

# Family Court Services

Superior Court of California, County of San Diego



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[www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)

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- Thomas, Ph.D., Shirley. *Parents are Forever: A Step-by-Step Guide to Becoming Successful Co-Parents After Divorce*. Longmont, CO: Springboard Publications, 2004.
- Thayer, Ph.D., Elizabeth and Jeffery Zimmerman, Ph.D. *The Co-Parenting Survival Guide: Letting Go of Conflict After a Difficult Divorce*. Oakland, CA: New Harbinger Publications, 2001.

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**COMMUNITY RESOURCES FOR  
FURTHER ASSISTANCE**

Child Abuse Hotline .....(858) 560-2191

Community Mental Health

San Diego-24 Hr. Emergency/  
Suicide Prevention .....(800) 479-  
3339

District Attorney

San Diego .....(619) 531-4040  
El Cajon .....(619) 441-4588  
Chula Vista .....(619) 691-4695  
Juvenile.....(858) 694-4250

Lawyers Referral and Info. Service .....(619) 231-8585

San Diego County Bar Assn. ....(619) 231-0781

San Diego County Volunteer

Attorneys .....(619) 235-5656

For additional resources visit the Superior Court's  
website at: [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

- Communicate regarding important events in your child's life or in your own life that may affect your children.
- Develop a way to discuss problems between you and the other parent without involving the children. Be sure to share the "high points" and successes that the other parent may not have seen.
- Your child's growth will require that you anticipate and plan for change. Work to adapt your plan to your child's needs.
- Problems are likely to arise when things go "wrong." When this happens, keep your focus on the problem and not on who is to blame.
- Bury the past. Deal with today and tomorrow and consider everyone's needs.

### **COMMON CUSTODY RELATED TERMS**

- **Legal Custody:** The rights and responsibilities of parents to make decisions relating to the health, education, and welfare of their children.
- **Joint Legal Custody:** Both parents share in the right and responsibility to make decisions relating to the health, education, and welfare of a child.
- **Sole Legal Custody:** One parent has the right and responsibility to make decisions relating to the health, education, and welfare of a child.
- **Physical Custody:** Where the children live primarily; how day-to-day responsibilities are fulfilled.
- **Joint Physical Custody:** Children spend a significant amount of time with each parent.
- **Visitation:** The designated time in which the non-custodial parent shall have responsibility of the children.

## INTRODUCTION

The purpose of this booklet is to provide information on the services provided by Family Court Services and information helpful to co-parenting children. **It is not and should not be considered or construed as legal advice.** If you need legal advice, you should consult an attorney. Family Court Services is governed by Family Code, sections 3160-3188 and the California Rules of Court, rules 5.210-5.215.

### **FAMILY COURT SERVICES**

Family Court Services (FCS) provides "child custody recommending counseling" (previously called "mediation") for families experiencing custody/visitation disputes in Family Court. FCS child custody recommending counselors (previously called "mediators") assist parents in addressing and resolving their parenting or visitation scheduling issues to the extent possible, and provide recommendations to the court regarding custody and visitation when the parents do not reach an agreement.

Consistent with the spirit of California law, the purpose of Family Court Services is to:

- Assist families in the settlement of domestic controversies involving the welfare of children where there is an active case in Family Court.
- Try to ensure children have frequent and continuing contact with both parents after a divorce, legal separation, or a determination of parentage.
- Encourage parents to cooperate and share the rights and responsibilities of parenting during and following the legal action.
- Investigate guardianship cases in Probate Court when the prospective guardian is a relative of the child.

### **FAMILY COURT SERVICES PROVIDES:**

- Child Custody Recommending Counseling
- Parent Orientation
- Guardianship Investigations

## **CHILD CUSTODY RECOMMENDING COUNSELING**

(Child Custody/Visitation Disputes)

When a relationship ends and the family needs to be reorganized, it is generally painful for all family members, particularly the children. Family Court Services assists parents in redefining their parental roles and responsibilities. Through the child custody recommending counseling process, parties meet with an FCS counselor who helps them focus their attention and efforts toward mutually acceptable decisions that are in the **best interests of their child(ren)**. FCS supports and encourages the **family's right to determine for themselves** how best to move forward with all their lives.

### **MANDATORY APPOINTMENT**

In any case where the parties are contesting either an initial custody/visitation order or a modification of an existing court order, it is mandatory that the parties participate in child custody recommending counseling before the court hearing. If an agreement is reached at the counseling session, FCS will report it, to the court and it may become a court order. If no agreement is reached, San Diego child custody recommending counseling is not confidential and the FCS counselor will submit a written recommendation to the court. The recommendation will be provided to the parties before the court hearing. If you disagree with the counselor's recommendation, you have the right in court (through your attorney or acting as your own attorney) to advise the judicial officer of your own position regarding a child sharing plan. Only a judicial officer can make a court order for child custody or visitation.

- Do not argue with the other parent in the front of the child or within the child's earshot.
- Let the child speak with other children who have experienced divorce.
- Seek professional counseling when appropriate.
- Don't use the child as a spy between the parents' households.
- Encourage the child's contact with the other parent's family, e.g., grandparents, aunts and uncles.
- Encourage shared contact and responsibility.
- Don't say negative things about the other parent to the child and **don't ask the child to be loyal to only one parent.**

### **DEVELOPING A COOPERATIVE PARENTING PLAN**

Finding new ways to resolve disagreements over child custody issues takes time and commitment from both parents.

The following steps may assist you.

- Sit down and identify the needs of your children.
- Think of your role as parents, not as spouses. Try to separate your feelings of anger and hurt so that they don't interfere with parental decisions regarding your child(ren)'s best interests.
- Review successful things you have done together as parents.
- Develop an arrangement that continues this successful plan, making sure it provides continuous, ongoing contact with both parents. Put this plan in writing.
- Think in units of time such as work, school, and vacation. Try to share responsibilities, such as dental and medical appointments, etc.
- Establish a pattern that works, and follow it. Be flexible as situations change. Don't insist on a "50-50" division.

- Parents who know their children well by giving them time and attention.
- Parents who are sensitive and responsive to the children's needs and feelings, while continuing to set appropriate and firm limits to guide their development.
- Parents who recognize and support the importance of the other parent in the child's life.
- Parents who exchange information regarding the care of their children in a respectful and regular manner.
- Parents who promote consistency in their children's lives.
- Parents who recognize and promote their children's development.
- Parents who are informed of appropriate needs and expectations for different age levels of children and who adapt their parenting practices accordingly.
- Parents who respectfully listen to and consider each other's point of view.
- Parents who constructively resolve disagreements between themselves that affect their children, and who seek assistance with those problems when needed.

### **HELPING CHILDREN**

The following suggestions are to help children cope with the family transition:

- Explain the parental separation to the child at the child's level of understanding, without placing blame.
- Always allow the child to express feelings of hurt, anger, etc.
- Reinforce to the child that the child is not to blame and that both parents will continue to provide love and care for him or her.

### **PARENT ORIENTATION**

FCS offers a **Parent Orientation** meeting twice a month to provide general information about child custody and Family Court matters, and to answer questions. The meeting is run by an FCS counselor and is free. It lasts about one hour and advance registration is not required.

#### **Location and hours:**

Family Court Services  
Family Law Building  
1555 6th Avenue, 2nd Floor  
San Diego, CA 92101

3rd Tuesday of month  
12:00 p.m. – 1:00 p.m.  
(Doors close at 12:10 p.m.)

1st Thursday of month  
4:00 p.m. – 5:00 p.m.

### **GUARDIANSHIP INVESTIGATIONS**

If the Probate Court is considering granting guardianship to a relative of a child because the parents are deceased or otherwise unable to care for the child, an investigation of the proposed guardian(s) may be ordered to be conducted at Family Court Services. The purpose of this investigation is to determine that the needs and best interests of the children will be met by the proposed guardian(s). There is a fee for the investigation, unless waived by the court. Additional information is available at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) under Probate.

## **DOMESTIC VIOLENCE & CUSTODY**

Family Code section 3044 provides specific law on how the court handles custody and visitation where the case involves allegations of domestic violence. A copy of this code section is available from FCS.

If you are being protected by a restraining order or if you allege domestic violence, you may be seen separately from the alleged abuser at your FCS session. Also, if a restraining order is in effect at the time of the session, you may have a support person with you in your FCS session, including a session separate from the person named in the order.

If a parent has been abusive toward the other parent or a child, it is very important to have a parenting plan in place that will help everyone stay safe. Parenting plans may include:

- Supervised visitation;
- Safe places to drop off or pick up the children;
- A parenting plan that does not involve the parents seeing each other (for example, one parent drops the children at school; the other picks them up).

Domestic violence can have very harmful effects on children. When there is domestic violence in the home, children are at greater risk of being abused or neglected. Even when they are not “directly” abused, children who witness violence and abuse by one parent against another can be affected in ways similar to children who are physically abused. Seeing or hearing violence at home can hurt children emotionally, psychologically, and even physically because of the stress they suffer. It is important that you share information about any domestic violence during your child custody recommending counseling session.

## **NEEDS OF CHILDREN**

Although the marriage or relationship may have ended, parents are parents forever. Children have a loyalty to each parent, and being placed "in the middle" of parents disputing custody puts their loyalty to a test. This is a very difficult situation for children to be in.

Children react to the parental separation differently, depending upon their ages and personalities. Children need to express their feelings, which may include sadness, anger, and a sense of loss. It is important to recognize this and to encourage them to express their feelings.

Children need to maintain continued safe contact with both parents and to feel reassured that they will continue to have a close and secure relationship with each parent.

## **BEST INTERESTS OF CHILDREN**

California's population includes a wide diversity of cultures, traditions, lifestyles and family structures. Nevertheless, there are certain basic principles of parenting that promote the best interests of all children. Children benefit when both parents and those acting as parents work cooperatively to apply the parenting principles outlined below. When parents are unable to cooperate, each parent should strive individually toward these values.

- Homes that provide children with love, warmth and affection.
- Parents who assume responsibility, individually and together, for the safety of their children.
- Parents who assume responsibility for financial support of their children.