



Superior Court of California, County of Modoc

# FAMILY COURT SERVICES

INFORMATION PACKET



# Disputed Child Custody or Visitation Matters

When parents cannot agree on custody or a parenting plan for their children, they must go to child custody recommending counseling (formerly known as “mediation”) to try to resolve their disagreement. Parents may contact the court to schedule a child custody recommending counseling appointment.

## Child Custody Recommending Counseling (CCRC)

Prior to attending CCRC, both parents must complete an orientation. **CCRC orientation is mandatory.** CCRC Orientation includes the following:

1. Reading, completing and submitting the Family Court Services Information Packet, including the Declaration of Completion.
2. Completion and submission of the following intake documents to Family Court Services prior to your appointment:
  - a. **Child Custody Recommending Counseling Questionnaire**
  - b. **Authorization for Release of Information** (If you are court ordered.)
  - c. **Disclosure Statement** (If there is a temporary restraining order.)
  - d. **Acknowledgement of Family Code section 3044**
3. Viewing the DVD entitled *Orientation to Family Court Mediation and Child Custody Recommending Counseling* at Family Court Services, or online at the court website [www.lassencourt.ca.gov](http://www.lassencourt.ca.gov)

# Appointment Scheduling

Once **both** parents have completed the orientation requirements, each parent may then schedule a CCRC appointment.

\*\*\*If your case is court ordered and CCRC is not scheduled prior to your court date, you will be referred to **CCRC** by the judge at your court appearance.

# What is CCRC?

- **CCRC** is a mandatory process when there is a custody and visitation dispute before the Court.
- **CCRC** is a confidential process where a third person meets with both parents and assists them in reaching agreement on custody and an age appropriate parenting plan. If agreement is not reached, a recommendation will be submitted to the Court.
- **CCRC** will focus on what is in the best interest of the child(ren) while assisting the parents in reaching an agreement, and when providing a recommendation to the court.



# Child Custody Recommending Counselors (CCR Counselors)

**CCR Counselors** are professionals with education and training in child development and family systems theory. The key focus for the **CCR Counselor** is to create an atmosphere in which parents can communicate more effectively about future parenting arrangements and to help parents determine what is in the best interest of their child(ren).



# Benefits of CCRC

- **CCRC** encourages healthy communication between the parents.
- **CCRC** allows the parents to be in control of developing the best possible parenting plan that allows both parents to be actively involved in their child(ren)'s lives.
- Parents identify shared goals and work together to resolve conflicts and barriers for the benefit of their children.
- Parents discover new ways to work together in the present, instead of rehashing the past.



# Effects of Separation/Divorce on Children

- During the divorce/separation process, children will experience fluctuating emotions. Expect your children to demonstrate changes in their behavior patterns.
- Children that are exposed to ongoing conflict will suffer more emotional, behavioral, social and academic issues.
- It is important that you keep the divorce/separation issue a parenting issue . You **SHOULD NOT** make it a child issue by speaking badly about the other parent, asking your child(ren) where they want to live or telling them they can choose where they want to live.



# Preparing for CCRC

When preparing for **CCRC**, it is important to think about the following:

- Your child's needs.
- Your child's schedule.
- Holidays and birthdays.
- Vacations and travel plans.
- Transportation details.
- Exchange locations.
- Be realistic/flexible.
- Options . . . There is more than one solution.
- What you might need to change for your child(ren)'s benefit.

A sample **Parenting Plan** can be reviewed prior to your appointment by downloading it from our website at [www.lassencourt.ca.gov](http://www.lassencourt.ca.gov) or requesting it from Family Court Services.





# CCRC Rules

- Each parent is treated with respect and has an equal chance to explain his or her viewpoint and concerns.
- Each parent listens to the other without interrupting and does their best to find realistic solutions.
- Hitting, pushing, shoving, name-calling and threats of any type are not allowed. **CCRC** is to be a safe place for both parents.
- Keep your focus on what your child(ren) need(s) for his/her healthy development now and in the future.



**AGREEMENTS,  
RECOMMENDATIONS AND  
CHILD CUSTODY  
EVALUATIONS**

## Agreements Outside of CRCC

If parents reach an agreement outside of **CCRC**, they can complete Judicial Council Form FL-355 and the related attachments FL-341; FL-341(A); FL-341(B); FL-341(C); Fl-341(D); and FL341(E).

Form FL-355 must then be signed and dated by both parents and submitted to the court with the appropriate attachments for signature of the Judge.

# Agreements in CCRC

- The goal of **CCRC** is to develop a mutually agreed upon custody order and parenting plan.
- This agreement is designed by the parents, with the help of the **CCR Counselor**, to address the family's custody and parenting needs.
- The **CCRC** process may take more than one session.
- Child interviews may be necessary.
- If an agreement is reached, the **CCR Counselor** will draft your agreement.
- Once the agreement is signed by the parents and by a judge, it becomes a court order.



# What is a Recommendation?

- A recommendation is made when the parents are ordered to **CCRC** by the Court and they are unable to reach a mutually acceptable agreement.
- A recommendation is a **confidential** document that is **NOT** to be shared with anyone other than the court, the parties, and their attorneys.
- A recommendation may recommend parenting classes, anger management classes, batterer's treatment, drug and alcohol treatment, and/or counseling.
- Both parents, and their attorneys (if any), will receive a copy of the recommendation prior to the hearing date.
- The **CCR Counselor's** recommendation is **NOT** a court order.
- The recommendation will be taken into consideration by the judge, along with any other information presented in court, before a judge makes a ruling.
- The recommendation, or the recommendation with requested modifications, may or may not be adopted by the judge. The Judge determines the final outcome of the case.



# What if I Disagree with the CCR Counselor's Recommendation?

If you disagree with the **CCR Counselor's** recommendation, it is important that you or your attorney advise the judge of the areas of disagreement at the hearing.



# What is a Child Custody Evaluation?

- A child custody evaluation may be ordered when there are questions regarding unresolved issues in cases with allegations of child abuse, substance abuse, and/or poor parenting abilities and the best interests of the child are not clear. A child custody evaluation is an analysis of the health, safety, welfare and best interests of the child.
- If there are allegations of sexual abuse, the court shall order a child custody evaluation. (Family Code section 3118).
- Child custody evaluations are expensive and time consuming. The parents will be responsible for the expense of a child custody evaluation, if one is ordered.



# DOMESTIC VIOLENCE



# Meeting Jointly vs. Separately

- Joint sessions are encouraged.
- Separate sessions will be scheduled when (1) there is a restraining order/criminal protective order in place against the other parent and/or (2) one party alleges domestic violence in a written declaration under penalty of perjury and the victim feels unable to negotiate due to threats, intimidation or fear.
- If you have a restraining order /criminal protective order and want to meet in a joint session, the restraining order **must** have a special exception paragraph for peaceful contact and both parties must sign a [Request Joint Session - Despite Restraining Order Form](#).



# Support Persons in CCRC

- Generally, if you are an alleged victim of domestic violence, you will have the opportunity to have a support person attend **CCRC** services with you.
- A support person is present to provide emotional support to the victim.
- A support person **shall not** be present as a legal adviser and **shall not** give legal advice.
- Attorneys will **NOT** be approved as support persons and will be excluded from all sessions.
- A “support person” may be asked to leave a session, if their presence is disruptive.



# Domestic Violence

If there is domestic violence, **CCRC** will address issues such as:

1. Safety issues and planning.
2. The impact of domestic violence on adults and children.
3. The history of domestic violence in the relationship.
4. The child(ren)'s exposure to the violence.
5. Referrals to appropriate resources in the community.

A safety plan and handouts pertaining to the impact of domestic violence on adults and children are available at Family Court Services.



# Safety During CCRC Sessions

- If you are concerned about your safety, please discuss this issue with Family Court Services staff prior to your appointment.
- Please be sure to discuss a safety plan with the **CCR** Counselor.

It Shouldn't Hurt  
To Go Home.



# FAMILY CODE SECTION 3044

Family Code section 3044 states that when there is a finding by the court that a person has perpetrated domestic violence against the other party, the child or the child's siblings within the previous five years, it is not in the best interest of the child to award that person sole or joint physical and/or legal custody of the child. The perpetrator may rebut this presumption by requesting an evidentiary hearing on the issue.



**AFTER CCRC/Mediation**

# Being Successful After CRRC

Successful co-parenting will depend on the parents' cooperation and communication. It is important to:

- Follow the custody and visitation order.
- Shield your child from conflict with the other parent.
- Reassure your child that they will continue to have a relationship with the other parent, the separation/divorce is not their fault, and they are loved by both parents.
- Avoid talking negatively about the other parent to the child, in the presence of the child or electronically via Facebook, text messaging or e-mail.



# What if the other party does not follow the court order?

- Enforcement of the child custody order falls on law enforcement or the court. The **CCR Counselor** is **NOT** responsible for the enforcement of the order and will **NOT** be able to intervene when the court order is not being followed.
- The more detailed the order, the more likely law enforcement will be able to enforce it.
- Contempt charges may be filed for failure to comply with a court order.





# How do I Return to CCRC?

- Parents can return to CCRC voluntarily without a court order by completing a new **Intake Packet** and submitting it to Family Court Services. Once both parents have submitted the intake documents CCRC can be scheduled.
- If the parents have an Interim Child Custody Agreement and Order or Interim Child Custody Order, then the parties can return to **CCRC** by completing and returning the **Interim Order Intake and Assessment Documents** to Family Court Services. Once both parents have submitted the Interim Intake and Assessment documents, an appointment can be scheduled.



# TERMS AND DEFINITIONS

# Who is the Petitioner?

# Who is the Respondent?

- The Petitioner is the party who filed the **initial** action with the court.
- The Respondent is the other party who is served with the **initial** court papers.
- The reference to Petitioner and Respondent does **NOT** change throughout the case even if you are the party who files the Motion or Request for Order.



# Legal Custody

- “**Legal Custody**” determines which parent will make major decisions about a child(ren)’s health, safety, education and welfare.
- “**Joint Legal Custody**” means both parents share the decision making rights and responsibilities. They cooperate on decision-making.
- “**Sole Legal Custody**” means one parent has authority to make decisions regarding the child’s school, doctors and general welfare without the other parents input.



# Physical Custody

- “**Physical Custody**” designates where the child(ren) will reside most of the time.
- “**Joint Physical Custody**” means the child(ren) resides with both parents. Each parent has significant periods of physical custody so that the child(ren) has frequent and continuing contact with both parents
- “**Sole Physical Custody**” means that the child(ren) has a primary residence with one parent.



# Co-Parenting

Co-parenting is the process by which parents continue to share in the responsibility of parenting their children despite being separated or divorced.



# Parenting Plan

1. A **Parenting Plan** states the custody and parenting schedule the parents have agreed to. A Parenting Plan may need to be modified as circumstances change or evolve.
2. Typically, the **Parenting Plan** will provide details of where the child(ren) will reside on given days and at given times and during holidays and vacations.
3. A **Parenting Plan** describes how decisions will be made about various things in the child(ren)'s lives.
4. A sample **Parenting Plan** can be obtained from Family Court Services or downloaded from the court website at [www.lassencourt.ca.gov](http://www.lassencourt.ca.gov)



# How Long Does a CCRC Session Take?

Generally, **CCRC** takes approximately two hours depending on the complexity of the case. If the child(ren) need(s) to be interviewed, then additional time will be scheduled to interview the child(ren) on a different day.





# FREQUENTLY ASKED QUESTIONS

# How Confidential is CCRC?

- Ordinarily, **CCRC** is confidential except as to the parents and their attorneys. Family Court Services' staff will make every attempt to maintain the confidentiality of addresses and phone numbers.
- When parents do not reach an agreement in **CCRC**, the court may require the **CCR Counselor** to prepare a recommendation. If a recommendation is made to the court, information obtained through **CCRC** may be provided to the court. The recommendation is placed in a confidential portion of the court's family law file. A copy of the recommendation is given to the parents and their attorneys.
- If the **CCR Counselor** is called to testify in a court action, information may also be shared.
- If allegations of child abuse or neglect are raised or suspected, the **CCR Counselor** is required by law to report possible child abuse to proper authorities. Further, if the **CCR Counselor** has concerns about imminent risk of harm to the child, the **CCR Counselor** may contact the judge directly.
- If you threaten violence to another person or are likely to harm yourself unless protective measures are taken, the **CCR Counselor** may be required to inform the intended victim, and/or appropriate law enforcement agencies to ensure the safety of all parties.



# Are Attorneys Allowed in CCRC?

Attorneys are **NOT** allowed in **CCRC**. If you do have an attorney, any documents prepared by Family Court Services will be sent to your attorney.



# Is there a Preference Given to Mothers or Fathers?

- Current law does **NOT** give preference to either mothers or fathers. The law views the parties as parents regardless of sex.
- It is important that each parent has the ability to meet the child(ren)'s needs and each has the opportunity for contact and ongoing interaction with the child.



# Do Children Have a Say?

- The law says that “If a child is of sufficient age and capacity to reason so as to form an intelligent preference as to custody, the court shall **CONSIDER** and give due weight to the wishes of the child . . .”
- If the child wishes to address the court, the **CCR Counselor** will inform the judge.
- The **CCR Counselor** has the discretion to interview the child.
- **CCRC** is for the parents. The child should never be asked to select one parent over the other.



## Can I Bring My Children to the CCRC Session?

**NO.** Please **DO NOT** bring your child(ren) to the initial **CCRC** session. If an interview of your child(ren) is necessary, the interview will be scheduled at a later time.



# What is Supervised Visitation?

- Supervised visitation allows parents in high conflict or high risk situations access to their child(ren) in a safe and supervised environment.
- Supervised visitation may be ordered to protect the health, welfare, and safety of the child(ren).
- Supervised visitation may be recommended in cases that have a temporary restraining order.



# Am I Able to Speak to the CCR Counselor at Any Time?

**NO.** Generally, the **CCR Counselor** is unable to discuss your case without the other party being present or having knowledge of the conversation. Also, any type of communication given by one parent to the CCR Counselor must be given to the other parent and a **Proof of Service** completed prior to review by the **CCR Counselor**.





# Can CCRC Help with Financial Issues or Property Issues?

**NO.** CCRC is for parenting matters. For assistance with financial issues or property issues, you can seek support from your attorney. If you are unrepresented, the Family Law Facilitator or the Self-Help Attorney is available through the court.



# What If I Have a Complaint?

- Responsibility for making official orders about your parenting plan rests with the Court.
- Family Court Services can not reverse or change a court ordered parenting plan. If you are concerned about the custody or visitation orders that were made by a judge, you must make your appeal directly to the court for a review of the case.
- A complaint about how you were treated at Family Court Services or about procedures used can be addressed by the Court Executive Officer.
- Many complaints about Family Court Services are the result of a misunderstandings or miscommunication.
- We encourage you to notify us of your complaint as early as possible (*within 3 months of your last appointment*). Court staff is committed to responding to your concerns in a prompt and thorough manner. We are interested only in helping you and the courts make the best decisions possible to meet the needs and interests of your children.

# Additional Questions?

If you have questions about the information presented, please write your questions down and ask the CCR Counselor at the time of your appointment.





# Superior Court of California County of Modoc

## **CERTIFICATE OF COMPLETION**

I, \_\_\_\_\_, (print name)  
declare that I have read the Family Court Services  
Information Packet.

Dated:

\_\_\_\_\_  
Signature

*Please sign and submit this certificate with your Intake Packet.*