

Welcome
to
Family Court Services

MEDiATiON



*All forms and information regarding Family Court
can be accessed at saccourt.ca.gov*

We want you to feel safe
while you are here for your
appointment . . .

Please let staff at the intake window
know if you have a restraining order or
feel in any way threatened or in danger.

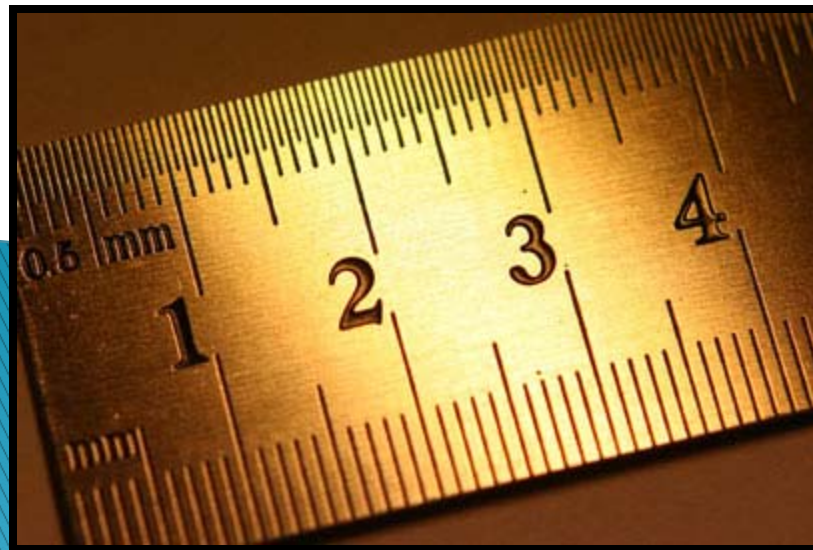
There is a separate waiting area that we
will escort you to if needed.



THE GOLDEN RULE OF FAMILY COURT IS:

“BEST INTEREST OF CHILD”

The best interest of the child may not be ‘fair’ or ‘equal’ to each parent.



A mediator must consider many different things when they're determining what's in a child's

BEST INTEREST



Among other things, a child's
BEST INTEREST includes...

- Continuity and stability
- Access to both parents, if safe
- Developmental age and stage of the child
- Special needs and talents of the child
- School location, travel time, exchanges
- Parents' strengths and/or limitations
- Contact with siblings



There are TWO types of Mediation:



Confidential Mediation

and



Recommending Counseling



Confidential Mediation...

- Is good for parents who are communicating and only need a little help developing their custody and visitation plan
- You must fill out a Petition for Mediation form
- If you do not reach an agreement, the court is advised, no report or recommendations are issued, and the matter is closed without a hearing or orders being made.



Recommending Counseling...

- Is best for parents who are NOT communicating and when there is hostility, conflict, or violence in the relationship
- You must fill out a Request for Order form
- The mediator will write a report and make recommendations. There is a hearing and the Judge will make orders.



Studies show that children do best when parents cooperate with each other following separation and divorce.

Co-parenting. It's not a competition between two homes. It's a collaboration of parents doing what is best for the kids.

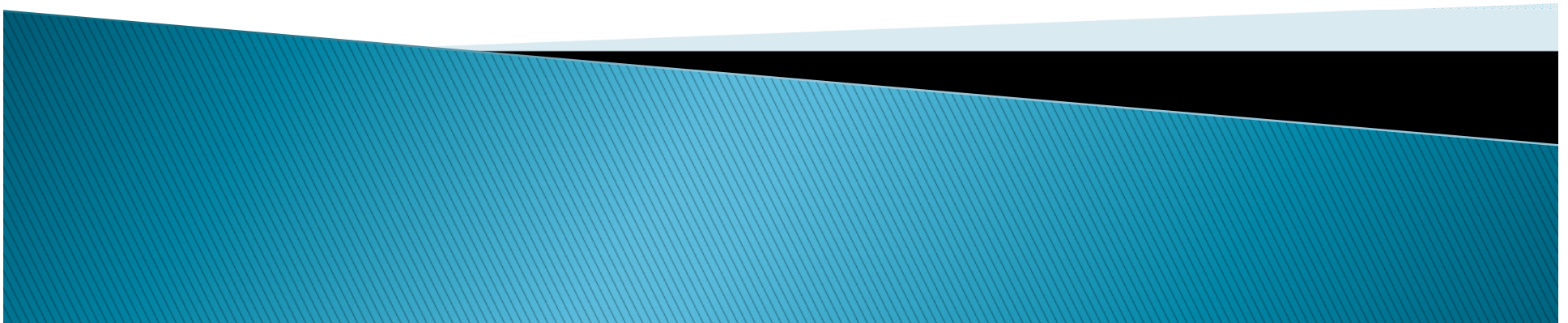


There are two kinds of custody:

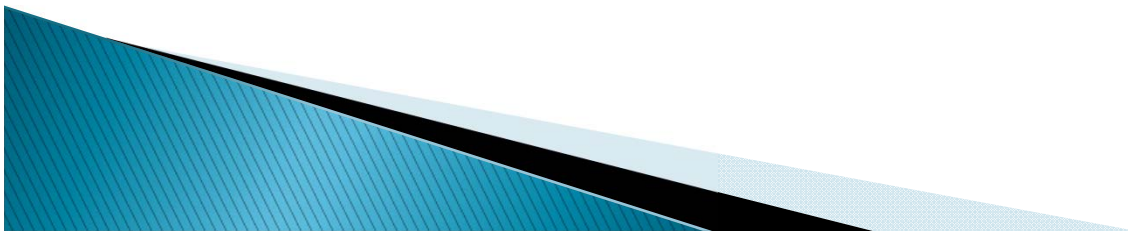
LEGAL CUSTODY

&

Physical Custody



LEGAL CUSTODY is the responsibility for making decisions about your child's education and their routine (non-emergency) medical, psychological, dental and eye care.



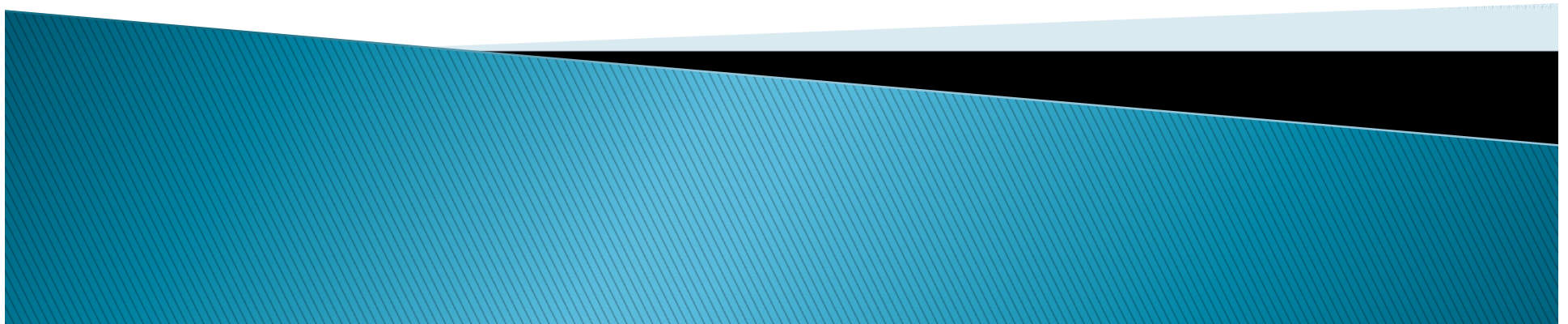


If possible,
it's best for **BOTH** parents to
have input on these decisions.

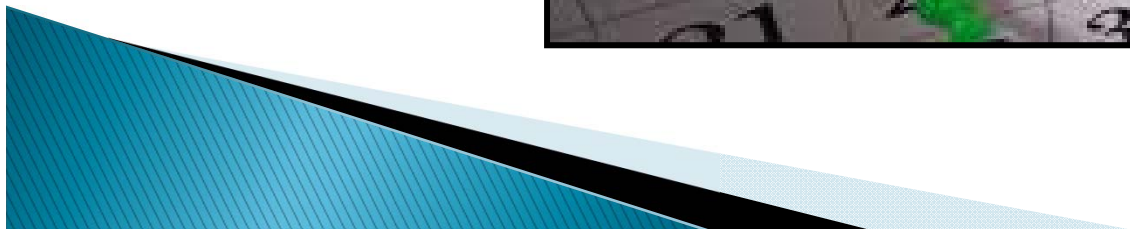


PHYSICAL CUSTODY is the actual time that the child spends with each parent, or

“The Parenting Plan”

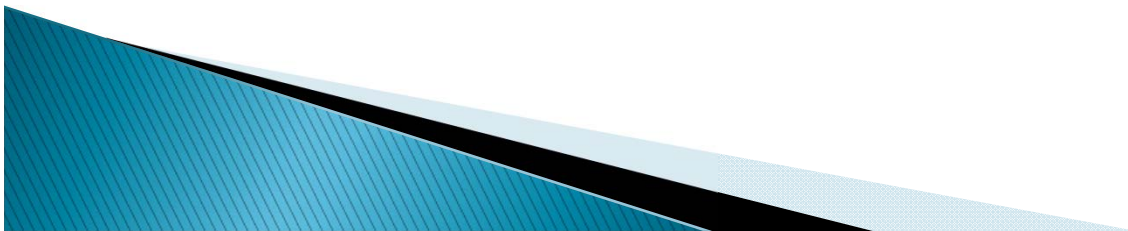


The focus **IS** on calendar days, **NOT** percentage of time.



Custody decisions are **NOT** determined by:

- ▶ The other parent failing to pay child support.
- ▶ The other parent not being involved or spending a lot of time with the child.

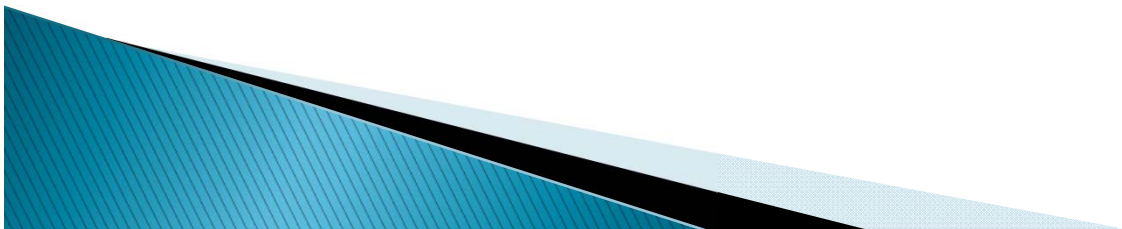


Children are not *possessions*. You don't "*allow*" the father/mother extra time.

When you say things like that, you imply that you think of your children as *things*, not *people*.

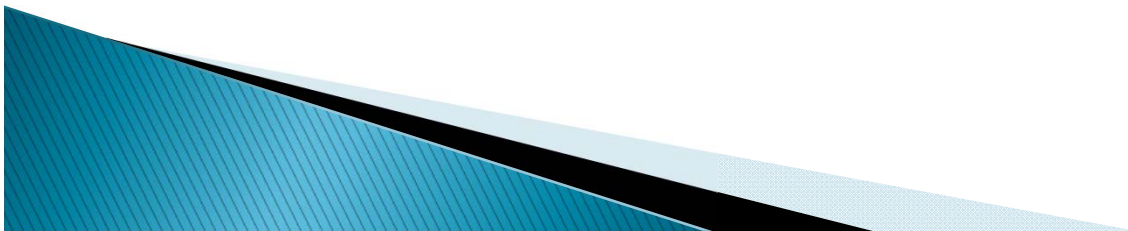
A **Parenting Plan** is a detailed plan for sharing time with your child which may include:

- ▶ School Week Schedule
- ▶ Weekend Schedule
- ▶ Holiday and Summer Schedule
- ▶ Transportation/ Exchanges



The law does not specify an exact age when children have a say about where they live.

A child's maturity as well as age may be considered when deciding how much weight should be given to the child's preference.





**I Love You Both
Mom & Dad
Please Don't
Make Me
Choose**



**Mediators are
mental health professionals...**

They are NOT lawyers or judges.



Mediators cannot talk about...

- Child support
- Spousal support
- Division of property

Mediators cannot give legal advice,
and once your mediation appointment has ended,
they can no longer speak to you.



Mediators may check for any:

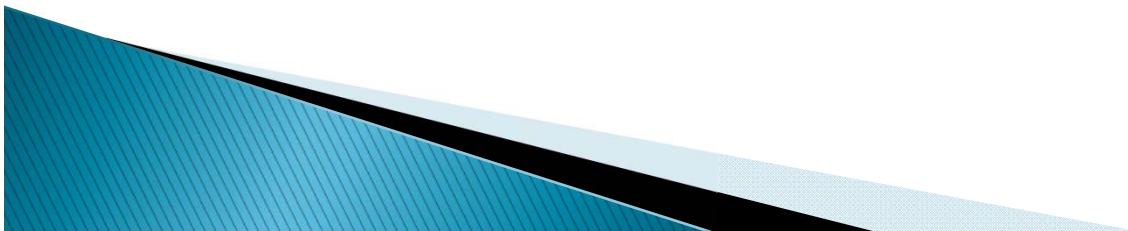
➔ Criminal Background

➔ Child Protective
Services History



MEDIATOR GOALS

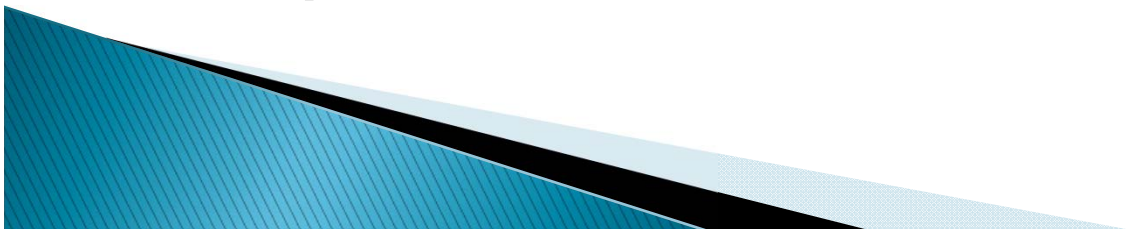
- ✓ Help parents develop a peaceful parenting plan.
- ✓ To ensure that the child has the opportunity for a healthy relationship with both parents.



Hopefully parents will agree on custody and visitation.



What you agree to must be safe for your child. If it's not, the mediator may need to make recommendations.



Mediation involves...

Compromise

give and take

NEGOTIATION

Neither party may get 100% of
what they hoped for.



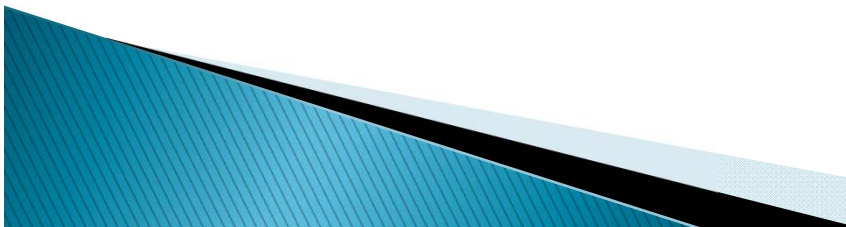
It's always better for parents to agree on decisions about their child rather than letting a judge make huge decisions for your family.

*YOU are the experts on your child.
The Court is not.

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During mediation:

- ✓ Be realistic. Even the best plan won't work if it's not possible to carry out.
- ✓ Stay focused on your child's needs.
- ✓ Have more than one proposal.



YOU are separating from the other parent. YOUR CHILD IS NOT.



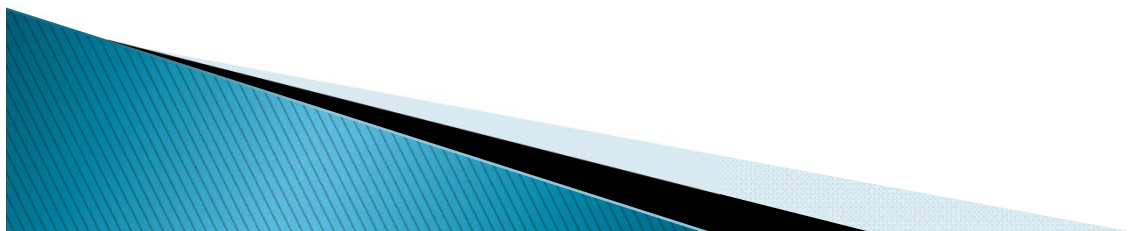
Respect your child's right to an on-going relationship with the other parent.



Your mediation appointment will result in a report to the Court that will be available to you online as soon as it is completed.



Please see a clerk to enroll in the Public Case Access System so you get your report online.



Your agreement or the mediator's recommendation is NOT a court order.

Unless you go to court and make it an order, the agreement or recommendation is not enforceable.

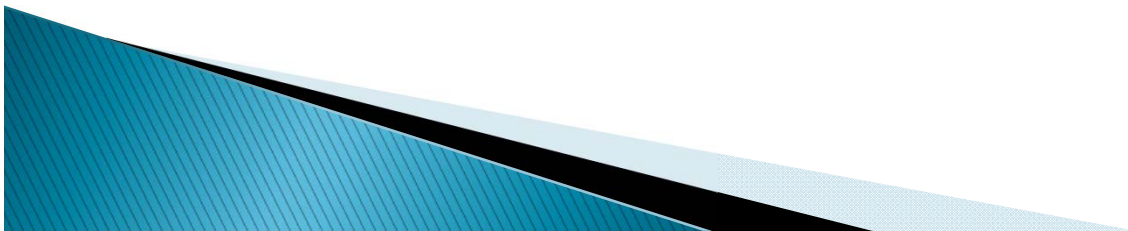
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No matter the outcome of your mediation appointment,
you need to go to your hearing!



Do we have to go back to court in order to change our **Parenting Plan**?

- ▶ If you and the other parent agree to change the parenting plan *without* changing the custody order, it's not necessary to return to Court.
- ▶ It is still best to put your new plan in writing, dated and signed by both parents.

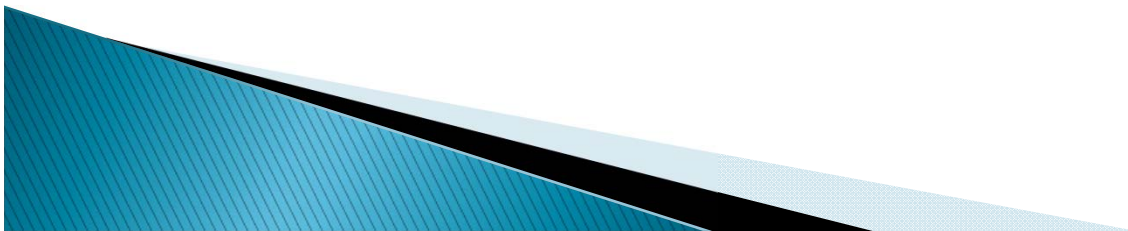


If the other party does not follow your court order or you believe your child is in danger...

- ▶ Notify the police or call Child Protective Services.
- ▶ FCS is NOT empowered to help with this problem.



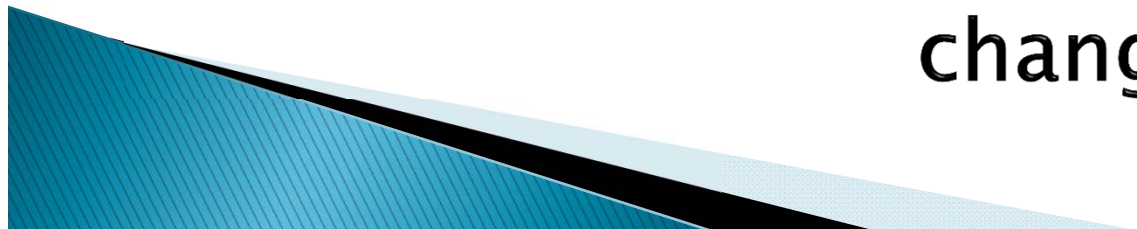
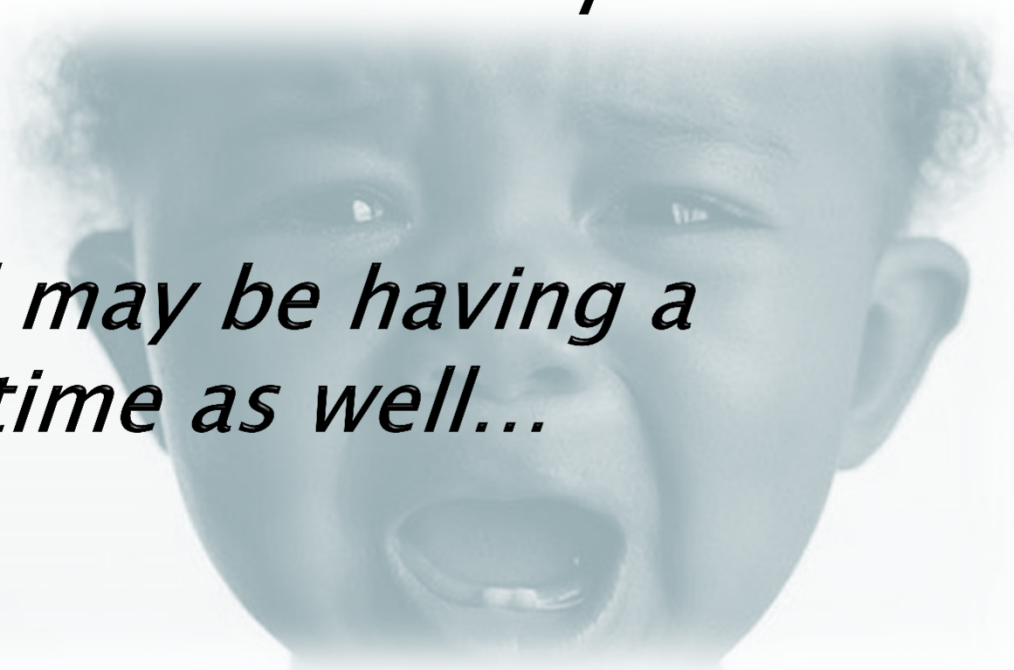
The first year following the separation is a critical time for children. Parents may be more distracted, and routines may be disrupted. Everyone, including the child, is struggling to find a new balance.



Children in this situation can experience anxiety, distress and insecurity.

Your child may be having a difficult time as well...

Don't be surprised if you notice some changes in your child.



If your child returns from visiting the other parent angry or upset, it may not be the fault of the other parent.

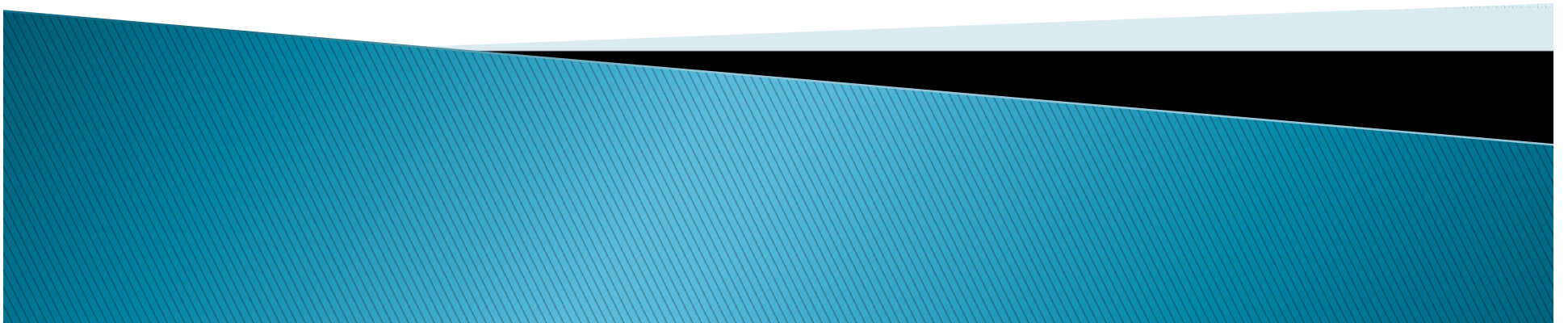


Your child may be acting out because he/she senses the unhappiness and tension between his/her parents.



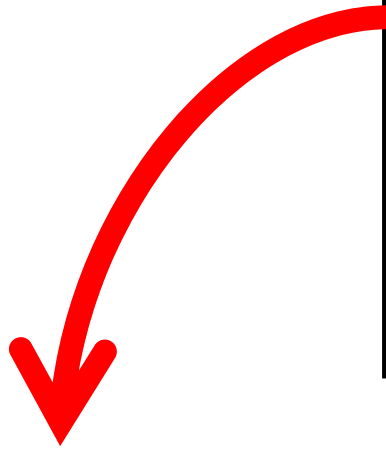
The best **SECURITY** blanket
a child can have is parents
who **RESPECT** each other.

-Jan Blaustone



A child's adjustment after divorce or separation is directly related to their parents' ability to *COOPERATE* with one another.

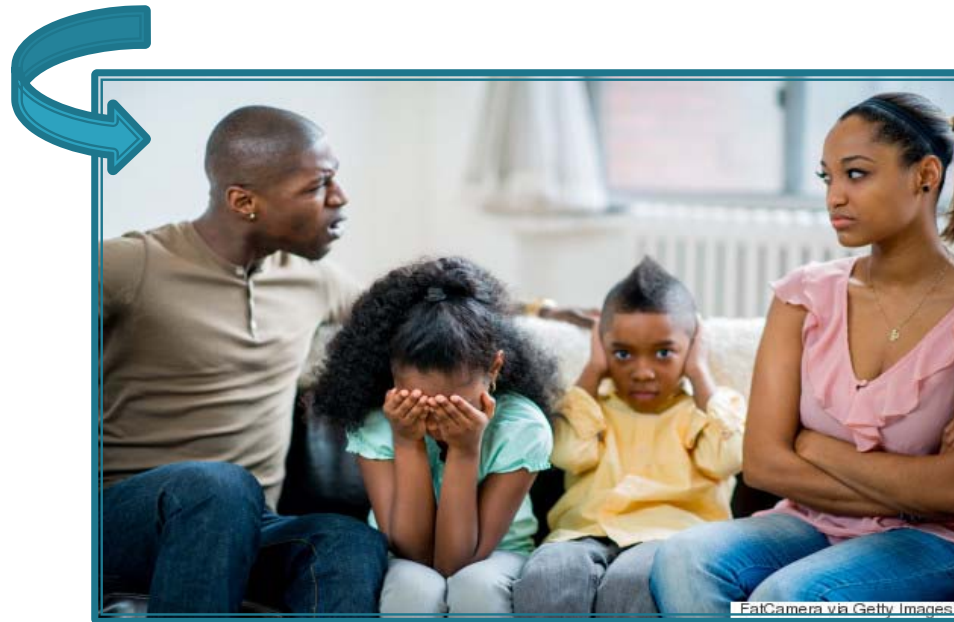




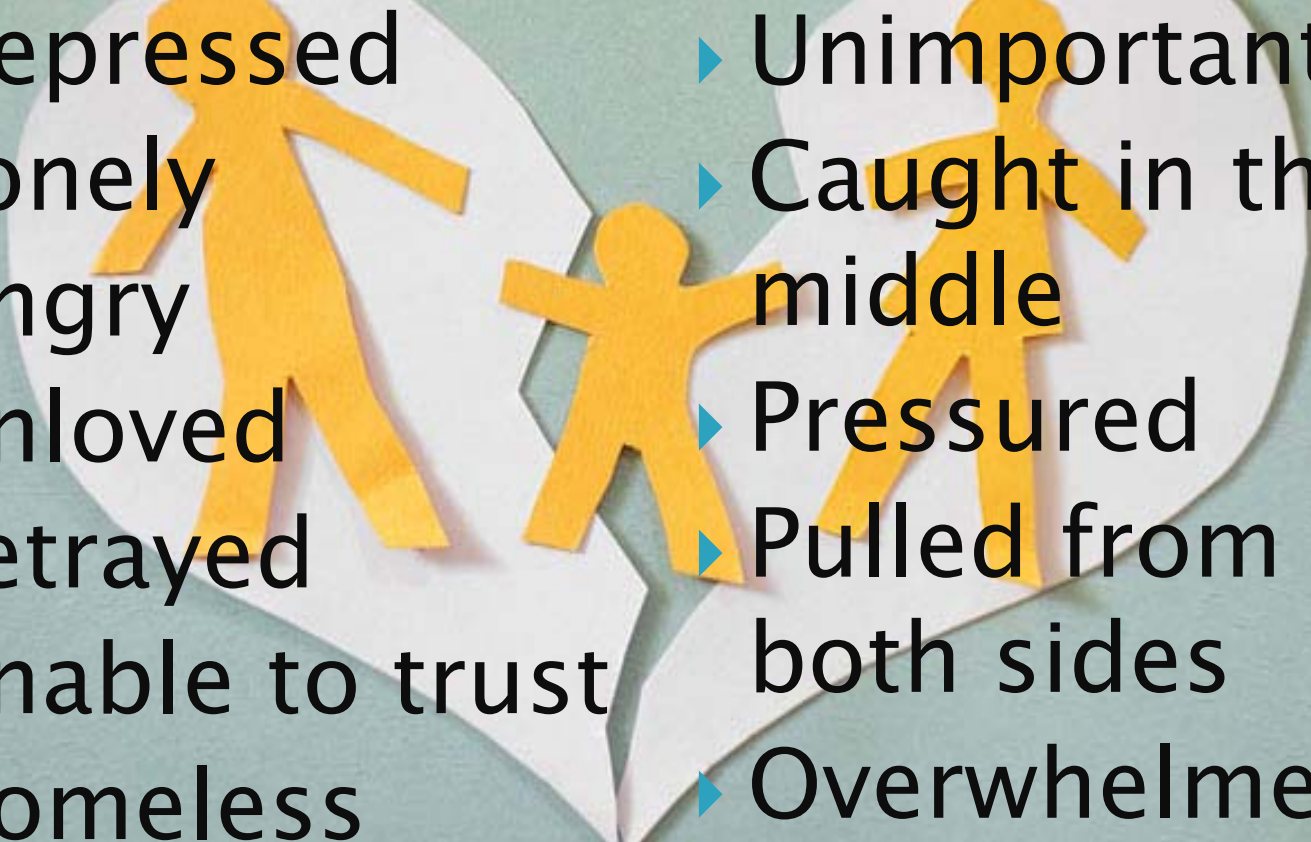
Children exposed to on-going parental conflict have more emotional, behavioral, social and academic problems than children who are sheltered from the fight.



↪ Children who have long term emotional problems and relationship difficulties later in life often have been exposed to ongoing conflict and animosity between their parents while they were children.



Children whose parents are fighting over custody and visitation often feel...

- 
- ▶ Depressed
 - ▶ Lonely
 - ▶ Angry
 - ▶ Unloved
 - ▶ Betrayed
 - ▶ Unable to trust
 - ▶ Homeless
 - ▶ Unimportant
 - ▶ Caught in the middle
 - ▶ Pressured
 - ▶ Pulled from both sides
 - ▶ Overwhelmed

“Every time an alienating parent tells a child how horrible the other parent is, that parent also tells the child that half of him/her is horrible...”



It is very damaging to children
when parents
speak badly about each other.

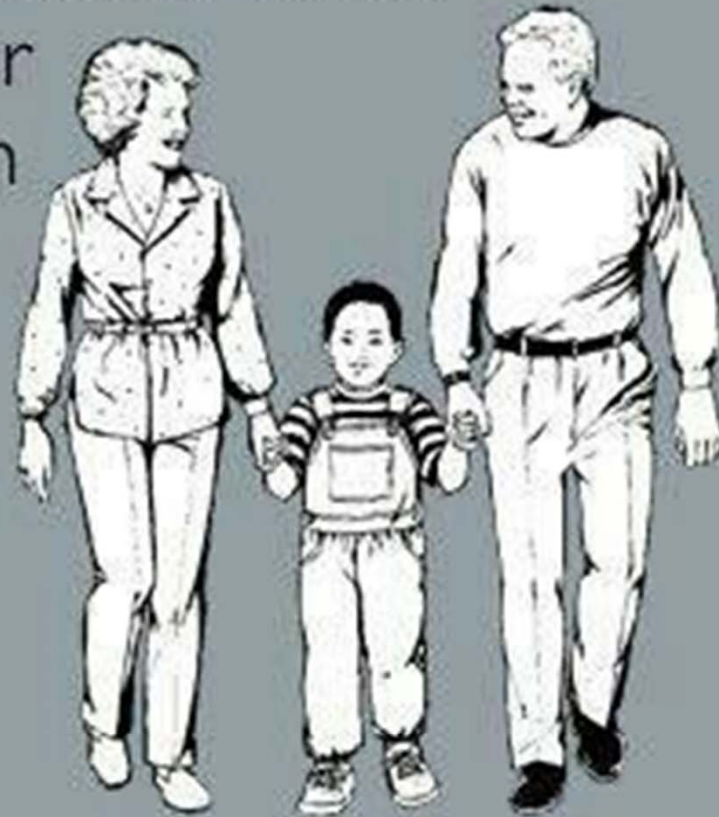


*Sticks and stones
May break bones,
But words can
Shatter
Souls.*

*Parents, choose your words wisely,
carefully, thoughtfully. Your child's
future depends on it. ~L.R.Knost*

www.littleheartsbooks.com

If you love your children, more than you hate your ex, don't use them as a weapon in your war.

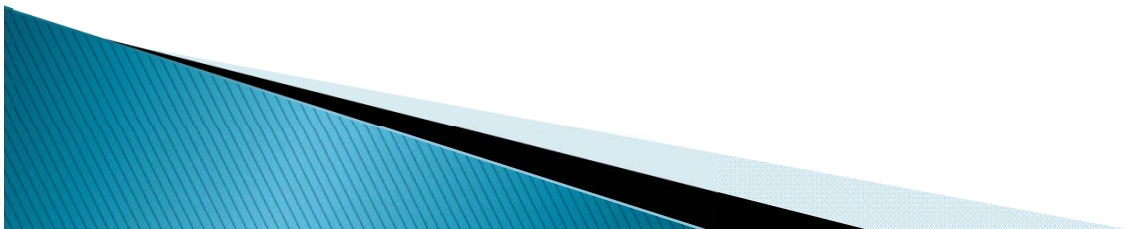


som**ee**cards
user card

No matter how old a child is,
**witnessing any kind of family violence
is traumatizing.**



Even if they don't witness the actual violence, they hear the screaming, the slaps, the breaking of glass



Children need each parent to protect them by keeping them from being exposed to any conflict between you and the other parent.

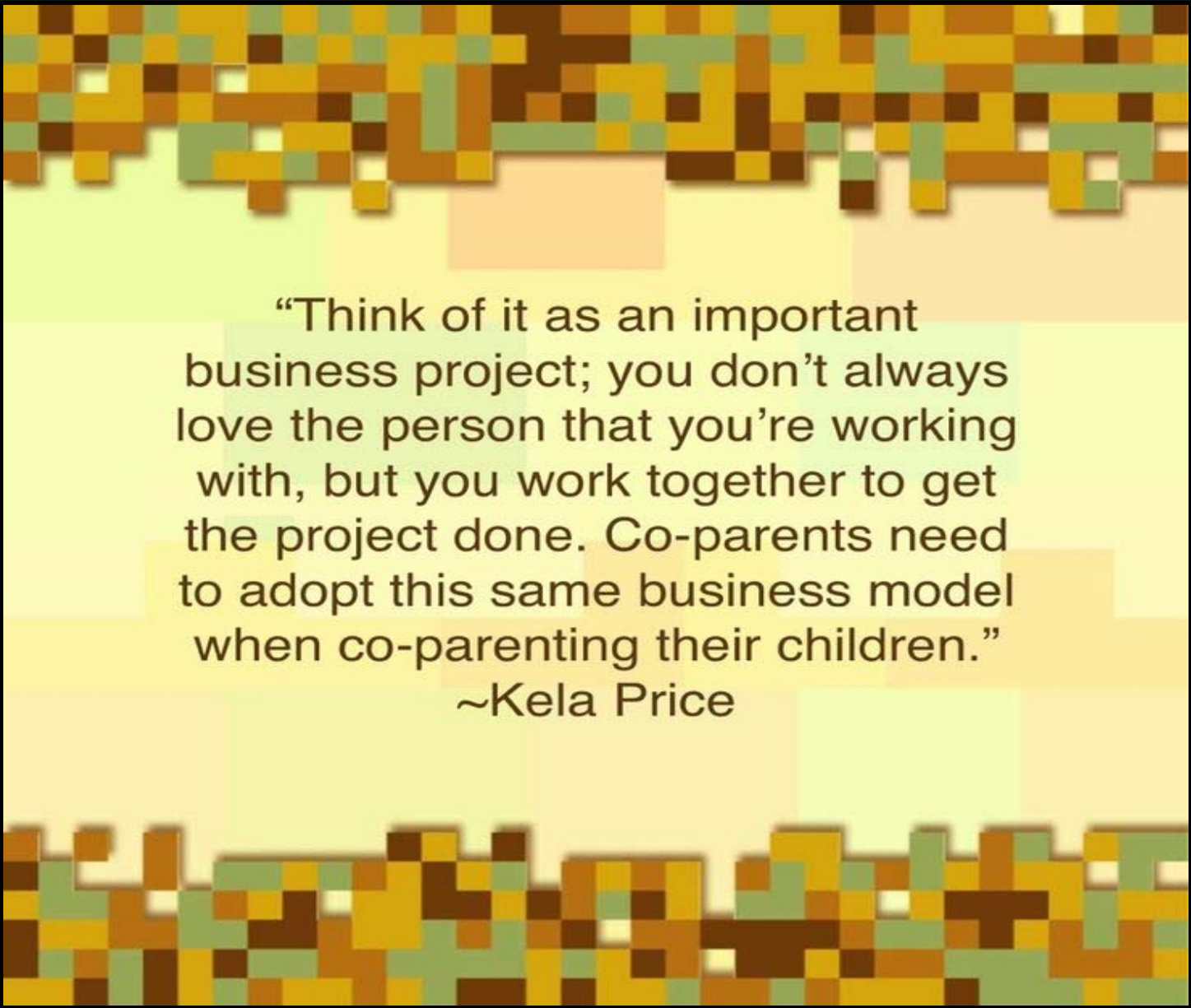


Children need a relationship with both parents.



...they need to be
emotionally and physically safe
from parental conflict.





“Think of it as an important business project; you don’t always love the person that you’re working with, but you work together to get the project done. Co-parents need to adopt this same business model when co-parenting their children.”

~Kela Price

children are great
imitators. so give
them something
great to imitate.