer intervention program?
5. Has the person finished an alcohol/drug program, if required by the court?
6. Has the person finished a parenting class, if required by the court?
7. If on probation or parole, has the person followed all terms of probation or parole?

The judge must go through this 7-factor test in every case that it applies to, even if a court professional or evaluator makes a recommendation in your case. To learn more about the custody process in family court, visit:

<http://www.courts.ca.gov/selfhelp-custody.html/>.



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

Family Code 3044

(a) Upon a finding by the court that a party seeking custody of a child has perpetrated domestic violence within the previous five years against the other party seeking custody of the child, or against the child or the child's siblings, or against any person in subparagraph (C) of paragraph (1) of subdivision (b) of Section 3011 with whom the party has a relationship, there is a rebuttable presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interests of the child, pursuant to Sections 3011 and 3020. This presumption may only be rebutted by a preponderance of the evidence.

(b) To overcome the presumption set forth in subdivision (a), the court shall find that paragraph (1) is satisfied and shall find that the factors in paragraph (2), on balance, support the legislative findings in Section 3020.

(1) The perpetrator of domestic violence has demonstrated that giving sole or joint physical or legal custody of a child to the perpetrator is in the best interests of the child pursuant to Sections 3011 and 3020. In determining the best interests of the child, the preference for frequent and continuing contact with both parents, as set forth in subdivision (b) of Section 3020, or with the noncustodial parent, as set forth in paragraph (1) of subdivision (a) of Section 3040, may not be used to rebut the presumption, in whole or in part.

(2) Additional factors:

(A) The perpetrator has successfully completed a batterer's treatment program that meets the criteria outlined in subdivision (c) of Section 1203.097 of the Penal Code.

(B) The perpetrator has successfully completed a program of alcohol or drug abuse counseling, if the court determines that counseling is appropriate.

(C) The perpetrator has successfully completed a parenting class, if the court determines the class to be appropriate.

(D) The perpetrator is on probation or parole, and he or she has or has not complied with the terms and conditions of probation or parole.

(E) The perpetrator is restrained by a protective order or restraining order, and has or has not complied with its terms and conditions.

(F) The perpetrator of domestic violence has committed further acts of domestic violence.

(c) For purposes of this section, a person has "perpetrated domestic violence" when he or she is found by the court to have intentionally or recklessly caused or attempted to cause bodily injury, or sexual assault, or to have placed a person in reasonable apprehension of imminent serious bodily injury to that person or to another, or to have engaged in behavior involving, but not limited to, threatening, striking, harassing, destroying personal property, or disturbing the peace of another, for which a

court may issue an ex parte order pursuant to Section 6320 to protect the other party seeking custody of the child or to protect the child and the child's siblings.

(d)(1) For purposes of this section, the requirement of a finding by the court shall be satisfied by, among other things, and not limited to, evidence that a party seeking custody has been convicted within the previous five years, after a trial or a plea of guilty or no contest, of a crime against the other party that comes within the definition of domestic violence contained in Section 6211 and of abuse contained in Section 6203, including, but not limited to, a crime described in subdivision (e) of Section 243 of, or Section 261, 262, 273.5, 422, or 646.9 of, the Penal Code.

(2) The requirement of a finding by the court shall also be satisfied if a court, whether that court hears or has heard the child custody proceedings or not, has made a finding pursuant to subdivision (a) based on conduct occurring within the previous five years.

(e) When a court makes a finding that a party has perpetrated domestic violence, the court may not base its findings solely on conclusions reached by a child custody evaluator or on the recommendation of the Family Court Services staff, but shall consider any relevant, admissible evidence submitted by the parties.

(f)(1) It is the intent of the Legislature that this subdivision be interpreted consistently with the decision in *Jaime G. v. H.L.* (2018) 25 Cal.App.5th 794, which requires that the court, in determining that the presumption in subdivision (a) has been overcome, make specific findings on each of the factors in subdivision (b).

(2) If the court determines that the presumption in subdivision (a) has been overcome, the court shall state its reasons in writing or on the record as to why paragraph (1) of subdivision (b) is satisfied and why the factors in paragraph (2) of subdivision (b), on balance, support the legislative findings in Section 3020.

(g) In an evidentiary hearing or trial in which custody orders are sought and where there has been an allegation of domestic violence, the court shall make a determination as to whether this section applies prior to issuing a custody order, unless the court finds that a continuance is necessary to determine whether this section applies, in which case the court may issue a temporary custody order for a reasonable period of time, provided the order complies with Section 3011, including, but not limited to, subdivision (e), and Section 3020.

(h) In a custody or restraining order proceeding in which a party has alleged that the other party has perpetrated domestic violence in accordance with the terms of this section, the court shall inform the parties of the existence of this section and shall give them a copy of this section prior to any custody mediation in the case.

****RESOURCES & REFERRALS****

USEFUL WEBSITES FOR COURT INFORMATION

San Joaquin County Superior Court: www.sjcourts.org

California Court: www.courts.ca.gov

SAN JOAQUIN COUNTY LAW LIBRARY

20 North Sutter Street, First Floor

Stockton, CA 95202

(209) 468-3920

CALIFORNIA RURAL LEGAL ASSISTANCE

145 East Weber Avenue

Stockton, CA 95202

(209) 946-0605 www.crla.org

Civil-legal problems, employment/housing discrimination,
landlord/tenant disputes, social security problems, civil rights

SAN JOAQUIN COUNTY BAR ASSOCIATION

LAWYER REFERRAL SERVICE

6 South El Dorado Street, Suite #315

Stockton, CA 95202

(209) 948-0125 www.sjcbar.org

Talk with an attorney for ½ hour on any subject at a minimal rate. Call
for an appointment.

COUNCIL FOR THE SPANISH SPEAKING

445 North San Joaquin Street

Stockton, CA 95202

(209) 644-2600 www.elconcillio.org

SJ COUNTY SUPERIOR COURT FAMILY LAW DIVISION

180 East Weber Avenue, Suite #413

Stockton, CA 95202

(209) 992-5690 - Monday - Friday 8:00 a.m. to 5:00 p.m.

FAMILY LAW FACILITATOR - SELF-HELP CENTER

180 East Weber Avenue, Suite #105

Stockton, CA 95202

(209) 992-5283

Mon/Tues/Thurs/Fri from 8:00 a.m. to 4:30 p.m.*

Wed from 8:00 a.m. to Noon*

***Check the public website for assistance and programs provided
and for current clinic hours at www.sjcourts.org/self-help/pro-clinic**

FAMILY LAW LEGAL CENTER (fka Family Law Service Center)

222 East Weber Avenue, Suite #100

Stockton, CA 95202

(209) 948-1171 www.familylawservicecenter.org

Reduced attorney fees for low-income dissolutions, restraining orders,
visitation and custody.

BATTERED WOMEN'S CRISIS LINE (209) 465-4878

24 HOURS SEXUAL ASSAULT LINE (209) 465-4997

SUICIDE CRISIS LINE (209) 468-8686

CHILD PROTECTIVE SERVICES - 24 HOUR RESPONSE

(209) 468-1333

WOMEN'S CENTER OF SAN JOAQUIN

Shelter for battered women/domestic violence assistance

Stockton Office:

620 North San Joaquin Street

Stockton, CA 95202

(209) 941-2611

Lodi Office:

29 South Washington Street

Lodi, CA 95240

(209) 368-3406

Tracy Office:

95 West 11th Street, Suite #104

Tracy, CA 95376-3960

(209) 833-0300

SOUTH COUNTY CRISIS (Women's) CENTER

609 West Center Street

Manteca, CA 95337-4456

(209) 824-0586

SAN JOAQUIN COUNTY FAMILY JUSTICE CENTER (DISTRICT ATTORNEY)

222 East Weber Avenue, 1st Floor

Stockton, CA 95202

(209) 468-2600 www.sjcfamilyjusticecenter.com

Information and aid for victims of domestic violence, child abuse,
sexual assault, elder abuse, stalking, and human trafficking.

FAMILY CRIMES UNIT (DISTRICT ATTORNEY)

(209) 468-8979

Prosecution of domestic violence, child abuse, sexual assault, human
trafficking, and stalking.

CHILD ABDUCTION UNIT (DISTRICT ATTORNEY)

(209) 468-2400

VICTIM WITNESS PROGRAM (DISTRICT ATTORNEY)

(209) 468-2500

Victim services for all victims of violent crimes.

EMERGENCY FOOD BANK

7 West Scotts Avenue

Stockton, CA 95203

(209) 464-7369 www.stocktonfoodbank.org

FAMILY RESOURCE AND REFERRAL

509 West Weber Avenue, Suite #104

Stockton, CA 95203

(209) 948-1553 www.frccsl.org

CHILD ABUSE PREVENTION COUNCIL

540 North California Street

Stockton, CA 95202

(209) 464-4524 www.nochildabuse.org

DISABILITY RESOURCE AGENCY FOR INDEPENDENT LIVING (DRAIL)

(209) 477-8143

www.drail.org

Fax (209) 477-7730 TTY (209) 477-4434

****RESOURCES & REFERRALS****

DISPUTE RESOLUTION SERVICES

of the San Joaquin County Bar Foundation
(209) 474-8794 <https://disputeresolution.sicbar.org/>

SMALL CLAIMS ADVISOR

(209) 473-6463 SmallClaims@sicbar.org

SAN JOAQUIN FAIR HOUSING ASSOCIATION

421 South El Dorado Street, Suite #2B
Stockton, CA 95203
(209) 451-3471 www.sjfairhousing.com/wp/landlordtenant
Landlord/Tenant Disputes

SAN FRANCISCO PASSPORT AGENCY

450 Golden Gate Avenue, 3rd Floor, Suite #3-2501
San Francisco, CA 94102
(877) 487-2778 or TDD/TTY (888) 874-7793
www.travel.state.gov

SJC DEPARTMENT OF AGING AND COMMUNITY SERVICES

333 East Washington Street
Stockton, CA 95202 www.sjchsa.org
(209) 468-1104 or (800) 510-2020

SAN JOAQUIN COUNTY RECORDER/CLERK

44 North San Joaquin Street, Suite #260
Stockton, CA 95202
(209) 468-3939 www.sjgov.org/departments/recoclk
Certified copies of marriage licenses, birth and death certificates

SJC DEPARTMENT OF CHILD SUPPORT SERVICES (DCSS)

409 East Market Street
Stockton, CA 95202
(866) 901-3212 www.sjgov.org/departments/dcscs
Collection and enforcement of court ordered support

SJC HUMAN SERVICES AGENCY (HSA)

333 East Washington Street
Stockton, CA 95202
(209) 468-1000 www.sjchsa.org
Food, shelter, clothing, transportation

SJC BEHAVIORAL HEALTH SERVICES (MENTAL HEALTH)

1212 North California Street
Stockton, CA 95202
(209) 468-8700 www.sjcbhs.org
24/7 Helpline: (888) 468-9370 or (209) 468-9370

SJC PUBLIC ADMINISTRATOR

7000 Michael Canlis Boulevard
French Camp, CA 95231
(209) 468-5533

SJC PUBLIC HEALTH SERVICES

1601 East Hazelton Avenue
Stockton, CA 95205
(209) 468-3411

SJC TREASURER - TAX COLLECTOR

44 North San Joaquin Street, First Floor, Suite #150
Stockton, CA 95202
(209) 468-2133 www.sjgov.org/departments/ttc
Peddler Permits

SJC VETERANS SERVICE OFFICE

105 South San Joaquin Street, First Floor
Stockton, CA 95202
(209) 468-2916 www.sjgov.org/veterans

STATE OF CALIFORNIA DEPT. OF CONSUMER AFFAIRS

(800) 952-5210 www.dca.ca.gov

STATE OF CALIFORNIA DEPT. OF INDUSTRIAL RELATIONS - LABOR COMMISSIONER

31 East Channel Street, Room #317
Stockton, CA 95202
(209) 948-7771 www.dir.ca.gov/dlse/DistrictOffices

CONTRACTORS STATE LICENSE BOARD

(800) 321-2752 www.cslb.ca.gov

CALIFORNIA BUREAU OF AUTOMOTIVE REPAIR

(800) 952-5210 www.bar.ca.gov

U.S. CITIZENSHIP & IMMIGRATION SERVICES DEPARTMENT OF HOMELAND SECURITY

650 Capitol Mall
Sacramento, CA 95814
(800) 375-5283 www.uscis.gov

SOCIAL SECURITY ADMINISTRATION

4747 Feather River Drive
Stockton, CA 95219
(877) 803-6314 or TTY (800) 325-0778 www.ssa.gov

U.S. BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

Modesto Division: (209) 521-5160
Sacramento Division: (916) 930-4400
www.caeb.uscourts.gov

EQUIFAX

P.O. Box 740256
Atlanta, GA 30374-0256
(866) 349-5191 or (800) 685-1111 www.equifax.com

EXPERIAN

P.O. Box 4500
Allen, TX 75013
(888) 397-3742 or (877) 284-7942 www.experian.com

TRANS UNION

P.O. Box 1000
Chester, PA 19022
(800) 916-8800 www.transunion.com

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO ☒ **Findings and Order After Hearing** (form FL-340) ☐ **Judgment** (form FL-180) ☐ **Judgment** (form FL-250)
☐ **Stipulation and Order for Custody and/or Visitation of Children** (form FL-355)
☐ Other (specify):

1. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, §§ 3400–3465).
2. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
3. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
☒ the United States ☐ Other (specify):
4. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
5. ☒ **Child Custody.** Custody of the minor children of the parties is awarded as follows:

<u>Child's Name</u>	<u>Birth Date</u>	<u>Legal custody to: (person who makes decisions about health, education, etc.)</u>	<u>Physical custody to: (person with whom child lives)</u>
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6. ☐ **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Orders Attachment* (form FL-341(B)) must be attached and must be obeyed.)
7. ☐ **Visitation (Parenting Time)**
 - a. ☐ Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
 - b. ☐ See the attached _____-page document
 - c. ☐ The parties will go to child custody mediation or child custody recommending counseling at (specify date, time, and location):
 - d. ☐ No Visitation (Parenting Time)
 - e. ☐ Visitation (Parenting Time) for the ☐ petitioner ☐ respondent ☐ other (name):
will be as follows:
(1) ☐ **Weekends starting (date):**
(Note: The first weekend of the month is the first weekend with a Saturday.
☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month
from _____ at _____ a.m. ☐ p.m./ if applicable, specify: _____
(day of week) (time)
to _____ at _____ a.m. ☐ p.m./ if applicable, specify: _____
(day of week) (time)
(a) ☐ The parties will alternate the fifth weekends, with the ☐ petitioner ☐ respondent
☐ other parent/party having the initial fifth weekend, which starts (date):
(b) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the
fifth weekend in ☐ odd ☐ even numbered months.

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7. Visitation (Parenting Time) (continued)

- e. (2) ☐ **Alternate weekends starting (date):**
- from _____ at _____ ☐ a.m. ☐ p.m./ if applicable, specify: _____
- (day of week) (time)
- to _____ at _____ ☐ a.m. ☐ p.m./ if applicable, specify: _____
- (day of week) (time)
- ☐ daycare
☐ start of school
☐ after school
- (3) ☐ **Weekdays starting (date):**
- from _____ at _____ ☐ a.m. ☐ p.m./ if applicable, specify: _____
- (day of week) (time)
- to _____ at _____ ☐ a.m. ☐ p.m./ if applicable, specify: _____
- (day of week) (time)
- ☐ start of school
☐ after school
☐ daycare
☐ start of school
☐ after school
☐ daycare
- (4) ☐ **Other visitation (parenting time) days and restrictions are:** ☐ listed in Attachment 7e(4) (form MC-025 may be used for this purpose) ☐ as follows:

The [] petr [] resp [] opar shall have all other time not designated herein.

8. ☐ **Supervised visitation (parenting time).** Until ☐ further order of the court ☐ other (specify):
- The ☐ petitioner ☐ respondent ☐ other (name):
- will have supervised visitation (parenting time) with the minor children according to the schedule set forth on page 1.
 (You must attach **Supervised Visitation Order** (form FL-341(A).))
9. ☐ **Transportation for visitation (parenting time)**
- a. The children must be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- b. ☐ Transportation ~~to~~ ^{arranged} begin the visits will be ~~provided~~ by the ☐ petitioner ☐ respondent ☐ other (specify):
- c. ☐ Transportation ~~from~~ ^{arranged} the visits will be ~~provided~~ by the ☐ petitioner ☐ respondent ☐ other (specify):
- d. ☐ The exchange point at the beginning of the visit will be at (address):
- e. ☐ The exchange point at the end of the visit will be at (address):
- f. ☐ During the exchanges, the party driving the children will wait in the car and the other party will wait in his or her home (or exchange location) while the children go between the car and the home (or exchange location).
- g. ☐ Other (specify):

The [] receiving [] delivering parent shall arrange transportation for all non school/daycare exchanges.

10. ☐ **Travel with children.** The ☐ petitioner ☐ respondent ☐ other parent/party(name):
- must** have written permission from the other parent or a court order to take the children out of
- a. ☐ the state of California.
- b. ☐ the following counties (specify):
- c. ☐ other places (specify): USA

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11. ☐ **Holiday schedule.** The children will spend holiday time as listed ☐ below ☐ in the attached schedule (*Children's Holiday Schedule Attachment (form FL-341(C))* may be used for this purpose.)
12. ☐ **Additional custody provisions.** The parties will follow the additional custody provisions listed ☐ below ☐ in the attached schedule. (*Additional Provisions—Physical Custody Attachment (form FL-341(D))* may be used for this purpose.)
13. ☐ **Joint legal custody.** The parties will share joint legal custody as listed ☐ below ☐ in the attached schedule. (*Joint Legal Custody Attachment (form FL-341(E))* may be used for this purpose.)
14. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.
15. ☐ **Other (specify):**

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CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT

TO ☐ Petition ☐ Response ☐ Request for Order ☐ Responsive Declaration to Request for Order
☐ Stipulation and Order for Custody and/or Visitation of Children ☒ Findings and Order After Hearing or Judgment
☐ Visitation Order—Juvenile ☐ Other (specify):

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Petitioner," "Respondent," "Other Parent," or "Other Party" to specify each parent's (or party's) years—odd or even numbered years or both ("every year")—and under "Times," specify the starting and ending days and times.

Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.

Holidays	Times (from when to when) (Unless noted below, all single-day holidays start at ____ a.m. and end at ____ p.m.)	Every Year Petitioner/ Respondent/ Other Parent/Party	Even Numbered Years Petitioner/ Respondent/ Other Parent/Party	Odd Numbered Years Petitioner/ Respondent/ Other Parent/Party
December 31 (New Year's Eve)				
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)				
February 12 (Lincoln's Birthday)				
President's Day (Weekend)				
President's Week Recess, first half				
President's Week Recess, second half				
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Summer Break				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
November 11 (Veterans Day)				
Thanksgiving Day				
Thanksgiving weekend				
December/January School Break				
Child's birthday (date):				
Child's birthday (date):				
Child's birthday (date):				
Mother's birthday (date):				
Father's birthday (date):				
Other Parent/Party's birthday (date):				
Breaks for year-round schools				

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1. Holiday parenting (continued)

Other Holidays	Times (from when to when) (Unless noted below, all single-day holidays start at ____ a.m. and end at ____ p.m.)	Every Year Petitioner/ Respondent/ Other Parent/Party	Even Numbered Years Petitioner/ Respondent/ Other Parent/Party	Odd Numbered Years Petitioner/ Respondent/ Other Parent/Party
Easter				
Christmas Eve				
Christmas Day				

- ☐ Any three-day weekend not specified in item 1 will be spent with the parent or party who would normally have that weekend, and shall end ____ at ____
- ☐ Other (specify): _____

2. Vacations

The ☐ Petitioner ☐ Respondent ☐ Other Parent/Party:

a. May take vacation with the children of up to (specify number): ☐ days ☐ weeks the following number of times per year (specify):

b. Must notify the other parent or party in writing of vacation plans a minimum of (specify number): _____ days in advance and provide the other parent or party with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.

(1) ☐ The other parent or party has (number): _____ days to respond if there is a problem with the vacation schedule.

(2) ☐ If the parties cannot agree on the vacation plans (check all that apply):

(A) ☐ They must confer to try to resolve any disagreement before filing for a court hearing.

(B) ☐ In even-numbered years, the parties will follow the suggestions of ☐ Petitioner ☐ Respondent ☐ Other Parent/Party for resolving the disagreement.

(C) ☐ In odd-numbered years, the parties will follow the suggestions of ☐ Petitioner ☐ Respondent ☐ Other Parent/Party for resolving the disagreement.

(D) ☐ Other (specify):

c. ☐ This vacation may be outside the state of California.

d. ☐ Any vacation outside ☐ California ☐ the United States requires prior written consent of the other parent or a court order.

e. ☐ Other (specify):

PETITIONER:
RESPONDENT:
OTHER PARENT/PARTY:

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ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

TO ☐ Petition ☐ Response ☐ Request for Order ☐ Responsive Declaration to Request for Order
☐ Stipulation and Order for Custody and/or Visitation of Children ☒ Findings and Order After Hearing or Judgment
☐ Custody Order—Juvenile—Final Judgment ☐ Other (specify):

The additional provisions to physical custody apply to (specify parties): ☐ Petitioner ☐ Respondent ☐ Other Parent/Party

1. ☐ **Notification of parties' current address.** ☐ Petitioner ☐ Respondent ☐ Other Parent/Party
must notify all parties within (specify number): 1 days of any change in his or her
 - a. address for ☐ residence ☐ mailing ☐ work ☐ e-mail [] child(ren) Doctors
 - b. telephone/message number at ☐ home ☐ cell phone ☐ work ☐ the children's schools
The parties may not use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. No residence or work address is needed if a party has an address with the State of California's Safe at Home confidential address program.
 2. ☒ **Notification of proposed move of child.** Each party must notify the other (specify number): 45 days before any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.
 3. ☐ **Child care.**
 - a. ☐ The children must not be left alone without age-appropriate supervision.
 - b. ☐ The parties must let each other know the name, address, and phone number of the children's regular child-care providers.
 4. ☐ **Right of first option of child care.** In the event any party requires child care for (specify number): hours or more while the children are in his or her custody, the other party or parties must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a party is working.
 5. ☐ **Canceled visitation (parenting time).**
 - a. ☐ If the noncustodial party fails to arrive at the appointed time and fails to notify the custodial party that he or she will be late, then the custodial party need wait for only (specify number): minutes before considering the visitation (parenting time) canceled.
 - b. ☐ If the noncustodial party is unable to exercise visitation (parenting time) on a given occasion, he or she must notify the custodial party (specify):
☐ at the earliest possible opportunity.
☐ Other (specify):
 - c. ☐ If the children are ill and unable to participate in the scheduled visitation (parenting time), the custodial party must give the noncustodial party (specify):
☐ as much notice as possible.
☐ A doctor's excuse.
☐ Other (specify):
 6. ☐ **Phone contact between parties and children.**
 - a. ☐ The children may have telephone access to the parties ☐ and the parties may have telephone access to the children at reasonable times, for reasonable durations.
 - b. ☐ The custodial parent must make the child available for the following scheduled telephone contact (specify child's telephone contact with each party):
 - c. ☐ No party or any other third party may listen to, monitor, or interfere with the calls.
- [Both parents shall ensure the child(ren) return all messages left for them by the other parent.

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7. ☐ **No negative comments.** The parties will not make or allow others to make negative comments about each other or about their past or present relationships, family, or friends within hearing distance of the children.
8. ☐ **Discussion of court proceedings with children.** Other than age-appropriate discussion of the parenting plan and the children's role in mediation or other court proceedings, the parties will not discuss with the children any court proceedings relating to custody or visitation (parenting time).
9. ☐ **No use of children as messengers.** The parties will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.
10. ☐ **Alcohol or substance abuse.** The ☐ petitioner ☐ respondent ☐ other parent/party may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (specify number): ☐ to excess hours before or during periods of time with the children ☐ and may not permit any third party to do so in the presence of the children.
11. ☐ **No exposure to ~~secondhand cigarette or medical marijuana~~ smoke.** The parties will not expose the children to secondhand ~~cigarette or medical marijuana~~ smoke. ☒ ~~cigarette~~
12. ☐ **No interference with schedule of any party without that party's consent.** The parties will not schedule activities for the children during the other party's scheduled visitation (parenting time) without the other party's prior agreement.
13. ☐ **Third-party contact.**
- a. ☐ The children will have no contact with (specify name):
- b. ☐ The children must not be left alone in the presence of (specify name):
14. ☐ **Children's clothing and belongings.**
- a. ☐ Each party will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
- b. ☐ The children will be returned to the other party with the clothing and other belongings they had when they arrived.
15. ☐ **Log book.** The parties will maintain a "log book" and make sure that the book is sent with the children between their homes. Using businesslike notes (no personal comments), parties will record information related to the health, education, and welfare issues that arise during the time the children are with them.
16. ☒ **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parties change. Such changes will be in writing, dated and signed by the parties; each party will retain a copy. If the parties want a change to be a court order, it must be filed with the court in the form of a court document.
17. ☒ **Other (specify):** ☐ Each parent shall immediately notify the other of any medical emergency or hospitalization required for the child(ren).
☐ Neither parent shall expose the child(ren) to any domestic violence.
☐ The parents shall only have peaceful contact regarding the child(ren) and for no other reason.

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OTHER PARENT/PARTY:

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JOINT LEGAL CUSTODY ATTACHMENT

- TO ☐ Petition ☐ Response ☐ Request for Order ☐ Responsive Declaration to Request for Order
☐ Stipulation and Order for Custody and/or Visitation of Children ☒ Findings and Order After Hearing or Judgment
☐ Custody Order—Juvenile—Final Judgment ☐ Other (specify):

NOTICE! In exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders about the physical custody of the children. Use this form only if you want to ask the court to make orders specifying when the consent of both parties is required to exercise legal control of the children and the consequences for failing to obtain mutual consent.

1. The parties (specify): ☐ Petitioner ☐ Respondent ☐ Other Parent/Party will have joint legal custody of the children.
2. In exercising joint legal custody, the parties will share in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The parties must discuss and consent in making decisions on the following matters:
 - a. ☐ Enrollment in or leaving a particular private or public school or daycare center
 - b. ☐ Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
 - c. ☐ Participation in extracurricular activities that interfere with the child's time with the other parent
 - d. ☐ Selection of a doctor, dentist, or other health professional (except in emergency situations)
 - e. ☐ Participation in particular religious activities or institutions
 - f. ☐ Out-of-country ~~or out-of-state~~ travel
 - g. ☐ Other (specify):
3. If a party does not obtain the consent of the other party to those items in 2, which are granted as court orders:
 - a. He or she may be subject to civil or criminal penalties.
 - b. The court may change the legal and physical custody of the minor children.
 - c. ☐ Other consequences (specify):
4. ☐ **Special decision making designation and access to children's records**
 - a. The ☐ petitioner ☐ respondent ☐ other parent/party will be responsible for making decisions regarding the following issues (specify):
 - b. Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.
5. ☐ **Health-care notification.**
 - a. ☐ Each party must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (specify number): _____ days of the first treatment or examination.
 - b. ☐ Each party is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The party authorizing such emergency treatment must notify the other party as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
 - c. ☐ The parties are required to administer any prescribed medications for the children.
6. ☐ **School notification.** Each party will be designated as a person the children's school will contact in the event of an emergency.
7. ☐ **Name.** The parties will not change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other party.
8. ☐ **Other (specify):**