

Modoc Superior Court Family Court Services

Child Custody Recommending Counseling (CCRC) Orientation Packet

A referral to CCRC is required by law when parents don't agree about child custody and/or visitation matters. This handout helps parents understand the process of CCRC. Please read it carefully.

What is CCRC? CCRC is the process of helping parents, (or other parties in dispute) reach an agreement on custody and visitation matters. Typically joint CCRC takes place with both parties together in an ordinary office setting. However, if you are a victim of domestic violence and would not feel safe in joint CCRC, you may request separate mediation. See "Notice of Victims of Domestic Violence (page three). CCRC occurs between the disputing parties and the Child Custody Recommending Counselor. Attorneys do not take part in CCRC.

The CCRC process is designed to help parents define issues and focus on what is in the best interests of their children. The Child Custody Recommending Counselor helps parents explore options and make decisions that are based on those best interests. Parents need to recognize that the Child Custody Recommending Counselor is more interested in the welfare of the children than in the discomfort, disappointment, or welfare of the parents. With the help of the Child Custody Recommending Counselor, the parents negotiate an agreement in the children's best interests that both sides find acceptable. If parents are unable to come to a mutually acceptable agreement they will be referred back to the Court.

What will the Child Custody Recommending Counselor want to know? The Child Custody Recommending Counselor will want to know the reasons for each parent's preferences for custody and visitation. After areas of agreement and differences are identified, then the process of examining, negotiating and compromising begins.

If there are legitimate reasons why one or both parents are unfit to raise or have contact with the children, the Child Custody Recommending Counselor will want to know the details. If the Child Custody Recommending Counselor believes there is a reasonable suspicion of child abuse or neglect, CCRC will be suspended and a referral to Child Protective Services will be made. Generally the Child Custody Recommending Counselor is not interested in reasons for the parents split or the grievances between parents. Child support issues are generally not addressed in CCRC. Letters of reference, police reports, school records, visitation records, medical records, or other important information should be submitted to the Child Custody Recommending Counselor before the CCRC session and a copy provided to the other party.

Is CCRC confidential? Ordinarily, CCRC is confidential between the Child Custody Recommending Counselor and the parties involved. However, if CCRC does not result in an agreement and the Child

Custody Recommending Counselor makes a recommendation to the Court; information obtained in mediation that is relevant to the recommendation may be related to the Court. Also, the Child Custody Recommending Counselor may inform the Court of allegations or threats of a serious nature and may recommend an investigation. If serious allegations of child abuse or neglect are raised, the Child Custody Recommending Counselor will report the situation to proper authorities.

Do children have a say? Because the purpose of CCRC is for parents to reach an agreement, children usually do not take an active role in the process. As part of an assessment to be used in making a recommendation to the Court the Child Custody Recommending Counselor may request to see a child if the parents are unable to agree on custody and visitation arrangements. *As of January 1, 2012, children fourteen years of age have the right to address the Court as to their opinion regarding custody and visitation.* However, the Court has the discretion to choose not to hear a child if it is deemed contrary to the child's best interest. And, it is important to remember that the child will have a voice, but the Court is not required to adopt the child's preferences, only to consider the child's wishes.

It is the parents' joint responsibility to make custody decisions. It is not a good idea for parents to question children about their preferences in custody and visitation matters. Children may volunteer information, but should not be asked to "choose" one parent over the other. The stress of parental separation and custody disagreements is difficult enough for children without the burden of being asked to make adult decisions. Parents, acting in behalf of their children, bear the responsibility for custody decisions.

What is joint legal custody? Joint legal custody means that parent's rights are held by both parents no matter how the child's time is shared with each parent. These rights include access to medical and educational records. Similarly the parents are jointly liable for the minor's acts and financial support. Legal custody may be removed by a judge when a parent is shown to be, for example, seriously abusive to the child or the other parent. It is possible for a parent to have legal custody of his/her child but not be allowed physical custody or to see the child.

What is physical custody? Physical custody refers to the physical residence of the child. Physical custody involves the division of time with the child, ranging from no time to having the child 100% of the time. Current social and legal philosophy is to provide children with as much access as possible to both parents when it serves the children's best interest.

What happens after CCRC if the parties reach an agreement? If a CCRC session results in an agreement on the terms and conditions of custody and visitation, the Child Custody Recommending Counselor delivers the signed agreement to the Judge of the Superior Court. The judge makes a court order based

on the agreement. The Child Custody Recommending Counselor does not have authority to make or change a court order.

What happens if CCRC does not result in an agreement (impasse)? If CCRC does not result in an agreement, the Child Custody Recommending Counselor will submit a memorandum to the Court with a short synopsis of the parties positions and recommending that a court hearing be set. The judge determines the final terms and conditions and makes the court order for child custody and/or visitation arrangement.

Notice to Victims of Domestic Violence

If you are a victim of domestic violence (as defined by California Family Law Code Section 6200-6219) , or if there is a restraining order in effect against the other party, you may request a separate CCRC session instead of a joint CCRC session. In separate mediation sessions you meet with the Child Custody Recommending Counselor separately and at separate times.

Regularly scheduled joint CCRC takes place with both parties together in an ordinary office setting. If you have been a victim of domestic violence and feel that you would not be able to freely negotiate in a joint CCRC session due to threats, intimidation, fear for your personal safety, or fear of retaliation, please advise the Child Custody Recommending Counselor that you are requesting separate sessions. If you are concerned about your safety, it is important that you communicate your fears to the Child Custody Recommending Counselor.

If you are a victim of domestic violence instead of separate CCRC sessions, you may also be entitled to the presence of a “support person” to accompany you during the joint CCRC session. The support person is for “moral support” only and may not speak in the CCRC session. *If you choose to use a support person, that person must be pre-approved by the Child Custody Recommending Counselor prior to the CCRC session.* Counselors or employees of a domestic violence shelter or program are usually approved as support persons. Family members, friends, children or new partners are not usually appropriate support persons, and are not usually approved.

If you believe that you have the right to a separate session due to domestic violence (as defined by California Family Law Code Section 6200-6219), or are requesting the presence of a support person, or have questions or concerns regarding this issue, please call the Child Custody Recommending Counselor at (530) 233-4275.

Please keep this Orientation Packet for your records. Return only the Intake Form to the Child Custody Recommending Counselor.

Modoc Superior Court Family Services

Child Custody Recommending Counseling (Mediation) Intake Form

If you are in receipt of this intake form, you have been ordered by the Court to participate in mediation.

Within five (5) days of your receipt of this form, return the Child Custody Recommending Counseling Intake Form to the Child Custody Recommending Counselor, Modoc County Superior Court, 205 S. East Street, Alturas, California 96101.

Your mediation appointment will not be scheduled until all intake forms are received by the child custody recommending counselor (mediator). Once all intake forms are received by the mediator, you will be contacted regarding an appointment time.

All information on this form is solely for the use of the child recommending counselor (mediator).

Please answer each question truthfully and completely.

Your full legal name:

Court Case number: _____

Date of your next scheduled court appearance: _____

Phone number(s): _____

Mailing address: _____

Who else resides in the home? _____

Your date of birth:

Are you employed? () yes () no

If yes, place of employment: _____

Have you retained an attorney? () yes () no

If yes, name: _____

Have you been to child custody recommending counseling before? () yes () no

If yes, location and date: _____

Are there current restraining or protective orders in place? () yes () no

If yes, date issued _____ . What are the orders and what are the reasons for the orders? Please explain briefly:

Are you requesting separate sessions because of domestic violence? () yes () no

Please refer to the Child Custody Recommending Counseling Orientation Packet - page three (3) *Notice to Victims of Domestic Violence* to determine if you qualify for a separate session.

Are you requesting the presence of a support person because of domestic violence? () yes () no

Please refer to the Child Custody Recommending Counseling Orientation package – page three (3) *Notice to Victims of Domestic Violence* to determine if you qualify to have a support person with you in your session.

Has there been, or is there currently an open Child Protective Services referral or case in this matter?

() yes () no **if yes, date:** _____ **County:** _____

Do you have a history of alcohol or drug use (including prescription)? () yes () no

If yes, please explain:

Do you have a criminal history? () yes () no

If yes, please explain:

Do you have any adverse health issues (including mental health)? () yes () no

If yes, please explain:

Child(ren) Names and Birthdates:

Name

Date of Birth

Name	Date of Birth

Current Custody and shared-parenting arrangement:

Legal custody: () joint or () sole custody to: _____

Physical custody: () joint or () sole custody to: _____

What led to this custody/timeshare dispute; what are the main issues?

Current timeshare (parenting time) schedule (describe):

Current summer schedule (describe):

Current holiday schedule (describe):

Please describe two custody/timeshare plans that you think would be workable:

Plan #1:

Plan #2:

Pursuant to sec 216(a), California Family Code, it is hereby stipulated that the Child Custody Recommending Counselor may have ex parte communication between attorneys for any party and the Court.

I affirm that I have read or have had read to me the “Child Custody Recommending Counseling (CCRC) Orientation Packet” which includes the “Notice to Victims of Domestic Violence” (page three (3)).

Your signature: _____ Date: _____