

FRESNO COUNTY SUPERIOR COURT
FREQUENTLY ASKED QUESTIONS ABOUT
CHILD CUSTODY HEARINGS

What is a “readiness” hearing?

In Fresno, when one parent schedules a custody hearing, that first hearing is called a readiness hearing. The purpose of the readiness hearing is to be sure that case is ready to be scheduled for mediation with Family Court Services. If the papers are in order and are sufficient, and both parents are present at the hearing, the parents are usually given a mediation appointment with Family Court Services.

Where do I go for mediation?

Family Court Services is located on the first floor of the Sisk Courthouse (the same building as the family law courtrooms). Go in the main doors and keep going straight—you’ll run right into it.

When will my custody order be made?

Unless the parents agree to a temporary order, or unless there’s an emergency hearing, then custody orders are usually made when you come back to court after mediation.

We’ll never agree. Can’t we just skip the mediation part?

No. Mediation is required by California law. Before a judge makes a custody order (except in emergencies), the parents must be given an opportunity to reach an agreement by working with an experienced professional at Family Court Services.

I heard that all children go to Family Court Services. Should we bring our child(ren) to this mediation session?

No. In the past, children five and older participated at Family Court Services. Mediation is now just for the parents so the mediator can focus on helping the parents reach an agreement.

If they don’t go to mediation, how will the child(ren)’s wishes and needs be considered?

At mediation, their wishes will be considered by you, the other parent and the mediator. You and the other parent are the people who know them best, and you are the best people to determine what your children’s living arrangements should be. As you work with the mediator, the mediator will help you understand the choices available to parents, the sorts of arrangements that often work well for children your children’s ages, what children need as their parents are separating, and how parents can best meet these needs. The mediator will help you and the other parent address your parenting concerns and focus on what you both believe is best for your children. You, the other parent, and the mediator will all be focused only on what your children need to be happy and strong.

My child wants to talk with the judge. Should I bring him/her to court for the hearing?

No. If you believe your child wishes to speak with the judge, then explain that in your paperwork for the court or when you have your hearing. The judge will listen to what both parents say, and then the judge will decide if and when your child should come to court. Please do not bring your child to court unless and until a judge specifically tells you to and has scheduled and time to talk with your child.

What if the other parent doesn't go to mediation?

Keep your court date. When you return to court, then the judge will decide what should happen next.

There's been domestic violence. Do we have to be together at Family Court Services?

No. Separate mediation can be arranged. Please tell the judge about this when the judge schedules your appointment. If you don't tell the judge, then call FCS before your appointment to ask for separate sessions.

The other parent scheduled the hearing. I came to court and I'll go to mediation. Do I have to do anything else?

Yes. If you want to fully participate, you must file responsive pleadings with the court. Responsive pleadings are different than the papers in this packet and different than the documents for Family Court Services. If you do not file responsive pleadings, the judge will not know anything about you or your relationship with your child(ren) other than what the other parent wrote, and you will not have a request for custody or visitation before the court. Under some circumstances, parents who have not filed responsive pleadings must be sent away without a custody order.

How can I get help with my papers?

There's a Self-Help Center (SHC) in the courthouse on the first floor. As you come in the main doors, turn immediately to your left. Their assistance is free. Also, information and forms are available on the California Courts website (<http://www.courts.ca.gov>). Once you're on that website, click on Self-Help and a variety of choices will come up. You may find the information under "families and children" or "divorce or separation" to be helpful. The Fresno County Bar Association (800-215-1190) has an attorney referral service available. It is not a free service, but referrals are at a reasonable cost. Only an attorney can give you legal advice.

What should I do with my papers?

Your papers need to be filed with the court and delivered to the other parent. If the other parent has an attorney, then the papers have to be delivered to the attorney. Your responsive pleadings can be mailed; they do not have to be personally delivered. The usual rule is that responsive pleadings must be filed and served nine court days prior to the hearing. The time is counted from the readiness hearing, but if you have not already done your papers, do them now.

I heard I can just bring my documents to court to show the judge. Is this correct?

Probably not. Just as you received papers in advance of the hearing from the other parent, you also have to be sure that your papers are given to the other parent as required by the law and rules. Court has to be fair to both parents, which means that you should each know the other's concerns and the facts the other parent says are true before the hearing. If you do not give the documents to the other parent before the hearing (which does not mean on the day of the hearing), then the judge might not look at your documents.