SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

STEPHEN E. BENSON, JUDGE
MICHAEL P. CANDELA, JUDGE
MICHAEL R. DEEMS, JUDGE
ROBERT A. GLUSMAN, JUDGE
CLARE KEITHLEY, JUDGE
KRISTEN A. LUCENA, JUDGE
SANDRA L. MCLEAN, JUDGE
KIMBERLY MERRIFIELD, JUDGE
TAMARA L. MOSBARGER, JUDGE
BARBARA L. ROBERTS, JUDGE
JESUS A. RODRIGUEZ, JUDGE

CORIE J. CARAWAY,
COURT COMMISSIONER

KURT W. WORLEY,
COURT COMMISSIONER

KIMBERLY FLENER,
COURT EXECUTIVE OFFICER

RICHARD L. HOLST,
DEPUTY COURT EXECUTIVE OFFICER

JARROD ORR,
DEPUTY COURT EXECUTIVE OFFICER

PLEASE REPLY TO:

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LETTER TO PARENTS FROM THE SUPERVISING JUDGE
OF THE FAMILY LAW DIVISION

SUBJECT: CONTESTED CHILD CUSTODY AND VISITATION CASES: MEDIATION

Dear Parent,

In all custody and visitation cases where the parties have been unable to agree on a parenting plan, the case is required to be sent to mediation. Mediation is required by law… it is mandatory!

Mediation is a form of conflict resolution, where the parents sit down with a neutral person, the mediator, and attempt to resolve their differences concerning the appropriate parenting plan for their children. The mediator's job is to provide a safe place for each person to talk and be heard. The mediator also provides information about the effects of parental separation, the developmental needs of the children and how to effectively share parenting responsibilities so as to meet the needs of the children in the future.

Mediation gives the parent a unique opportunity to have self-determination in the decision making process regarding their children. Most of the time parents are able to see beyond their own immediate needs and, with the help of a mediator, work together to develop a parenting plan that serves the best interests of their children.

The mediator helps parents deal with emotional and communication barriers and get focused on the immediate needs of the children. The mediation process is private and avoids the public airing of hostile accusations in the courtroom. Above all, it helps to keep the children out of the conflict.

When parents reach an agreement in mediation the plan is prepared as a legal document by the mediator. You will receive a copy. Parents who do not have an attorney will sign the agreement and it will be submitted to the judge at the assigned court date. If a parent has an attorney the parent will review the document with his/her attorney before the court date. The agreement is not a binding court order until signed by the judge.

When mediation does not result in an agreed upon parenting plan, the mediator's title and role changes to that of Child Custody Recommending Counselor (CCRC). In this role, the CCRC is required to provide a written report and recommendation to the parties and the court that is in the best interest of the child(ren). Both parents will receive a copy of this report and recommendation prior to the next scheduled hearing.

Please keep in mind, if the parents are unable to reach an agreement in mediation, IT IS THE JUDGE WHO WILL MAKE THE FINAL DECISION AS TO WHAT THE APPROPRIATE PARENTING PLAN WILL BE, NOT THE MEDIATOR/CRCC. Their recommendation is only one of several factors the judge will consider in making the parenting plan decision. Each parent will be given an opportunity to present their position to the judge at the appropriate time.

In every case the primary concern of the court is the making of a custody and visitation order that is in the best interest of the children. Other considerations such as the concerns, needs and desires of the parents are important, but secondary.

I strongly urge you to make the best use of your mediation opportunity and avoid litigation, not only for your own sake, but more importantly for the sake of your children.

Sincerely,

Sandra L. McLean

Sandra L. McLean
Supervising Judge of the Family Law Division

NOTE: The Court offers mediation of custody and visitation issues through Family Court Services. This service is located at 1775 Concord Avenue, Chico, Phone (530) 532-7003. Private mediation through private mediators, counselors or attorneys is an acceptable alternative if agreed upon by the parties.