

*Welcome!!*

*Butte County Superior Court  
Family Court Services*

*Introduces  
Orientation to Mediation*



## Table of Contents

	<b>Page</b>
<b>1. Family Law Mediation</b>	<b>3</b>
<b>2. Definition of Legal / Physical Custody</b>	<b>3-4</b>
<b>3. The Process of Mediation</b>	<b>4-6</b>
<b>4. What to Bring</b>	<b>6</b>
<b>5. Domestic Violence (FC 3044)</b>	<b>6-9</b>
<b>6. Domestic Violence and Children</b>	<b>10-11</b>
<b>7. Supervised Visitation</b>	<b>12</b>
<b>8. Child Custody Recommending Counseling</b>	<b>12-13</b>
<b>9. Flow Chart of Family Law Process</b>	<b>14</b>
<b>10. The Effects of Divorce on Children</b>	<b>15</b>
<b>11. Helping Children Cope with Divorce</b>	<b>15</b>
<b>12. Helpful Tips for Parents</b>	<b>16</b>
<b>13. Parenting Together After Separation</b>	<b>16</b>
<b>14. Things to Consider</b>	<b>17</b>
<b>15. Giving Children Love and Care</b>	<b>17</b>
<b>16. Poem “Children Learn What They Live”</b>	<b>18</b>
<b>17. Examples of Parenting Plans</b>	
<b>a. Infancy to age 3</b>	<b>19-20</b>
<b>b. Age 3 to Age 5</b>	<b>20-21</b>
<b>c. Age 6 to Age 11</b>	<b>21-22</b>
<b>d. Age 12 to Age 18</b>	<b>22-23</b>
<b>18. Important Information</b>	<b>24</b>
<b>Attachments and Forms:</b>	
<b>a. Sample Recommendation</b>	<b>Attach-1</b>
<b>b. Sample Agreement</b>	<b>Attach-2</b>
<b>c. Sample Holiday Schedule</b>	<b>Attach-3</b>
<b>d. Sample Standard Provisions</b>	<b>Attach-4</b>

## **Welcome to Family Court Services**

California law states that in all child custody and visitation cases where the parties have been unable to reach an agreement on a parenting plan, the case is required to be sent for mediation. The court orders the parties to participate in and complete the local mediation program prior to a court making permanent custody orders. Family Court Services and Mediators/Child Custody Recommending Counselors (CCRC) provide services to families who need assistance in arriving at a parenting plan for their children.

Please do **not** bring children to any part of this process unless asked to do so by the judicial officer or Mediator/Child Custody Recommending Counselor (CCRC).

### **What is Mediation?**

Mediation is a process of dispute resolution. California law mandates mediation in every case where custody or visitation is contested. The purpose of mediation is to reduce the conflict and to develop a parenting plan that ensures a child's close and continuing contact with both parents after the separation. The mediator is appointed by the court and must meet various educational qualifications prescribed by law.

The focus of mediation is to help parents share rights and responsibilities in such a way that the best interests of the child will be met. There is no substitute for cooperative parenting.

Mediation attempts to reduce parental conflict. It creates a safety zone where it is safe to meet under reasonable rules of conduct and deal rationally with the issues affecting your children. The mediator controls the process.

Each parent's capacity to parent is often greatly reduced at the time of the dissolution and his/her capacity to exercise his/her best judgment on behalf of the child may be temporarily flawed. The parent's ability to separate his/her own needs from those of the children is often compromised. Mediation helps parents to focus on the needs of their child.

### **Definition of "Legal Custody"**

Legal custody determines who (either one or both parents) will make the major decisions concerning the child's health, safety, education and welfare.

### **Joint Legal Custody**

In exercising joint legal custody of the minor children, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer on the following matters:

- a. Enrollment in or leaving a particular private or public school or daycare center
- b. Participation in particular religious activities or institutions
- c. Beginning or ending psychiatric, psychological, or other mental health counseling or therapy
- d. Selection of a doctor, dentist, or other health professional (except in emergency situations)
- e. Participation in extracurricular activities
- f. Out-of-state or out-of-country travel

## Orientation

Parties may take a child in for routine medical and dental examinations without prior notification of the other party. It is recommended that all information regarding minor children be shared between the parents.

The parents may act alone in all other matters exercising joint legal custody, as long as the action does not conflict with any orders concerning the physical custody of the child(ren).

### **Sole Legal Custody**

Sole legal custody means that one parent shall have the right and the responsibility to make all of the decisions relating to the health, safety, education and welfare of the child(ren).

### **Definition of “Physical Custody”**

Physical custody determines where the child(ren) will reside.

### **Joint Physical Custody**

Joint physical custody means that each parent shall have significant periods of time with the child(ren). Joint physical custody is shared by the parents in such a way so as to assure the child(ren) of frequent and continuing contact with both parents. Occasionally, the judge may assign a ‘primary’ custodial parent for tax and other purposes.

### **Sole Physical Custody**

Sole physical custody means the child(ren) shall reside with and under the supervision of one parent, while visitation and/or contact may be ordered for the non-custodial parent.

Physical custody will not be awarded if a party is a registered sex offender, has been convicted of child abuse or has had child abuse substantiated against them (Family Code section 3030).

## **THE PROCESS**

### **VIP Mediation**

Prior to mediation, the parties may be invited by the judge to attend a Voluntary In-Court Program (VIP) of mediation to develop a temporary agreement pending full mediation or long term agreement. VIP Mediation offers a brief (10-15 minute) session on the court’s Family Law and Motion calendar. The purpose of VIP Mediation is to address emergency situations and help parents establish a temporary parenting plan which will be in place until orientation and full mediation can be scheduled and completed. More detailed information is provided when VIP is offered in court. **VIP is not mandatory**, both parties must agree to participate.

### **Orientation**

Orientation is **mandatory** and an order of the court. This **one to two** hour class offered online. Orientation is required for any referral or return to Mediation if orientation has not been attended within a **two year** period. Orientation is designed to help prepare you for your mediation appointment. **The judge will be notified if you fail to complete the required Orientation.**

## **Child Custody Mediation**

Mediation is required by law when any child custody and/or visitation issues are contested. The Mediators/CCRC's are appointed by the court and meets various educational qualifications as prescribed by law.

The purpose of child custody mediation is to reduce conflict and to develop a parenting plan that ensures the child's close and continuing contact with both parents.

The focus of mediation is to help parents share parental rights and responsibilities in such a way as the best interests of the child(ren), including their health, safety and well-being, will not be jeopardized.

The Mediator/CCRC provides a safe place for each parent to talk and be heard, information about the effects of parental separation, the developmental needs of the child(ren), how to effectively share parenting responsibilities in the best interest of the child(ren) and how to meet the needs of the child(ren) in the future. The process of mediation gives parents a unique opportunity for self-determination in the decision making process regarding their child(ren).

In most cases, parents are best able to design a successful parenting plan for their child(ren). While it may be awkward or difficult to be in the same room with the other parent for mediation, it is important to be able to listen to each other's concerns about their child(ren). Parents will be able to hear each other's point of view while focusing on the best interests of their child(ren). There is no substitute for cooperative parenting.

## MEDIATION APPOINTMENT

### Who Attends?

Both parents attend mediation. In cases involving domestic violence, a party may bring a support person, if necessary. Support persons may not have any connection to the case and must not talk during mediation. Relatives and attorneys are not permitted to be present at mediation.

Do **not**, under any circumstances, bring children to your appointment unless requested in advance to do so by the Mediator/CCRC or ordered to do so by the judge.

In some instances the Mediator/CCRC may find it necessary to interview the child(ren). If the Mediator/CCRC requests to interview the child(ren), the process is explained to both parents in detail. **Please do not discuss the case with the child(ren) before or following the interview.**

### Arrival

Plan to arrive **15** minutes early for your mediation appointment. Then, please be seated in the mediation lobby until the Mediator/CCRC calls you in for your appointment.

Orientation

### What to Bring to Your Mediation Appointment

1. One photo of your child(ren), which can be on your cell phone
  2. School attendance records and report cards, if an issue or requesting to change\*
  3. **Parenting Plan Worksheet** or your proposal for visitation\*
  4. If needed: Law enforcement intervention reports or report/case #, past legal reports\*
- \*Bring **3** copies of each item (except for the picture): One for the other party, one for the Mediator/CCRC and one copy for yourself.

### **Non-Appearance at Mediation**

The parties are ordered by the judge to attend Mediation. **Failure to attend the appointment is a violation of a court order.** If one of the parties does not arrive on time, after **15 minutes** the appointment will be canceled. If the parties were scheduled for separate appointments and the first party fails their appointment, the second party will be contacted to cancel their appointment. The Mediator/CCRC cannot make a recommendation unless both parents are present for the assigned appointment. **The judicial officer is notified in writing of all non-appearances.**

### SAFETY CONCERNS

#### Domestic Violence

#### **Separate Mediation Appointments/Domestic Violence**

If there was **domestic violence** between the parents, separate mediation appointments can be requested **by the survivor/victim** of domestic violence by completing the: "Information Form for Custody and/or Visitation Matters." Dates of separately scheduled mediation appointments will be kept confidential.

Separate Mediation appointments are 45 minutes to 1 hour long for each party.

#### **Joint Mediation Appointment/Domestic Violence**

If you have been the victim of **domestic violence**, but choose to attend mediation with the other parent, you will be permitted to bring a support person who is not related to the case with you. The support person may sit in the room but will not participate in any way in the mediation itself. If domestic violence is an issue, information about the victim's address, telephone number, employer and child(ren)'s school will not be made available to the other parent. We will also offer you a separate place to wait for your mediation appointment, if requested.

In all cases when parties meet together, the Mediation appointment is approximately 1 ½ hours long.

**Legal and physical custody is affected by domestic violence per Family Code Section 3044.**

### **How does domestic violence affect custody and visitation?**

The court can award sole legal and/or physical custody to one parent. However, joint legal and physical custody, in most situations, is considered to be in the child's best interest.

However, there is an exception: **family code §3044 states there is a presumption that domestic violence is detrimental to the "best interests of the child."** Because of this presumption, if a domestic violence protective order is issued against a person who has minor children, the entry of the domestic violence order may affect your rights to legal and physical custody of those children.

The entry of such a protective order may also be grounds for modification of an existing child custody order. If a person does not have legal or physical custody, this non-custodial parent is entitled, in most cases, to visitation. However, a finding of domestic violence may affect the conditions under which the judicial officer will allow the visitation to take place.

Please read family code section 3044 which is set forth in its entirety below.

### **Family Code Section 3044**

**3044.** (a) Upon a finding by the court that a party seeking custody of a child has perpetrated domestic violence against the other party seeking custody of the child or against the child or the child's siblings within the previous five years, 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 interest of the child, pursuant to Section 3011. This presumption may only be rebutted by a preponderance of the evidence.

(b) In determining whether the presumption set forth in subdivision (a) has been overcome, the court shall consider all of the following factors:

(1) Whether 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 interest of the child. In determining the best interest 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) Whether 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.

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

(4) Whether the perpetrator has successfully completed a parenting class if the court determines the class to be appropriate.

(5) Whether the perpetrator is on probation or parole, and whether he or she has complied with the terms and conditions of probation or parole.

(6) Whether the perpetrator is restrained by a protective order or restraining order, and whether he or she has complied with its terms and conditions.

## Orientation

(7) Whether the perpetrator of domestic violence has committed any 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 any 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 any 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 any 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) In any 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.

### **Definition of Domestic Violence**

Domestic violence is a pattern of behavior used to establish power and control over another person with whom an intimate relationship is or has been shared through fear and intimidation, often including the threat or use of violence. Battering happens when one person believes that they are entitled to control another.

Domestic violence may include intimate partner relationships, live-in partners, dating relationships, spouses, family members, elders and children. Abuse generally falls into one or more of the following categories:

- physical battering
- sexual assault
- emotional / psychological abuse

Domestic violence generally escalates over time.



### **Some Types of Domestic Violence**

Victims of domestic violence may experience punched walls, control of finances, lying, using children to manipulate a parent's emotions, intimidation, isolation from family and friends, fear, shame, criticism, cuts, crying and frightened children, broken bones, confusion, forced sexual contact, manipulation, sexist comments, yelling rages, craziness, harassment, neglect, shoving, screaming, jealousy and possessiveness, loss of self-esteem, coercion, slammed doors, abandonment, silent treatment, rape, destruction of personal property, unwanted touching, name calling, strangling, ripping, slapping, biting, kicking, bruises, punching, stalking, scrapes, depression, sabotaging attendance at a job or school, brainwashing, violence to pets, pinching, deprivation of physical and economic resources, public humiliation, broken promises, ridicule, prevention of seeking medical or dental care, restraining, self-medication, forced tickling, threats to harm family and friends, threats to take away the children, threats to harm animals, threats of being kicked out, threats of weapons and threats of being killed.

### **Facts About Domestic Violence, Sexual Assault and Stalking From the NCADV Public Policy Office**

1 in 12 women and 1 in 45 men have been stalked in their lifetime.

One in every four women will experience domestic violence in her lifetime.

81% of women stalked by a current or former intimate partner are also physically assaulted by that partner; 31% are also sexually assaulted by that partner.

Sexual assault or forced sex occurs in approximately 40-45% of battering relationships.

Intimate partner violence results in more than 18.5 million mental health care visits each year.

Less than one-fifth of victims reporting injury from intimate partner violence sought medical treatment following injury.

Almost one-third of female homicide victims are reportedly killed by an intimate partner.

In 70% to 80% of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder.

Most cases of domestic violence are never reported to law enforcement.

### **DOMESTIC VIOLENCE AND CHILDREN**

#### **Children Who Witness Domestic Violence**

Witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next.

## Orientation

Boys who witness domestic violence are *twice as likely* to abuse their own partners and children when they become adults.

30% to 60% of perpetrators of intimate partner violence also abuse children in the household.

Statistics show that over 3 million witness violence in their home each year. Those who see and hear violence in the home suffer physically and emotionally.

“Families under stress produce children under stress. If a spouse is being abused and there are children in the home, the children are affected by the abuse.” (*Ackerman and Pickering, 1989.*)

### **Effects of Domestic Violence on Children**

Domestic violence affects every member of the family. Family violence creates a home environment where children live in constant fear. Children who witness family violence are affected in ways similar to children who are physically abused. They are often unable to establish nurturing bonds with either parent. Children are at greater risk for abuse and neglect if they live in a violent chaotic home.

#### **Dynamics of domestic violence are unhealthy for children:**

- Control of the family by one dominant member.
- Abuse of a parent.
- Isolation.
- Protecting the “family secret”

Children react to their environment in different ways. Their reactions can vary depending on the child’s gender, age and development.

Children exposed to family violence are more likely to develop social, emotional, psychological and/or behavioral problems than those who are not. Recent research indicates that children who witness domestic violence show more anxiety, low self-esteem, depression, anger and temperamental problems than children who do not witness violence in the home. The trauma they experience can be seen in their emotional, behavioral, social and physical disturbances that affect their development and can continue into adulthood.

For children who display signs of suffering from exposure to domestic violence, professional counseling is often recommended to help them recover. Your child(ren) may qualify for Victim Witness Services or Behavioral Health Services. Private counseling services are also available in most communities.

## Orientation

### **Some of the ways children show the effects of domestic violence:**

#### Emotional

- Grief for family and personal losses.
- Shame, guilt and self-blame.
- Confusion about conflicting feelings toward parents.
- Fear of abandonment, or expressing emotions, the unknown or personal injury.
- Anger
- Depression and feelings of helplessness and powerlessness.
- Embarrassment.

#### Behavioral

- Acting out or withdrawing
- Aggressive or passive
- Refusing to go to school
- Care-taking; acting as a parent substitute to siblings.
- Lying to avoid confrontation
- Rigid defenses.
- Excessive attention seeking.
- Bedwetting and nightmares.
- Out of control behavior.
- Reduced intellectual competency.
- Manipulation, dependency, mood swings.

#### Social

- Isolation from friends and relatives.
- Stormy relationships.
- Difficulty in trusting, especially adults.
- Poor anger management, self-control and problem solving skills.
- Excessive social involvement to avoid home.
- Passive or bullying with peers.
- Engaged in exploitative relationships as perpetrator or victim.

#### Physical

- Somatic complaints, headaches and stomachaches.
- Nervous, anxious, short attention span.
- Tired and lethargic.
- Frequently ill.
- Poor personal hygiene.
- Regression in development.
- High risk play.
- Self-abuse.

Orientation

## Other Safety Concerns

### **Supervised Visitation**

Supervised visitation provides a highly structured, safe and protected setting for parent-child contact when such contact presents risk to the child(ren) due to high conflict surrounding parental separation, domestic violence, substance abuse, mental illness of a parent, parental alienation, child abuse or neglect, child abduction, or after an extended time of no contact.

The emphasis of supervised visitation is on neutrality. The visitation monitor is an observer, intervening only when the emotional or physical safety of the child is threatened, or when program guidelines are broken. The monitor is “the eyes and ears of the court” to provide objective information required by the court or Mediator/CCRC.

### **Two Types of Supervised Visitation**

1. **Professional supervision**: Visits are paid for with an hourly fee. A trained person follows State Guidelines to supervise the visit and provide reports to the court following each visit.

The court has limited funding available under the “All About Kids” or “AAK” grant for those who meet the court income guidelines. Reports are provided to the court following each visit.

2. **Non-professional supervision**: A family member or friend (agreed upon by the parties) or someone specific is ordered by the court to supervise the visits in accordance with the State Guidelines for non-professionally supervised visits. Copies of the guidelines for are available upon request.

## WHAT HAPPENS WHEN PARENTS DON'T AGREE

### **Outcomes of Mediation/Child Custody Recommending Counseling**

#### **1. Parties Agree on a Parenting Plan**

When parties agree, the Mediator helps them write a parenting plan which is prepared as a legal document that may become their custody and visitation order. In court, the agreement will be reviewed by the judge/judicial officer. If it is acceptable to the judge/judicial officer, it will be signed and made an Order of the Court. The agreement is not a binding court order until signed by the judge/judicial officer.

#### **2. Parties Do Not Agree on a Parenting Plan**

In cases where the parties are unable to reach an agreement, the Child Custody Recommending Counselor (CCRC) is required to provide a parenting plan recommendation and report to the Court.

### **What is Child Custody Recommending Counseling?**

A mediator’s function is to assist parents in arriving at an agreed upon parenting plan that is in the best interest of their child(ren). However, in all cases where the parents during a full mediation are unable to agree on a parenting plan, the same mediator assumes the role of a child

## Orientation

custody recommending counselor (hereinafter CRCC). A CCRC's job is to provide a written parenting plan recommendation to the parties and the court that the CCRC believes will be in the best interests of the child(ren). The written report will be provided to the parties and the court prior to the next scheduled court hearing. Collateral sources such as teachers, day care providers, etc., may be contacted by the Mediator/CCRC to gather additional information. The Mediator/CCRC may recommend the court obtain additional information from collateral sources, an in depth custody evaluation be conducted pursuant to FC 3111, a referral to Children's Services Division to investigate allegations of abuse and neglect under Family Code 3027 and/or recommend minor's counsel be appointed to represent the child(ren)'s best interest.

### **Confidentiality**

If the parties reach an agreement, the mediation records are confidential.

If the parties do not reach an agreement and the Mediator/CCRC makes a recommendation to the court, the records are not confidential.

If children or others are interviewed or other information is obtained, this information also may not be confidential.

The Mediator/CCRC may be called to testify during a trial **if the court was given notice to have the Mediator/CCRC present when the request was made to set the matter for trial.**

### **Court Date**

Parties are scheduled to return to court about 14-21 days after their Orientation and Mediation.

Copies of the parenting plan agreement or Mediator/CCRC's recommendation are provided to the judge, the parents' attorneys and, if assigned, attorney(s) for the child(ren) prior to court.

The documents will be mailed directly to the parents if they do not have attorneys. It is your responsibility to update the court with your current mailing address.

### **Agreement by Parties**

If the parties are able to reach an agreement on custody and timeshare, the judge will review the Parental Agreement & Order document and may sign the agreement.

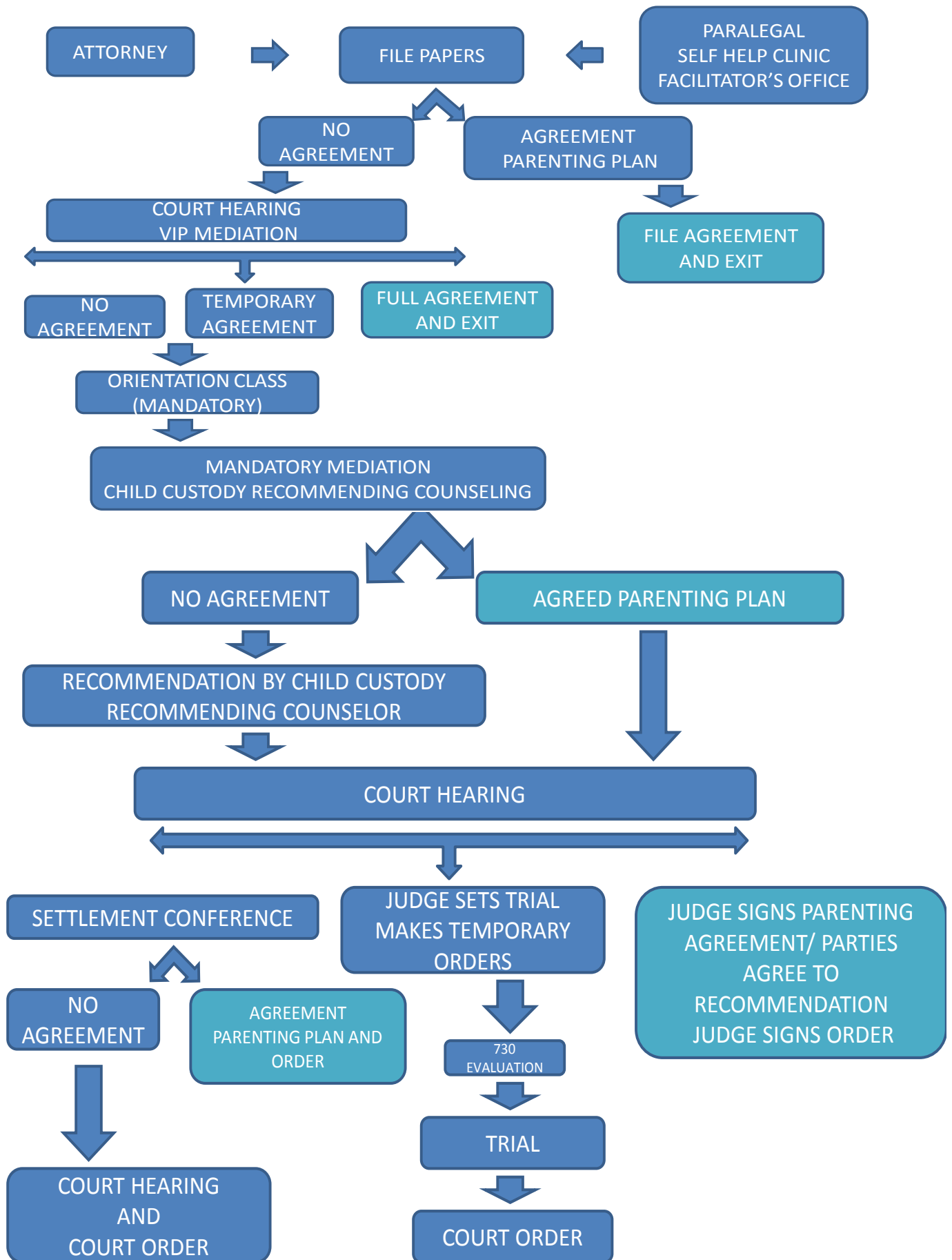
### **No Agreement by Parties**

If there is no agreement, the judge will review the Mediator/CCRC's recommendations and discuss options with the parties, such as setting the matter for trial or VIP Mediation. The issue may be resolved or continue depending upon the case.

Sometimes a review may be set in order to evaluate how the child(ren) are doing with the current parenting plan and/or to check the progress of any other provisions ordered by the court.

**Keep in mind, if the parents are unable to reach an agreement, it is the judge who makes the final decision as to what the parenting plan will be, not the Mediator/CCRC. The Mediator/CCRC's recommendation is only one of the factors the judge considers in making the custody and timeshare decision.**

# HOW THE FAMILY LAW PROCESS WORKS



## Helping Children Cope

Explain to your child(ren) that you and the other parent will be living in separate homes.

Reassure your child(ren) that they will have contact with both parents, if appropriate.

Do not discuss the court action or mediation process with your child(ren).

Do not argue with the other parent on the phone or in person in front of the child(ren), no matter how hard it is to put off a discussion until later, when your child(ren) are not around.

In highly conflicted situations, communication via e-mail or texting is recommended.

Do not put your child(ren) in the middle by using them as messengers or spies between parents.

Do not deny your child(ren) contact with the other parent as a form of punishment.

Allow your child(ren) contact with the other parent by phone or electronic media, if appropriate.

It may help to have your child(ren) talk to a counselor or to other child(ren) who have gone through their parents' separation.

Children react differently to the separation of their parents depending upon their age and development.

It is important that you remain open to talking with your child(ren), listening to their feelings and that you give them understanding and nurturing during this time, without involving them in the court or mediation process.

Children can experience the five stages of grief in dealing with their parents' separation. These are the same stages of grief that adults may experience during a loss:

- **Shock and denial** that their parents are separating.
- **Anger** because their parents are separating.
- **Depression** seeing that their world is falling apart, overwhelmed by feelings of sadness and helplessness.
- **Bargaining** when children take on the responsibilities of making things the way they were, promising themselves or their parents anything to get their parents back together.
- **Acceptance** when children begin to talk more openly about the separation and get their energy and interests back.

### HELPFUL TIPS FOR PARENTS

- 1. Find ways to reduce conflict.**
- 2. Avoid talking negatively about the other parent in front of your children or allow anyone else to do so.**
- 3. Try to find ways to communicate that will help you resolve your differences.**
- 4. Please don't put your child in the middle (i.e. avoid having them call to ask to stay longer with a parent).**
- 5. Keep exchanges of your children positive. (Remember to think of them like "Magic Moments", a visual with the two people they love most in the world, it's important for that to be 100% positive for them)**
- 6. Avoid putting your children in the position to choose between you and the other parent (i.e. sporting events).**
- 7. Make sure it is okay for your children to love both of you!**

### **Parenting Together After Separation**

- Give your child(ren) the stable, predictable routine they need.
- Figure out how you and the other parent can each make time to be with your child(ren).
- Get information to make good decisions about what your child(ren) need at each age.
- If possible, find a way to parent well together and separately.
- Take care of yourself; find ways to feel good about yourself and to understand your confusing feelings.
- Try to stay calm in difficult situations.
- Communicate by e-mail or text in a business-like manner.

Show your child(ren) that you respect their relationship with the other parent and support the time that they spend with each of you by following the court orders or agreement made with the other parent and/or the child(ren).



**Things to Consider When Preparing a Parenting Plan  
With the Other Party or With the Mediator/CCRC**

1. Age and stage of development of the child(ren).
2. The child(ren)'s psychological attachments.
3. Past caretaking responsibilities of the child(ren).
4. The child(ren)'s temperament and ability to adjust to change.
5. Each parent's work schedule/demands.
6. Any disabilities or special needs of the parents or child(ren).
7. How to promote a relationship with the other parent.
8. The distance between each parent's residences.
9. Where the child(ren) will attend school.
10. Vacations and holidays.
11. Children's Friends
12. Parent's Flexibility
13. Substance abuse issues.
14. Mental health issues.
15. Criminal history.
16. Children's Services history/involvement in the case.

**GIVING CHILDREN LOVE AND CARE**

In giving children the love and care they need, it is important for parents to reflect on these essentials of parenting:

**Trust and Respect** -Acknowledge children's right to have their own feelings, friends, activities and opinions. Promote independence, allow for privacy and respect their feelings for the other parent. Believe in them.

**Provide Emotional Security** - Talk and act so your children feel safe and comfortable expressing themselves. Be gentle. Be dependable.

**Provide Physical Security** - Provide healthy food, safe shelter and appropriate clothing. Teach personal hygiene and nutrition. Monitor safety. Maintain a family routine. Attend to wounds.

**Give Your Time** - Participate in your children's lives, in their activities, school, sports, special events, celebrations and friends. Include your children in your activities. Reveal who you are to your children.

**Encourage and Support** - Encourage children to follow their interests. Let children disagree with you. Recognize improvement. Teach new skills. Let them make mistakes.

**Give Affection** - Express verbal and physical affection. Be affectionate and reassuring when your children are physically or emotionally hurt.

**Care for Yourself** - Give yourself personal time. Keep yourself healthy. Get sufficient rest. Maintain friendships. Accept love.

## CHILDREN LEARN WHAT THEY LIVE

If a child lives with **CRITICISM**,

They learn to **CONDEMN**.

If a child lives with **HOSTILITY**,

They learn to **FIGHT**.

If a child lives with **RIDICULE**,

They learn to be **SHY**.

If a child lives with **SHAME**,

They learn to feel **GUILTY**.

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If a child lives with **TOLERANCE**,

They learn to be **PATIENT**.

If a child lives with **ENCOURAGEMENT**

They learn **CONFIDENCE**.

If a child lives with **PRAISE**,

They learn to **APPRECIATE**.

If a child lives with **FAIRNESS**,

They learn **JUSTICE**.

If a child lives with **SECURITY**,

They learn to have **FAITH**.

If a child lives with **APPROVAL**,

They learn to **LIKE HIM/HERSELF**.

If a child lives with **ACCEPTANCE AND FRIENDSHIP**,

They learn to **FIND LOVE IN THE WORLD**

-Dorothy Law Nolte

## EXAMPLES OF PARENTING PLANS

### INFANCY TO 3 YEARS OLD

In order for infants and toddlers to develop secure attachments to their parents, it is critically important that the separation time from the mother and father be small to minimize anxiety, keep attachments secure, and keep the child comfortable with both parents. It is hard for the child to maintain a memory of a parent if the parent is not there. Infants and toddlers have difficulty conceptualizing time and need frequent and continuing contact with a predictable pattern. Separation anxiety is most intense around fifteen (15) to twenty-four (24) months of age. Although it is normal for children at this developmental stage to cry and cling during transitions, most children can be quickly comforted by each parent. The following parenting plan options for infants and toddlers are guidelines for schedules for the non-custodial parent. These guidelines are based on the degree of attachment with the non-custodial parent. (See Essential Considerations on next page for information about degree of attachment.)

#### Suggested Parenting Plan Options:

*\*The following options are dependent upon the age and maturity of the child, pattern of contact with each parent, family lifestyle, and presence of siblings. Gradual increase of the less attached parent's contact should occur over time.*

<b>Child Attached to Both Parents</b> <i>(Child is comfortable and secure with both parents.)</i>	<b>Child Less Attached to One Parent (Parent A)</b> <i>(Child is significantly less comfortable and secure with one parent.) **</i>
1. Parent A Tuesday, Thursday 4:00 p.m. to 7:00 p.m. Saturday 10:00 a.m. to Sunday 10:00 a.m.	<b>Weeks 1 &amp; 2 (Parent A)</b> Minimum (2 hours) per visit, three times per week on nonconsecutive days Parent B All other times
2. Parent A Tuesday 5:00 p.m. to Wednesday 9:00 a.m. Thursday 4:00 p.m. to 7:00 p.m. Saturday 5 :00 p.m. to Sunday 5:00 p.m.	<b>Weeks 3, 4, &amp; 5 (Parent A)</b> Minimum (3 to 4 hours) per visit, three times per week nonconsecutive days Parent B All other times
3. Parent A Wednesday 4:00 p.m. to 7:00 p.m. Saturday noon – Sunday 5:00 p.m.	<b>Weeks 6 &amp; 7 (Parent A)</b> Minimum (5 to 6 hours) per visit, three times per week nonconsecutive days Parent B All other times

## Orientation

<p>4. Parent A Wednesday 4:00 p.m. to 7:00 p.m. Saturday 5:00 p.m. to Monday 8:30 a.m.</p>	<p><b>Week 8 (Parent A)</b> See Schedule for Child Attached to Both Parents Parent B All other times</p>
<p>5. Parent A Tuesday noon – Wednesday noon Thursday noon – Friday noon Saturday noon – Sunday noon **Child is with Parent B at all other times</p>	<p>Parent B All other times <i>*Parents may agree on any combination of the above.</i></p>

### Essential Considerations - Infancy to 3 Years Old

- **Degree of Attachment** – Attachment can be defined as the level of trust, security, and bonding in a parent/child relationship. If a parent has not had contact with an infant to 3-year-old child for an extended period of time or has not been involved in the day to day care of the child, contact should start slowly and gradually increase as the child adjusts and feels more comfortable.
- In order to maximize the child’s trust and security, it is critical that the less attached parent spend significant alone time caring for the child.
- Information regarding the infant/toddler’s diet, medications, daily routine, etc. should be provided by the custodial parent.
- In order to communicate the feeling of security to the child, it is usually best for the primary parent to deliver the child to the other parent.
- Exchanges are to be done quickly with no excessive delays.
- Security object(s) may go with the child.
- Days of contact should be consistent.

### 3 TO 5 YEARS OLD

Current research suggests that children in this age group can form strong attachments to both parents, as well as other adults and caregivers. Along with the growing ability to form attachments with many people comes the ability to tolerate longer periods of separation from attachment figures. Important for children throughout the preschool years are consistency, predictability, and structure.

### Suggested Parenting Plan Options

*\*The following options are dependent upon the age and maturity of the child, pattern of contact with each parent, family lifestyle, and presence of siblings.*

1. Parent A - Alternate weekends Saturday and/or Sunday from 8:00 a.m. to 4:00 p.m. and Wednesday evenings from 6:00 p.m. until 8:00 p.m.; Parent B - All other times
2. Parent A - Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and Wednesdays from 5:00 p.m. until 8:00 p.m.; Parent B - All other times
3. Parent A - Alternate weekends from Saturday at 8:00 a.m. until Sunday at 8:00 p.m. and Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.; Parent B - All other times

## Orientation

4. Parent A - Alternate weekends from Friday evening until Monday morning and every Wednesday overnight; Parent B - All other times
5. Parent A - Monday afternoon to Wednesday morning and Every Other Weekend (Friday afternoon to Monday morning)  
Parent B - Wednesday afternoon to Friday morning and Every Other Weekend (Friday afternoon to Monday morning)
6. Parent A – Saturday evening through Wednesday morning  
Parent B - Wednesday afternoon through Saturday evening
7. Alternate Weeks with Parent A and Parent B and Wednesday overnight with the other parent
8. A combination of any of the above.

### **Essential Considerations – 3 to 5 Years Old**

- Consistency, predictability, and structure are important during the preschool years.
- Children in this age group are able to follow their schedules using color-coded blocks of time to represent time with each parent marked on a calendar.
- Children in this age group are able to understand one parent may do things differently than the other parent, or rules may differ in different places.
- Preschool children are capable of spending overnights with each parent; however, week-long blocks of time may seem very long to such young children, and a visit with the other parent midweek may be necessary.
- Most important for children in this age group is that they are not exposed to parental conflict. Exposure to parental conflict can cause young children to experience anxiety and to regress to younger behaviors.
- Nightmares are common for young children and some of their anxieties are often expressed as fears or through nightmares. Nightmares do not necessarily mean the child is having bad experiences with either parent.
- Young children are very self-centered and often dislike changing activities when they are interested in a particular activity. They may cry, for example, when dropped off at preschool or when they are picked up from preschool. Similar protests can occur during parental exchanges of the child.
- If a child cries when one parent picks up the child, this may mean only that the child does not want to “switch gears”; and such incidents should not be universally interpreted to mean that there is a problem between the parent and child.

### **6 TO 11 YEARS OLD**

Most six to eleven-year-old children can handle moving back and forth between parents’ homes with ease, although some children do better spending more time at one home. The child’s school schedule, extra-curricular activities, parents’ work schedule, and availability to provide transportation and supervision, are important factors in deciding on a parenting plan in this age group. Stability, predictability, ensuring the child’s preparedness for school, and protection from parental conflict are essential to the child’s adjustment.

#### **Suggested Parenting Plan Options:**

1. Parent A Alternate weekends Saturday and/or Sunday from 8:00 a.m. to 4:00 p.m. and Wednesday evenings from 6:00 p.m. until 8:00 p.m.; Parent B All other times

## Orientation

2. Parent A Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and Wednesdays from 5:00 p.m. until 8:00 p.m.; Parent B All other times
3. Parent A Alternate weekends from Saturday at 8:00 a.m. until Sunday at 8:00 p.m. and Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.; Parent B All other times
4. Parent A Alternate weekends from Friday evening until Monday morning and every Wednesday overnight. Parent B All other times
5. Parent A Monday afternoon to Wednesday morning and Every other weekend (Friday afternoon to Monday morning); Parent B Wednesday afternoon to Friday morning and Every other weekend (Friday afternoon to Monday morning)
6. Parent A Saturday evening through Wednesday morning; and Parent B Wednesday afternoon through Saturday evening
7. Parent A Alternate weeks with Parent B; Parent B Alternate weeks with Parent A  
*\*Parents may agree on any combination of the above.*

### **Essential Considerations 6 to 11 Years Old**

- Parents need to communicate with each other about establishing consistent rules, structure, and discipline for the child.
- Exchanges should be done quickly and without conflict to reduce transition issues for the child.
- Exchanges may be done by pickup and return at school or daycare.
- Neither parent should schedule outside/extracurricular activities that interfere with the other parent's court-ordered time with the child without mutual agreement.
- Parents need to agree mutually on any rescheduling in a timely manner.
- Parents should communicate when there are changes in the schedule.

### **12 TO 18 YEARS OLD**

Adolescents are developing a separate identity from their parents and typically are more focused on activities and relationships outside the home. At the same time they need ongoing contact with both parents and continued guidance about rules and standards for their behavior. Adolescents often want to be more independent and to have a say in their living arrangements. Parents may find it helpful to allow older teens to express their ideas for schedules and living arrangements, while making it clear that it is still up to the parents to make the final decisions. Flexibility is the key in accepting children's increasing ability to care for their own needs and make more of their own decisions, while making sure that access to both parents occurs on a regular basis.

### **Suggested Parenting Plan Options:**

1. Parent A Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.); Parent B All other times
2. Parent A Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.) plus weekly mid-week visit (Wednesday 5:00 p.m. to 8:00 p.m.) Parent B All other times

## Orientation

3. Parent A Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.) plus weekly midweek overnight (Wednesday 5:00 p.m. to Thursday before school)

Parent B All other times

4. Parent A Every other weekend (Friday afternoon to Monday morning) plus weekly midweek overnight;

Parent B All other times

5. Parent A Monday afternoon to Wednesday morning Parents alternate weekends Friday afternoon to Monday morning; Parent B Wednesday afternoon to Friday morning

Parents alternate weekends Friday afternoon to Monday morning (2-2-5-5 schedule)

6. Parent A Alternate weekly custodial periods with Parent B; Parent B Alternate weekly custodial periods with Parent A

*\*Parents may agree on any combination of the above.*

### **Essential Considerations – 12 to 18 Years Old**

- It is not unusual for teenagers to be angry or embarrassed by the break-up of their parents and to side with one parent over the other. It is important for both parents to be sensitive to their feelings, yet both parents need to encourage ongoing contact with that parent in spite of these feelings.
- Older adolescents may resist a rigid weekly schedule and may prefer to make adjustments in the schedule based on school activities or other extra-curricular activities.
- Both parents need to support their children's participation in extra-curricular activities even if it conflicts with their parenting time.
- Effective parental communication and cooperation are required in order to support adolescents in their school and extra-curricular activities.
- While input from their child should be considered, it is the final responsibility of the parents to agree upon the parenting plan.
- Parents should not use the children as messengers, but should communicate directly with one another.
- Flexibility and communication are keys in maintaining positive parent/child relationships.
- Parents should not rely upon their children for emotional support.
- Often teenagers after having lived with one parent wish to spend more time or to live with the other parent. Developmentally this can be appropriate since the adolescent is struggling with forming an identity and often needs to have meaningful contact with the other parent to successfully form their self-concept.

**Important information regarding Mediation:**

1. You are **NOT** allowed to contact the Mediator/CCRC before or after your mediation appointment in person, by letter, by fax or by telephone, without a court order.
2. The Mediators/CCRC's or court staff are not permitted to give legal advice.
3. Mediation is only allowed to address child custody and visitation related issues. Issues of child support, spousal support, property division, etc., cannot be discussed.
4. If your child(ren) is interviewed by a Mediator/CCRC, your child is not asked to choose between one parent or the other. Interviews with children are not counseling sessions.
5. The Mediators/CCRC's are mandated reporters of suspected child abuse and neglect.
6. The Mediator/CCRC will not appear at your court hearing after the mediation appointment. Your written agreement or the Mediator/CCRC's recommendation will be provided to the judge and your attorney (or mailed to you if you do not have an attorney) approximately one week prior to the court date.
7. After you have a court order for custody and visitation signed by the judge, if you believe the other parent is not following the order, you should contact law enforcement or file the appropriate motions with the court to seek enforcement of the order. The Mediation Department does not have the authority to enforce court orders for child custody and visitation.
8. The Mediator/CCRC will discuss any special requests and parameters or possible recommendations for the parties during the appointment. These may include parenting classes, co-parenting classes, supervised visitation, drug and alcohol testing, anger management, counseling, etc.

**DO NOT CONTACT** the Mediation Department about non-compliance with the court order as enforcement of these orders is not a function of the Mediation Department. Contact law enforcement, your attorney or SHARP (Self-Help and Referral Program) for assistance.

Do not ask the Family Law Clerk what to do.



Orientation

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF BUTTE

IN THE MATTER OF:

# ***SAMPLE REPORT***

## **CHILD CUSTODY RECOMMENDING COUNSELOR REPORT**

**Petitioner:**  
**Respondent:**  
**Child(ren):**

**Case No.**  
**Court Date:**  
**CCRC Date:**  
**Child(ren)'s Interview:**  
**Orientation: Father:**  
**Mother:**

### **INTRODUCTION**

**Reason for Referral:**

Custody and timeshare dispute

**Current Custody and Parenting Plan:**

**Legal Custody:**

**Physical Custody:**

**Time with Father:**

**Time with Mother:**

**General Issues in the Case:**

1. Custody and timeshare

**Domestic Violence History:**

### **BACKGROUND**

**Mother's Perspective:**

**Father's Perspective:**

**Child(ren)'s Perspective:**

**Collateral Contacts:**

### **CHILD CUSTODY RECOMMENDING COUNSELOR CONCLUSIONS**

The parties were/are advised that it is the judge who makes the final decision as to what the appropriate parenting plan should be, not the child custody recommending counselor. The child custody recommending counselor's recommendation is *one* of the factors the judge may consider in making the parenting plan decision.

### **SEE RECOMMENDATION ORDER**

**Date:**

\_\_\_\_\_  
Child Custody Recommending Counselor

Orientation

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF BUTTE

IN THE MATTER OF:

**SAMPLE REPORT**

RECOMMENDATION & ORDER

Petitioner:  
Respondent:  
Child(ren):

Case No.  
Court Date:  
CCRC Date:  
Child(ren)'s Interview:  
Orientation: Father:  
Mother:

RECOMMENDATIONS

**CUSTODY:**

Legal Custody:  
Physical Custody:

TIME SHARING PLAN:

Time with Father:  
Time with Mother:

**EXCHANGES:**

**VACATIONS:**

Dated:

\_\_\_\_\_  
Child Custody Recommending Counselor

ORDER:

THE COURT, HAVING READ AND CONSIDERED THE FOREGOING REPORT AND  
RECOMMENDATIONS, IT IS HEREBY ORDERED THAT:

\_\_\_\_\_ THE RECOMMENDATIONS SET FORTH ABOVE BE ORDERED.

\_\_\_\_\_ THE RECOMMENDATIONS SET FORTH ABOVE AS ORDERED, BUT MODIFIED IN  
THE FOLLOWING RESPECT:

DATED: \_\_\_\_\_

\_\_\_\_\_

JUDICIAL OFFICER

Orientation

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF BUTTE

IN THE MATTER OF:

***SAMPLE REPORT***

PARENTAL AGREEMENT & ORDER

Petitioner:  
Respondent:  
Child(ren):

Case No.:  
Mediation/CCRC Date:  
Court Date:

**CUSTODY:**

Legal Custody:  
Physical Custody:

TIME SHARING PLAN:

Time with Father:  
Time with Mother:

**EXCHANGES:**

**VACATIONS:**

HOLIDAY AND SPECIAL DAY SCHEDULE:

STIPULATION

Subject to the approval of counsel, if represented, the parties hereby stipulate that this written agreement may be entered into the records of this Court, and that it may be so ordered. They acknowledge understanding that any violations of such Court order may be punishable under appropriate provisions of the California Penal Code, or as Contempt of Court.

Dated:

Petitioner: \_\_\_\_\_

Respondent: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Mediator/Child Custody Recommending Counselor

ORDER

The Court, having determined that the above agreement is in the best interest of the child/ren involved, IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

## SAMPLE

### HOLIDAY AND SPECIAL DAY SCHEDULE:

Unless the parties are in mutual agreement at least one week in advance for Holidays or special days, the following will be the order of the Court. This shall preempt all other time-sharing periods set forth in this agreement:

	<u>ODD NUMBERED YEARS</u>	<u>EVEN NUMBERED YEARS</u>
<i>Halloween</i> After school or 3pm if no school on 10/31 to drop off at school or 9am if no school on 11/1	Mother	Father
<i>Thanksgiving Holiday</i> 5pm Wednesday to 5pm Friday	Father	Mother
<i>Christmas Eve</i> 5pm on 12/23 to 7pm on 12/24	Father	Mother
<i>Christmas Day</i> 7pm on 12/24 to 5pm on 12/26	Mother	Father
<i>OR</i>		
<i>Christmas Holiday/Winter Break</i> <b>1<sup>st</sup> week</b> (to include Christmas Holiday) shall be from 9am the Saturday after school is dismissed to second Saturday of the break at 9am or at minimum until 9am on 12/26 if the 2 <sup>nd</sup> Saturday is before or is the Christmas Holiday.	Mother	Father
<b>2<sup>nd</sup> week</b> (to include New Year Holiday) shall be from 9am the 2 <sup>nd</sup> Saturday after school is dismissed (or 9am on 12/26 in the event that the 2 <sup>nd</sup> Saturday is before or is the Christmas Holiday) until 9am the day before school resumes.	Father	Mother

Orientation

<i>Easter Sunday</i> 5pm Saturday to 7pm Sunday	Mother	Father
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<i>Mother's Day</i> 9am to 7pm	Mother	Mother
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<i>Memorial Day</i> 12pm Friday to 7pm Monday	Father	Mother
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<i>Father's Day</i> 9am to 7pm	Father	Father
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<i>Independence Day</i> 12pm July 4 to 12pm July 5	Father	Mother
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<i>Labor Day</i> 12pm Friday to 7pm Monday	Mother	Father
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*Child's Birthday (date here)*  
Non-timeshare day parent 2 hours of time  
(specific time period determined by mutual agreement)

*Spring Break:*

The spring break shall be shared equally by the parents each year. The Easter Holiday shall determine who has the children for the first or second half of the break. If Easter is the first Sunday of Spring Break then the parent having the Easter Holiday shall have the children from after school the day school is dismissed for the break until 6pm on Wednesday (after the Easter Holiday). If Easter is the second Sunday of Spring Break the parent having the Easter Holiday shall have the children from 6pm on Wednesday (before the Easter Holiday) until drop off at school the day school resumes.

*\*These provisions are included as attached provisions in all Recommended or Agreed Custody Orders made through the Family Court Services/Mediation Department.*

**STANDARD PROVISIONS:**

**1. 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 child(ren) and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.

**2. ACCESS TO CHILDREN'S RECORDS**

Each parent will have access to the child(ren)'s school, medical, and dental records and the right to consult with professionals who are providing services to the child(ren).

**3. HEALTH-CARE NOTIFICATION**

- a. Each parent is authorized to take any and all actions necessary to protect the health and welfare of the child(ren), including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the child(ren).
- b. The parent having physical custody of the child(ren) is required to administer any physician prescribed medications for the child(ren).

**4. SCHOOL NOTIFICATION**

Each parent will be designated as a person the child(ren)'s school will contact in the event of an emergency.

**5. NAME**

Neither parent will change the last name of the child(ren) or have a different name used on the child(ren)'s medical, school, or other records without the written consent of the other parent.

**6. NOTIFICATION OF PROPOSED MOVE OF CHILD**

The parent may not move the child(ren) from the county in which they reside unless mutually agreed upon by the parties or by court order. If either parent intends to move the child(ren) outside the county of residence for a period of 30 days or more, they shall notify the other parent in writing not less than 45 days prior to such a move. This notification shall be given by mail, return receipt requested, postage prepaid to the last known address of the parent to be notified, and a copy of the notice shall also be sent to that parent's counsel of record, if any, and the counsel for the child(ren), if any. The notification must

state, to the extent known, the planned address of the child(ren), including the county and state of the new residence.

In addition to the notice requirements referenced above, a parent wishing to relocate the child(ren) must file a noticed motion with the court and obtain court permission to relocate, unless the parties have submitted to the court a written agreement/stipulation (with notarized signatures of all parties) allowing one of the parties to relocate with the minor child(ren) together with a new proposed parenting plan which addresses how the parties intend to address all the parenting issues given the fact that one of the parties is relocating with the minor child(ren).

As of the date of this order, neither the Father nor the Mother has current plans to relocate the child(ren).

**7. CHILD CARE**

The parent having physical custody of the child(ren) shall have the responsibility of properly caring for the child(ren), and in his or her absence providing a responsible care provider.

- a. The child(ren) must not be left alone without age-appropriate supervision.
- b. The parents must let each other know the name, address, and phone number of the child(ren)'s *regular* child-care providers.

**8. CHILDREN'S CLOTHING AND BELONGINGS**

- a. Each parent will maintain clothing for the child(ren) so that the child(ren) do not have to make the exchanges with additional clothing.
- b. The child(ren) will be returned to the other parent with the clothing and other belongings they had when they arrived.
- c. The child(ren) shall be allowed to take or leave whatever toys or gifts he or she might choose from the other parent's residence. Toys shall be safe, and age appropriate. In cases where one of the issues is domestic violence, the child(ren) shall not be given violent toys or gifts which depict violence.
- d. If child(ren) are spending in excess of one overnight at a time with a parent, that parent shall be responsible for providing adequate clothes to the child(ren).

**9. CANCELED PARENTING TIME**

- a. If the noncustodial parent fails to arrive at the appointed time and fails to notify the custodial parent that he or she will be late, then the custodial parent need wait for only 30 minutes before considering the visitation canceled.
- b. In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity.
- c. The custodial parent must give the noncustodial parent as much notice as possible if the child(ren) are ill and unable to participate in scheduled time with the other parent.  
 A doctor's excuse is required.
- d. Any make-up of lost time is to be at the discretion of the custodial parent.

10. **PHONE CONTACT BETWEEN PARENTS AND CHILDREN**

- a. The child(ren) may have telephone access to the parents and the parents may have telephone access to the child(ren) at reasonable times, for reasonable durations.
- b.  The schedule phone contact between parents and the child(ren) is (*specify*): \_\_\_\_\_  
\_\_\_\_\_
- c.  Neither parent nor any other third party may listen to or monitor the calls.

11. **NO NEGATIVE COMMENTS**

Neither parent shall permit others to involve the child(ren) in the court proceedings or make derogatory remarks about the other parent while the child(ren) are present or within hearing range. Neither parent shall do anything or say anything which would estrange the child(ren) from the other parent, injure or negatively affect the child(ren)'s opinion of the other parent, or impair the natural development of the child(ren)'s love and respect for each parent.

12. **NO USE OF CHILDREN AS MESSENGERS**

The parents will communicate directly with each other on matters concerning the child(ren) and may not use the child(ren) as messengers between them.

13. **ALCOHOL OR SUBSTANCE ABUSE**

Neither parent shall be under the influence of alcohol, use or possess illegal drugs, or allow others who are in the presence of the minor child(ren) to be under the influence of alcohol or use or possess illegal drugs during the time the child(ren) are in his or her care and/or custody. Neither parent shall abuse prescribed medicine or take medication prescribed for someone other than themselves when parenting the child(ren). For the purpose of this provision, a 215 recommendation shall qualify as a prescription. However, the use of marijuana may not occur in the presence of the child(ren). In addition, a person shall be defined as "under the influence" if, as a result of consuming an alcoholic beverage and/or taking a drug or prescribed medication, his or her mental or physical abilities are so impaired that he or she is no longer able to drive a vehicle/operate a vessel with the caution of a sober person per Section 23152 (a), Vehicle Code.

The  petitioner  respondent may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within (*specify number*): \_\_\_\_\_ hours prior to or during periods of time with the child(ren).



14. **NO EXPOSURE TO CIGARETTE SMOKE**

Neither parent shall allow the minor child(ren) to be in enclosed areas where smoking is occurring.

15. **PARENTS MUST MAKE A GOOD FAITH EFFORT TO FOLLOW THE COURT ORDER**

Should either parent engage in conduct which undermines or does not follow the court order, it may be considered that the parent is not acting in the best interest of the child(ren), and such conduct may be the basis for modification of the court order. Each parent shall exert every effort to maintain free access and unhampered contact between the child(ren) and the other parent, and to foster a feeling of affection between the child(ren) and the other parent, in accordance with the court ordered timeshare and custody provisions.

16. **EXCHANGE OF RELEVANT INFORMATION**

The parents shall provide each other with copies of all relevant school information to include, but not limited to, all of the following: report cards, school meeting notices, school schedules, class programs, requests for conferences, invitations to special events, notices of school activities involving the minor child(ren), results of standardized or diagnostic tests, samples of school work and timely information on school reports or homework that need to be submitted or that will be due when the child(ren) returns from spending time with the other parent.

17. **SAFE TRANSPORTATION**

The child(ren) shall be transported only in a properly licensed and insured vehicle by a licensed driver or operator. **Child(ren) \*MUST\* be secured in an appropriate child passenger restraint (safety seat or booster seat) IN THE BACK SEAT OF A VEHICLE until they are at least 8 YEARS OLD or 4' 9" in height.**

18. **NO INTERFERENCE WITH SCHEDULE OF OTHER PARENT WITHOUT THAT PARENT'S CONSENT**

Neither parent will schedule activities for the child(ren) during the other parent's scheduled parenting time without the other parent's prior agreement.

The child(ren)'s physical custody shall be shared in such a way that the arrangement causes no significant disruption of schooling, family, and/or social relationships. The parents shall advise the school and/or care providers of the physical custody and timeshare schedule.

19. **CHILDREN’S NEW ACTIVITIES REQUIRE MUTUAL CONSENT**

The child(ren) shall be allowed to continue the social and athletic activities in which they presently are participants. All new or future activities in which the child(ren) may participate in shall be done by mutual agreement of the parties.

20. **NOTIFICATION OF SIGNIFICANT ACCIDENTS AND MEDICAL PROBLEMS**

Each parent shall keep the other fully informed of all significant medical problems and accidents pertaining to the minor child(ren). Each parent shall notify the other as soon as reasonably possible if an injury or illness to the child(ren) requires emergency physicians or medical care.

21. **NOTIFICATION OF PARENT’S CURRENT ADDRESS**

Each parent must notify the other parent of his or her current address and telephone number within 24 hours of this order taking effect. Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other’s privacy. If a parent has an address with the State of California’s Safe and Home confidential address program, no residence or work address is needed. If a current domestic violence restraining order is in place prohibiting the above referenced disclosures, no disclosure is required.

**ADDITIONAL PROVISIONS:**

1.  **JOINT LEGAL CUSTODY [§ 3083]**

- a. The parents will have joint legal custody of the minor child(ren).
- b. In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the child(ren). The consent of both parents is required in making decisions on the following matters:
  - 1.  Enrollment in or leaving a particular private or public school or daycare center.
  - 2.  Participation in particular religious activities or institutions.
  - 3.  Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy.
  - 4.  Selection of a doctor, dentist, or other health professional (except in emergency situations).
  - 5.  Participation in extracurricular activities.
  - 6.  Out-of-country travel
  - 7.  Out-of-state travel
  - 8.  Other (specify): \_\_\_\_\_

Orientation

- c. In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the child(ren). For instance, a parent may take a child in for routine medical and dental examinations without prior notice to the other parent.
- d. If a parent does not obtain the required consent of the other parent to the decisions checked in item 'b' above.
  - 1. He or she may be subject to civil or criminal penalties.
  - 2. The court may change the legal and physical custody of the minor child(ren).

2.  **SPECIAL DECISION-MAKING DESIGNATION**

- e. The  petitioner  respondent will be responsible for making decisions regarding the following issues (specify):

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