

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

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COURT COMMISSIONER

SHARIF ELMALLAH,
COURT EXECUTIVE OFFICER

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To: Parents with Child Custody and Timeshare Cases in the Butte Superior Court

From: Hon. Clare Keithley, Supervising Judge of the Family Division

Dear Parents,

Welcome to the Butte Superior Court. One of the roles of the Family Division is to address the needs of parents who have been unable to reach agreements on legal custody, physical custody, time share (visitation), relocation of a parent with a child (move away), and other important issues affecting children and their families.

The purpose of this letter is to review with you the policies on requests for orders regarding child custody and timeshare. When custody and timeshare requests for order are filed with the court, one of the first steps on the path toward resolution is meeting with the court's child custody recommending counselor in a mediation session.

Please be mindful that in all custody and timeshare cases when parents are unable to agree on a parenting plan, a mediation effort is required by law.

Child custody mediation in the Butte Superior Court is conducted through a remote Zoom appearance.¹ A joint session for the mediation session is preferred, as a joint session is more effective in reaching agreements and resolving misunderstandings. Our mediators are well trained and have great experience in moderating the session so that each parent is heard with equal time during the session. If there has been a finding of domestic violence, or the court otherwise determines the need, separate sessions for mediation can be approved by the court.

After the mediation session, the mediator will write a report. If the parents reached agreements, those agreements will be included. If agreements were not reached, the mediator will make a recommendation to the judge. When you return to court to address the report, if you are not in agreement with the mediator's recommendation, the judge could then set a different date to have a trial on the issues in dispute. This trial is for the judge to determine the proper orders to make. When setting the trial date, the judge could amend or make temporary orders to be in place until the trial.

Keep in mind as you attend mediation that mediation is a form of conflict resolution. Parents talk with a neutral person, the mediator, in an attempt to reach agreements on the parenting plan.

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.

¹ If needed, the court can arrange an in-person session if the court finds good cause.

Mediation in this context does not, however, address issues of spousal support, child support, or property and debt characterizations. The sole focus of the mediator is to assist the parents in trying to reach agreements on custody and timeshare in the best interest of the child.

For the most effectiveness in your mediation session, it is imperative that you attend with an open mind, be child centered, and have a willingness to engage in meaningful co-parenting resolutions.

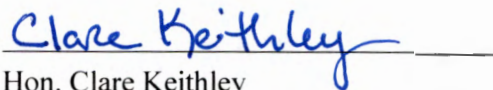
California's focus on the wellbeing of the child, includes consideration of the child's health, welfare, and safety. This means that many factors, consistent with California law, will be considered by the mediator and the judge, with particular focus on whether a parent is making a genuine effort to communicate with the other parent in a brief and peaceful manner on the *child's* needs and timeshare.

During your time in the Butte Superior Court, and when speaking with the mediator, or court staff, please demonstrate courtesy and patience. The court understands these issues are very stressful for the parties, but rude or aggressive behavior is not acceptable. The court staff and mediator are here to help you; to serve the public. It is the court's expectation that the courtroom be a calm environment for serious consideration of the issues. One in which each party can be heard.

I strongly urge you to make the best use of your mediation opportunity, as it may help you avoid litigation as well as determine for yourselves the outcome of the issues. This is not only for your own sake, but more importantly for the sake of your children.

Thank you for the time you took to read this letter. We look forward to seeing you, and to working together on the best outcome for your children and you.

Sincerely,



Hon. Clare Keithley
Supervising Judge of the Family Division