

Superior Court of California
County of Solano



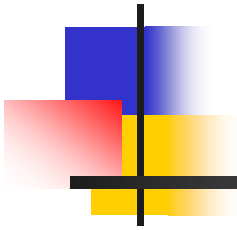
Child Custody Recommending Counseling (CCRC)

IMPORTANT NOTE:

- You will be given instructions at the end of this presentation on how to print your certificate. Please pay close attention to the instructions.



Welcome to the Orientation for Parents & Guardians



Parent Orientation Instructions

NOTE:



Please allow this slide show presentation to continuously scroll on its own to the end.

This 35-minute presentation must be completed before you go to your child custody recommending counseling appointment.



Orientation

- **This presentation is designed to help you get the most from your child custody recommending counseling (CCRC) appointment.**
- **If you have questions about the information in this presentation, write them in your hand-out and bring them to your CCRC appointment. Your Child Custody Recommending Counselor will be happy to answer your questions.**





Objectives: You will...

- **Learn the meaning of important legal terms.**
- **Be introduced to the legal process.**
- **Understand the goals and limits of CCRC.**
- **Learn how CCRC is conducted in cases involving domestic violence.**
- **Get tips to help prepare for CCRC or hearing.**
- **Understand how divorce impacts children.**
- **Learn the answers to common questions.**



Part 1:

Important Terms to Know

There are some terms you need to know for your family court case. These include:

- *Petitioner, Respondent, Parents, Co-parents*
- *Child Custody: Legal and Physical Child Custody, Visitation (Parenting Time), Supervised Visitation*
- *Child Custody Recommending Counseling (CCRC)*
- *Child Custody Recommending Counselor (CCRC)*
- *Parenting Plan*
- *Best Interests of the Child*
- *Others listed in this section*





"Petitioner" & "Respondent"

The *Petitioner* is the person who filed the papers that started the court action.

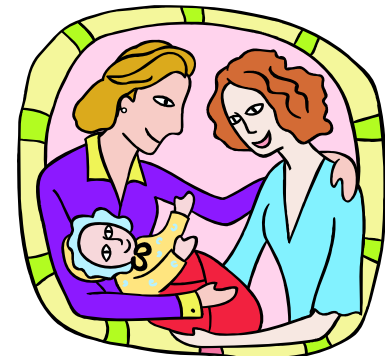
The *Respondent* is the other party, who was served with the Petitioner's papers and then filed a response.



"Parents"

In this orientation, the term "parents" includes:

- A child's: mother and father (regardless of their marital status), adoptive mother and father, and others recognized by the court as parents; and
- Same-sex couples who were legally married or who were Registered Domestic Partners when their child was born.





“Co-Parents”

Parents who share responsibility for raising a child, even though they no longer live together.





“Child Custody”

There are two kinds of child custody:



Legal Custody
&
Physical Custody



It's important to know these terms to help prepare your parenting plan.





“Legal Custody”

“Legal Custody:” refers to how parents make major decision about their child’s medical care, education, and welfare.

- *“Joint legal custody”* allows either or both parents to make these decisions.
- *“Sole legal custody”* means that only one parent has the authority to make these decisions.





“Physical Custody”

“Physical custody” describes:

- *Where* the children live,
- *Who* takes care of them, and
- *How* much time they spend with each parent.

There are two types: “Joint” and “Sole”





“Physical Custody”

- *Joint physical custody:* means that each parent has significant time with the child. *It does not require that time to be shared equally.*
- *Sole physical custody:* means that a child resides with only one parent, but may still spend time with another parent as described in a court order.





“Visitation (Parenting Time)” “Supervised Visitation”

- Visitation (also called “parenting time” or “time share”). It is a plan for how parents will share time with their children.
- Supervised Visitation is contact between a parent and a child that only happens in the presence of a specific adult. It is ordered when the court has concerns about the child’s safety or welfare.



"Primary Residence" "Primary Physical Custody"

- This term is only used in a court order when a parent is applying for public benefits on behalf of the child.



- A child's primary residence is the the home in which the child spends the majority of time.





“Parenting Plan”

A *Parenting Plan* is a detailed plan for sharing time with your children that is in your children’s best interests. It includes:

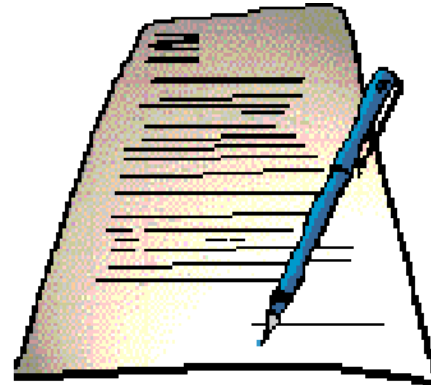
- ***Custody ~ Legal & Physical;***
- ***Time-sharing arrangements;***
- ***Logistical arrangements: Who provides transportation, exchange locations, etc.***





“Stipulation”

- A “stipulation” is a *written agreement between the parties.*
- When signed by a Judge, the stipulation becomes a court order.





"Best Interests of the Child"

When a judge makes an order for a parenting plan, he or she must consider the best interests of the child, which includes these factors:

- The child's age and health;
- The child's emotional ties with each parent;
- The ability of the parents to care for the child;
- The child's ties to school, home, community; and
- Any history of family violence or substance abuse



“Child Custody Recommending Counseling”

- **When parents disagree about the care of their child in a family law case, *California law requires that they attend child custody recommending counseling (CCRC) before the court hearing.***
- **The purpose of CCRC is to meet with a neutral professional to try to create a plan that covers how parents will care for their child and how much time the child will spend with each of them.**



“Child Custody Recommending Counselor”

- **Professionals trained in understanding families, including families where domestic violence or abuse may be an issue.**
- **Assigned to help parents in family law cases discuss their child’s needs and assist them in making a schedule that best serves their child’s needs.**





“Confidential” Mediation

**In some counties, courts have
“Confidential Child Custody Mediation.”**

**This means that *only the parents’
agreement is reported to the Court.* All
other matters discussed in the mediation
are confidential and are not disclosed,
except as required by law.**



“Recommending Mediation”

Solano County (and other counties) are “recommending counties.”

This means that if the parents do not reach an agreement in CCRC, the child custody recommending counselor:

- ***Makes a recommendation about a parenting plan; and***
- ***Submits it to the parties and the court.***

"Child Custody Evaluation"

In some cases, the Court may appoint a child custody evaluator to the case. The evaluator is a licensed psychologist, psychiatrist, social worker, or marriage and family therapist who conducts an investigation and analysis of the health, safety, and welfare of your child.

The evaluation includes an extensive report with recommendations. It helps the judge make orders in your case.



Part 2:

Overview: Legal Process

- File your case
- Request a hearing for orders
- Attend CCRC
- File the agreement (parenting plan) reached in CCRC
- If no plan, go to the hearing
- The judge will make orders after the hearing



Starting the legal process

- Filing and serving a *Summons and Petition* starts the legal process.
- Then, a party can file a *Request for Order* (form FL-300) to ask for court orders.
- Before the hearing, the other party must be served with the *Request for Order*.
- The court sets an appointment for parties to attend CCRC when a hearing is about child custody.



Process: Child Custody Recommending Counseling

Who attends CCRC?

- You,
- The other parent, and
- The child custody recommending counselor.



(Note: In a case involving domestic violence, your support person may attend and offer emotional support but may not speak for you.)



A special note about: Children and CCRC

***Please do not bring children to your
CCRC appointment.***

The Court will let you know:

- If it may be appropriate and necessary to interview your child;
- The interview guidelines; and
- If it is necessary to examine your child as a witness.



Part 3:

Goals and Limits of CCRC

CCRC helps parents reach an agreement about the best parenting plan for the children. The plan includes:

- *Where the children will live;*
- *How parents will make major decisions about the children's health, education, and welfare; and*
- *A detailed schedule showing when the children spend time with each parent.*





A special note about: Agreements/Stipulations

What if we already have a written parenting plan agreement?

If parents already have a written, signed and dated agreement (parenting plan) for custody and visitation, they are not required to attend CCRC.

Parents must ask the court to sign the agreement so that it becomes a court order. Go to your court's Self-Help Center or Clerk's Office for information about this process.





Child Custody Recommending Counseling

What will we do in child custody recommending counseling (CCRC)?

- You and the other parent will each present a proposed parenting plan.
- The child custody recommending councilor will help you to *negotiate* and *compromise* to reach an agreement that is in your child's best interests.





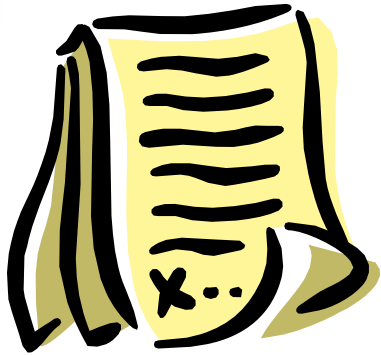
Limits to CCRC

There are some matters that cannot be addressed in CCRC. These include giving legal advice or providing help with:

- ***Child support;***
- ***Spousal or domestic partner support;***
- ***The division of property.***



After the CCRC: Report about the Agreement



Your CCRC will result in a *report to the Court.*

If you and the other parent reach an agreement in CCRC, the report will reflect your agreed-upon *parenting plan.*



After the CCRC: Written Recommendations

If you and the other party did not reach an agreement, the CCRC will:

- **Make a report to the court that may include a recommendation about a parenting plan; and**
- **Give each parent a copy of the recommendations before the court hearing.**





Other Recommendations

The CCRC is also permitted by law to recommend to the court that:

- **An attorney be appointed for your children.**
- **The court issue a restraining order to prevent an imminent risk of harm to a party or the children.**





Remember:

It is the best interests of the child ~
*not necessarily the needs of the
parents* ~ that guides the CCRC's
recommendations and the Judge's
orders.





CCRC's Recommendation

What if I disagree with the CCRC's recommendation?

At the hearing, let the Judge know the reasons why you do not agree with the CCRC's recommendation.

Judges are not required to follow the CCRC's recommendation.

Information presented in Court can influence the Judge's final decision.



Part 4:

Cases Involving Domestic Violence

This section will explain how Child Custody Recommending Counseling (CCRC) is conducted in cases involving domestic violence (DV).





CCRC in DV Cases

Child custody recommending counselors will be asking questions about whether you are concerned about domestic violence.

- **They are trained to help parents who experience violence in the home.**
- **They can also help identify resources if you are concerned about your safety.**





CCRC in DV Cases

If you are in danger and need more immediate resources to protect against domestic violence:

- **Call the National Domestic Violence Hotline at 1-800-799-SAFE (TDD: 1-800-787-3224); or**
- **Call 211 if available in your area.**





CCRC in DV Cases

A case is considered a “DV case” if the court has issued one of these orders involving the parents:

- ***Emergency Protective Order (EPO);***
- ***Temporary Restraining Order (TRO);***
- ***Criminal Protective Order (CPO); or***
- ***Other temporary or permanent restraining orders.***

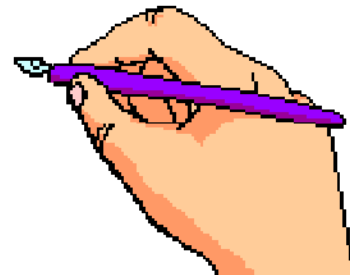




CCRC in Cases

A case is also considered a “DV case” if:

Either you or the other parent have told the court in writing or a CCRC that there are concerns about family (domestic) violence.





CCRC in DV Cases

If there is a history of domestic violence:

- You and the other parent may have *separate CCRC appointments* scheduled for you.
- You can ask for a joint appointment.
- *If you have a restraining order, you can only meet together if the restraining order has a special exception for peaceful contact between the two of you.*





CCRC in DV Cases

Even if you want to meet together during your appointment, if there are concerns about domestic violence, the CCRC is required to first meet with each of you separately to decide if meeting together is a good idea.





CCRC in DV Cases

The CCRC will try to find out:

- ***If you and the other parent can have peaceful contact with each other.***
- ***How and where that contact will take place.***
- ***If you can make decisions together about important issues.***
- ***How well you understand your children's needs.***





CCRC in DV Cases

The CCRC may also talk about:

- ***People who can help you make plans for your safety.***
- ***Places you may be able to get help if you have been violent.***
- ***Whether having visits between your child or children and a parent who may have been violent might be supervised.***
- ***Ways of having details in any parenting plan that can help with safety concerns, such as neutral exchange locations.***



CCRC in DV Cases

Support Person in CCRC

- You may bring a support person to CCRC.
- *The support person may provide you with emotional support, but may not participate.*





In Domestic Violence Cases:

The parenting plan developed in DV cases will address issues such as whether your children have:

- ***Been exposed to the violence?***
- ***Been affected by the violence?***
- ***Been frightened or injured?***
- ***Tried to intervene in the violence?***





In Domestic Violence Cases:

The Judge ~ not the CCRC ~ makes a determination about whether the alleged violence actually occurred if there is a disagreement about that.





Deciding Child Custody in Domestic Violence Cases

- **If the judge decides that violence has occurred, the Judge must follow special rules to decide custody of the children.**
- **The special rules are listed in California Family Code section 3044.**
- ***You will be given a copy of this law to read before your mediation.***
- ***Be sure to read it!***





Co-parenting when there has been Domestic Violence

Common orders in cases of domestic violence:

- *One parent may be responsible for the children most of the time;*
- *One parent may have supervised visitation;*
- *The Court may order counseling before visits begin.*





Orders in DV Cases

The court may also order a party to go to:

- *Parenting Classes*
- *Anger Management Classes*
- *Batterer's Treatment*
- *Drug or Alcohol Treatment*
- *Counseling*





Your Court Hearing

**This section provides information
about court hearings following CCRC.**





Your Court Hearing

- After the CCRC, your matter will be heard by the Judge or Commissioner in Family Court.
- At the hearing, the Judge will review your agreement or the CCRC's recommendation, and may ask you questions.
- Then, the Judge will then make an *order*.





Your Court Hearing

- Remember, the CCRC's recommendation is *not a court order*.
- *Not all recommendations become orders*, Judges often make orders that are different from the recommendation.
- Unless it becomes an order, *the recommendations are not enforceable*.





Your Court Hearing

In cases where parents are having a lot of conflict, the family judge may decide to appoint a professional to the case.

The judge could appoint an *attorney for your child* or a *child custody evaluator* to gather information that will help decide on a parenting plan that is in your child's best interests.





After Your Court Hearing

- **The judge's decisions will be detailed in a document called *Findings and Order After Hearing*.**
- ***The court order* is recognized by law enforcement officers and remains in effect until another court order replaces it.**



Part 5:

Preparing for your CCRC/Court Hearing

This section provides tips to help you prepare for:

- *CCRC*
- *Your court hearing*





Prepare



***There is no substitute for
preparation!***

Give careful thought to a parenting plan that will work for your child.

Designing the parenting plan should include the active participation of both parents, if possible.





Preparing for CCRC



Many parents find it helpful to *write a parenting plan* and bring it to CCRC.

Our office has forms to assist you in preparing your parenting plan.

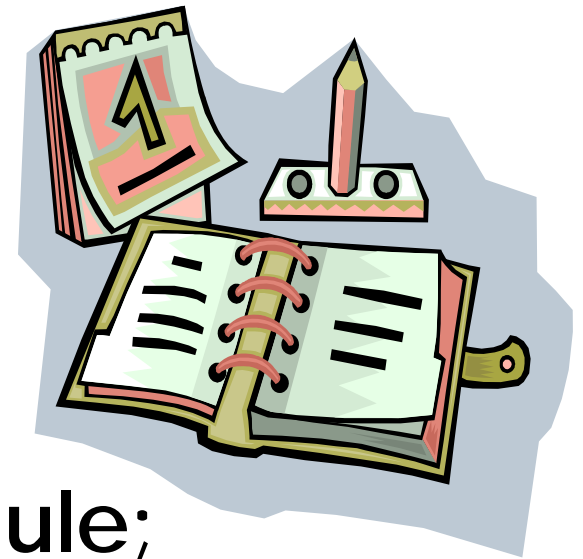




Preparing for CCRC

Think through the details of the average day:

- Your child's needs;
- Your child's schedule;
- Your schedule;
- The other party's schedule;
- Other details





Preparing for CCRC

Think of *special circumstances like:*

- *Sharing holidays & birthdays;*
- *Vacations & travel plans;*
- *Transportation details; and*
- *Exchange locations.*





Preparing for CCRC

- ***Be realistic.*** Even the best plan won't work if it's not possible to carry out.
- ***Stay focused on your child's needs.***
This could be an emotionally difficult experience for you. Staying focused on your child will help you in this process.
- ***Plan B.*** Have more than one proposal.

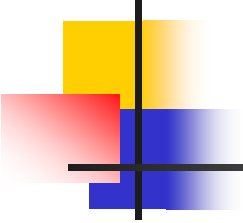




Tips for Your Court Hearing

- Be on time.
- Be organized & prepared.
- Address your comments to the Judge, not the other party.
- Do not bring children to Court.
- Turn off cell phones and other electronic devices.





Part 6: Children and Divorce

This section provides information about how divorce impacts children.





Children and Divorce



Children experience anxiety, distress and insecurity during separation.

Expect some changes in your child during this time.





The first year following the separation is a critical time for kids. Parents may be more distracted, and routines may be disrupted.

Everyone, including the child, is struggling to find a new balance.

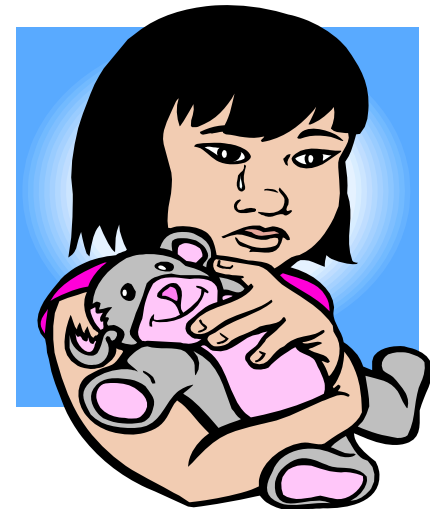




"T.M.I."

With *too much information* from parents, children will be brought into the conflict.

Don't share every detail with your kids.





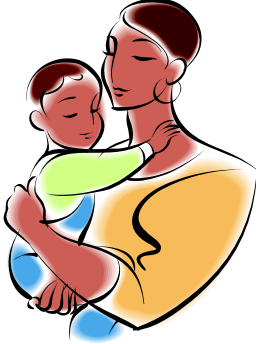
Kids & Conflict

Children exposed to on-going parental conflict have more emotional, behavioral, social, and academic problems than children who are sheltered from the fight.





Parental Co-operation



- **Children's post-divorce adjustment is directly related to their *parents' ability to cooperate* with one another.**
- ***Reassure your child* that there will be an on-going relationship with each parent and shield your child from the conflict.**





Remember:

- Respect your child's right to an on-going relationship with the other parent.
- *You* are separating from the other parent; *your child is not.*



Part 7: Frequently Asked Questions

Q. Will the CCRC interview my child?

A. In some cases, the CCRC may wish to interview the children. The CCRC will arrange this with you, usually after the first meeting with the parents.





Frequently Asked Questions

Q. Does the other party also have to go to orientation?

A. Yes, the Court expects both parents to attend orientation.





Frequently Asked Questions

Q. What happens if the other party doesn't come to CCRC?

A. The Court is advised when a parent does not participate, and will make a determination about how to proceed.





Frequently Asked Questions

Q. What if the other party does not come to Court?

A. The Judge will either make an order for your family or set another Court date.





Frequently Asked Questions

Q. Can I bring my boyfriend/girlfriend to CCRC or to Court?

A. Although anyone may attend and observe the Court hearing, only parties that are *named as parties or legally joined to the action* may participate in CCRC. You must file papers to become legally joined to the action.





Frequently Asked Questions



Q. How long is the CCRC?

A. The amount of time can vary depending on the complexity of the case, but plan to spend at least one hour.

Q. How many sessions will we attend?

A. Most cases have one CCRC at the first hearing. The Court may refer the matter for additional CCRC when necessary.





Frequently Asked Questions

Q. Is CCRC confidential?

A. CCRC is a confidential process. However, in certain situations the CCRC might be required to share information. For example.....

The CCRC may be required to report suspected child abuse or neglect. CCRCs may also have to report if a person threatens to harm himself or herself or another identifiable person.



Frequently Asked Questions

Q. Do I need a lawyer if the other party has one?

A. Whether or not you hire an attorney is your decision. Many parents successfully represent themselves in child custody matters. However, attorneys can be especially helpful when child custody matters are more complex or when there are complicated financial issues.





Frequently Asked Questions

Q. What if the other party doesn't follow the court order?

A. You have the option of calling law enforcement agencies to enforce the order or you can file a *Request for Order* (form FL-300) to change the order.

Please do not call the CCRC to report non-compliance with court orders.





Frequently Asked Questions

Q. What if the other party does not return my child from a visit?

A. Notify the police. Please do not call the CCRC to report these matters, as the CCRC will not be able to take action on your behalf.





Frequently Asked Questions

- Q. Who pays transportation costs when there is a great distance between the homes?**
- A. The judge will determine who will pay transportation costs.**





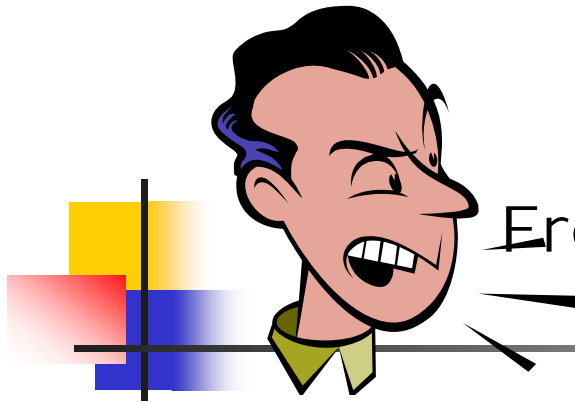
Frequently Asked Questions

Q. Do we have to go to a Court hearing to change our custody schedule?

A. If you and the other parent agree to change the parenting plan, you are not required to return to Court for a new hearing.

However, it is best to put your changed plan into a written, dated & signed document. Have the court sign it so that your new plan is enforceable.



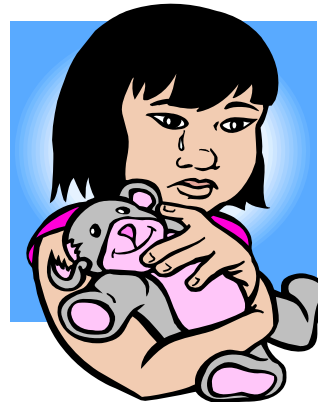


Frequently Asked Questions



Q. What if the other parent is saying bad things about me in front of the children?

A. Parents should not say bad things about each other in the presence of the children. It is very damaging to children. If the problem persists, consider going to court to ask for new orders.





Frequently Asked Questions

Q. Does the Judge ever order that one parent cannot see the child? When does that happen?

A. A court rarely makes a “No visitation” order. This happens only in extreme cases to protect the child’s safety. In some cases, the Court may stop visitation while a parent fulfills the requirements of the court order.





Frequently Asked Questions

Q. When would a judge order supervised visits?

A. A judge may order supervised visits:

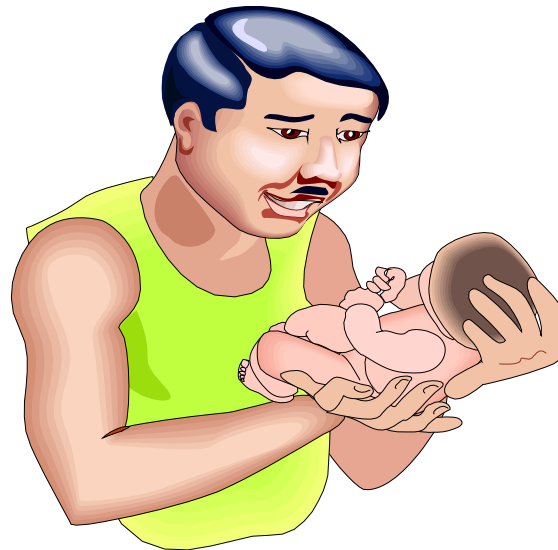
- To help reintroduce a parent and child after a long absence;
- To help introduce a parent and child who do not have an existing relationship;
- When there is a history or allegations of domestic violence, child abuse and neglect, or substance abuse;
- When there are parenting concerns or mental illness;
- When there is a parental threat of abduction; or
- To give a parent a chance to address specific issues.





Frequently Asked Questions

- Q. Does the Court favor mothers over fathers or fathers over mothers?**
- A. No. Neither parent is favored over the other on the basis of gender.**



Frequently Asked Questions

Q. In same-sex parent situations, does the Court favor the birth parent over the non-biological parent?



A. If the parents were legally married or registered as domestic partners and the child was born after January 1, 2005, both parents have equal rights with respect to the child under AB 205.



Frequently Asked Questions

Q. What is Assembly Bill (AB) 205?

A. This bill is known as the ***California Domestic Partner Rights and Responsibilities Act***.

- It is a series of laws that went into effect on January 1, 2005, giving registered domestic partners most of same rights, protections, benefits, as well as the responsibilities, obligations and duties as married couples.
- AB 205 pertains to ***same-sex couples*** as well as ***heterosexual*** registered domestic partners.



Frequently Asked Questions

Q. We are registered domestic partners, but our child was born before January 1, 2005. What is our status in Family Court?

A. This matter has not yet been settled by the Courts. It is strongly advised that you contact a family law lawyer about this question.





Frequently Asked Questions

Q. Can I get a late afternoon or evening appointment for CCRC?

A. No. CCRC sessions are scheduled to take place the day of your hearing *Monday through Thursday, during the morning hours.*





Frequently Asked Questions

Q. When can I get a copy of the CCRC's report?

A. Your CCRC will provide you a copy of the report before your hearing. When and how you receive the report may differ from county to county. Ask your CCRC.





Frequently Asked Questions

Q. How does the custody order effect the amount of child support?

A. The parents' timeshare with the children is only one of many other factors used to calculate child support. Other factors include each parent's: income or earning capacity, tax filing status, cost of sharing daycare, health insurance expenses, etc.



Frequently Asked Questions

Q. Can I stop visits if the other parent isn't paying child support?



A. No. Contact the *Department of Child Support Services (DCSS)* in your county if there are problems with child support. DCSS will help get, change, and collect child support at no charge to you.





Frequently Asked Questions

- Q. If the other party has a restraining order against me, can I still see my children?**
- A. It depends on the terms of the restraining order. If the children are named as “protected persons” in the restraining order, the Court may stop the visits you previously had with the children. If the order permits contact with the children, the court could permit supervised or other contact that is in the child’s best interests.**





Frequently Asked Questions

Q. What should I bring to CCRC?

A. Bring your....

- ✓ **Parenting plan proposal;**
- ✓ **Schedules and/or calendars;**
- ✓ **Relevant documents (such as report cards or letters from the child's therapist);**
- ✓ **Questions;**
- ✓ **Willingness to negotiate & compromise to reach an agreement that is in the best interests of your children!**



Visit these websites for more information...

- ***“Families Change.”*** This is a guide for parents, children, and teens going through separation and divorce. It is available at: www.familieschange.ca.gov
- ***“Changeville.”*** This is an interactive site especially designed for kids whose parents are separated or divorced. It is available at: www.changeville.ca.gov
- **Online Self-Help Center** website at www.courts.ca.gov/selfhelp





This concludes the Orientation for Parents and Guardians

**We wish you and your family
the best in your co-parenting
efforts!**





Certificate of Completion

Get your Certificate of Completion!

1. Go back to the family law web site at:
www.solano.courts.ca.gov/Courts/FamilyLaw.html
2. Go to item 1 under “Parent Orientation/Education.”
3. Click on “Certificate of Completion.”
4. Complete the certificate. Hand write your case number, your name, and the date on the certificate.
5. Send us a copy of the completed certificate. Hand deliver or mail a copy to:
Family Law Division
Attn: Family Court Services
600 Union Ave.
Fairfield CA 94533