CHILD CUSTODY RECOMMENDING COUNSELING ORIENTATION

FAMILY COURT SERVICES

CONTRA COSTA COUNTY SUPERIOR COURT

Goals of Orientation

Parents will learn about:

- How child custody recommending counseling (formerly mediation) works.
- Children's needs during separation or divorce.
- Effective communication.
- Safety and domestic violence.

Our Four Part Presentation

1) Introduction
2) The Child Custody Recommending Counseling Process
3) Separation & Divorce
4) Domestic Violence

INTRODUCTION

PART ONE

Both Parents are Important

"…it is the public policy of this state to assure that children have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, or ended their relationship, and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy, except where the contact would not be in the best interest of the child…"

Family Code §3020

Child Custody Recommending Counseling

- Custody Counseling is required whenever there is a dispute about child custody or visitation.

- Custody Counseling focuses on developing an agreement between parents that is in the best interest of the children.

Family Code §3170

California Law Defines Three Purposes of Child Custody Recommending Counseling

- To reduce conflict between the parents.
- To develop an agreement ensuring the child's close and continuing contact with both parents (see Family Code Sections 3011 and 3020.)
- To reach a settlement regarding visitation rights that is in the best interest of the child.

Family Code § 3161

Creating Your Parenting Plan

- Child Custody Recommending Counseling is provided at no cost to parents.
- Specially trained Child Custody Recommending Counselors help parents work out the terms of their Parenting Plan.

What is in a Parenting Plan?

A Parenting Plan describes:

- Legal Custody
- Time-sharing schedule or Physical Custody
- Holiday and Vacation schedule
- Transportation and custody exchange arrangements
- Any needed services (e.g. therapy, classes) for the parents and the children
- How safety issues will be addressed
- Other important details specific to your situation

Two Possible Outcomes

1. The parents agree. The custody counselor then types up the parents' plan to submit to the judge.
2. The parents only agree on some things or on nothing.

   The custody counselor writes a Status Report that includes:

   a. What the parents DO agree about.
   b. Each parent's suggested plan for what they DO NOT agree about.
   c. Additional information that might help the judge and the parents select a plan.
   d. The custody counselor's recommendation for what plan is in the children's best interest.

What if Parents Already Have an Agreement?

- To make your agreement a court order, you must provide a written plan, agreed to by both parents, to the Court for approval.
  - If either party has an attorney, the attorney may assist in presenting the agreement to the Court.
  - If both parties are self-represented, there is information available online at: www.courts.ca.gov/1186.htm.
- Participation in child custody recommending counseling will allow a professional to review your agreement, assure your plan is complete and prepare a written agreement for the judge.

What Happens to the Appointment if Parents Already Agree?

- If the parents agree on EVERYTHING regarding where children will live and how they will spend time with each parent, BOTH parents must call Family Court Services between 8am and 3pm at (925) 608-2065 to cancel the appointment.
- If BOTH parents do not call to cancel the custody counseling appointment, you might have to pay a $100 court ordered “No Show” fee.

What if parents cannot agree?

1. The child custody recommending counselor will have a limited amount of time and information to make recommendations to the judge about your children.
2. One or both parents are often disappointed by the recommendations made by the custody counselor.
3. **Parents unable to reach an agreement during their appointment hand over planning for their children to a judge who does not know their children.**

Your Children = Your Decision

Parents who make their own child custody and visitation decisions usually spend less time in court and are generally happier with the outcome.

End of Part One

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