

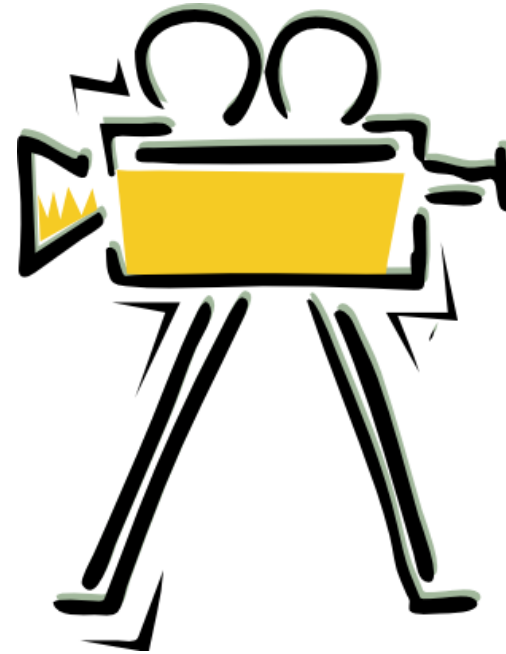
Family Court Services Mediation Orientation

Superior Court of California, County of Fresno



Guidelines for Viewing this Orientation Presentation

1. You will need to read the entire presentation.
2. Orientation is for adults **ONLY**



We have designed this presentation to help you get the most from your Mediation Session.

This Orientation will cover the following:

- ▶ Section I: General information about Mediation
- ▶ Section II: Information about basic custody and visitation orders

OLD WAY

Recommending

interviews, investigation and a mediator's recommendation to the Judge

NEW WAY

Non-Recommending

Our sole purpose in mediation is to HELP parents come up with a plan for their children.

Why are we so focused on
parental agreements?

Because it is in the best interest of
your children.

**1. Parents MUST
be given the
chance to be the
best parents that
they can be
before a Judge
starts telling
them how to
raise their
children**

If it appears that
custody, visitation
or both are
contested, the
court shall set the
contested issues
for mediation
(Family Code
§3170)

2. The code say that the goal of mediation is to:

**Effect a Settlement of the Custody or Visitation Dispute that is in the best interest of the child.
(Family Code §3180)**

3. You are the Experts

ex·pert

/'ek,spɜrt/

noun

1. a person who has a comprehensive and authoritative knowledge of or skill in a particular area.
"experts in child development"
synonyms: [specialist](#), [authority](#), [pundit](#); [More](#)

adjective

1. having or involving authoritative knowledge.
"he had received expert academic advice"
synonyms: [skillful](#), [skilled](#), [adept](#), [accomplished](#), [talented](#), [fine](#); [More](#)

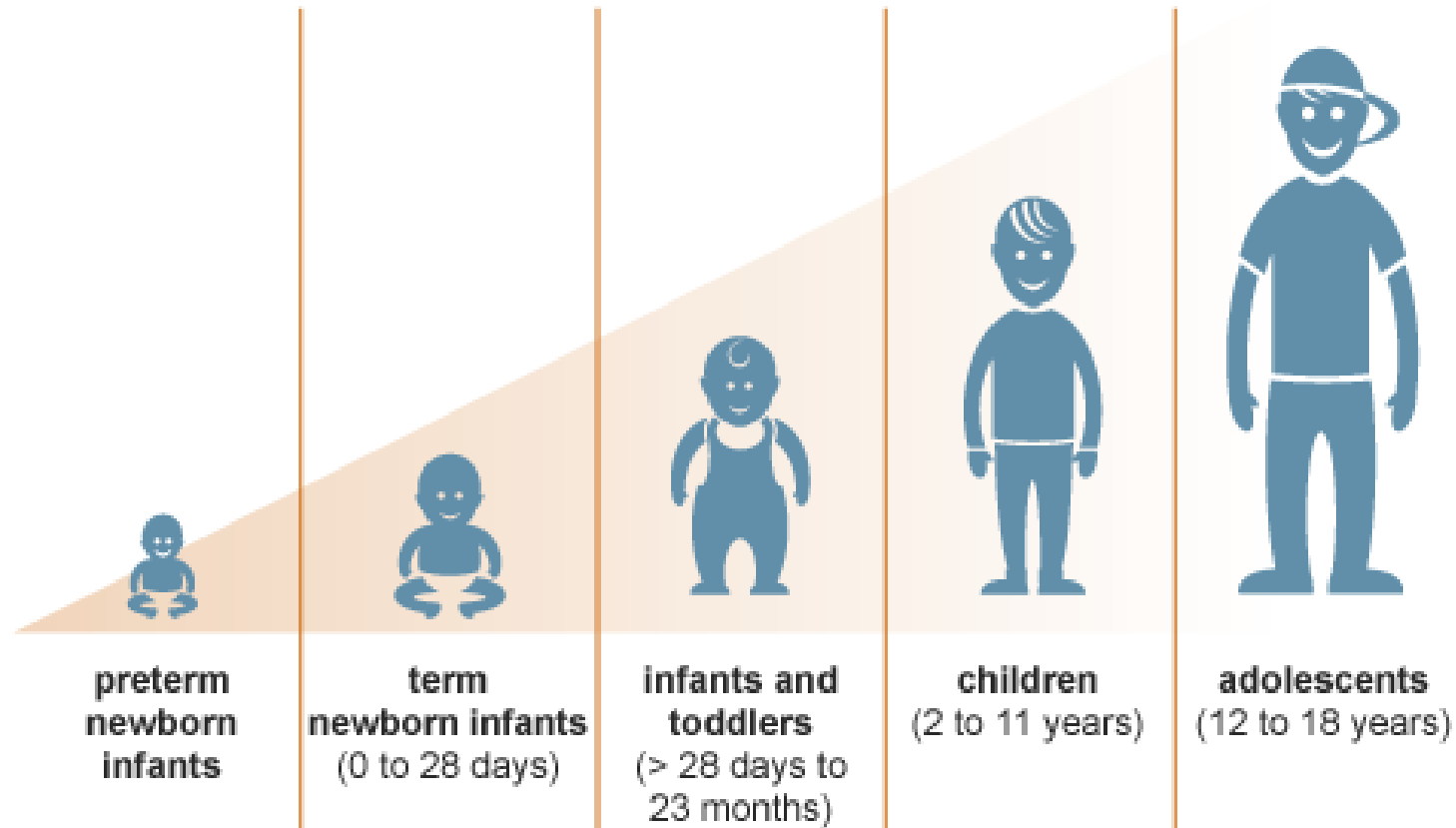


**4. Kids do better
when we get along**

What can the mediator do
for me?

1. Mediators can offer information about child development:

What visitation plan may be best considering your child's developmental stage and personality.



2. Mediators have training in conflict resolution and communication



We are there to help parents have a peaceful and productive conversation about their children.

3. Mediators have been involved in hundreds of custody cases



How has the court ruled in cases that are similar to yours?

4. Mediators can provide their recommendations to the parents.



RECOMMENDED

Separate Mediation Sessions

Pursuant to Family Code §3181, where there has been a history of domestic violence between the parents or where a protective order is in effect, at the request of the parent alleging domestic violence in a written declaration under penalty of perjury, the mediator shall meet with the parents separately and at separate times.



Separate Mediation Sessions

- The goal will remain focused on creating a parental agreement.
- The Mediator will only meet with each parent once.
- The Mediator will not write a report or recommendation to the Court if the parents are unable to reach an agreement.

If you feel that separate sessions are appropriate due to a history of domestic violence, please contact Family Court Services **IMMEDIATELY** to complete a “Request for Separate Sessions”. This request must be submitted to Family Court Services at least five days prior to your Mediation appointment.



What will we talk
about at Mediation?

Legal Custody

▶ Joint Legal Custody

- ▶ Both parents have the right and responsibility to make legal decisions TOGETHER

▶ Sole Legal Custody

- ▶ One parent has the right and responsibility to make the legal decisions.

Legal Custody Decisions

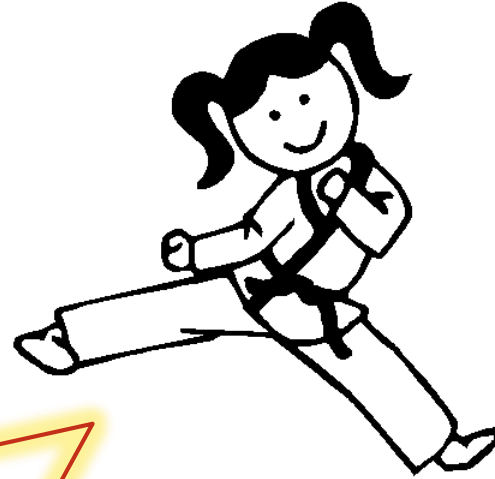
vs.

Parenting Style Choices

- ▶ Where the child goes to school
- ▶ Who will be the child's doctor
- ▶ Who will be the child's counselor

- ▶ Bedtime Routines
- ▶ Household rules
- ▶ Discipline/Rewards
- ▶ Religious Activities
- ▶ Participation in Social Activities
- ▶ Diet

Social and Extracurricular Activities

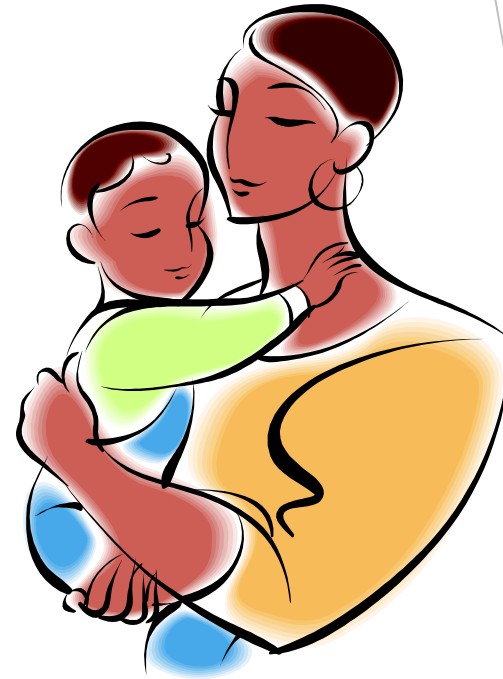


You can't make plans for the child during the other parent's time



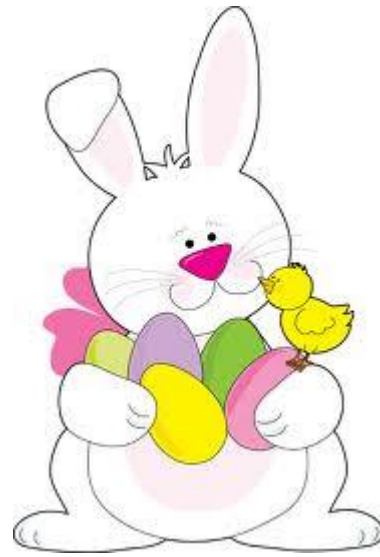
Visitation Schedule

How the children
spend time with
each parent.



Must be specific to be enforceable!

Holiday Schedule and Visitation During Breaks from School



Transportation and Exchanges:

Who will be responsible for transporting the children?

Receiving Parent?
Delivering Parent?

Where will the exchanges occur?

Each parent's home?
School?
Midway Point?



Additional Programs and Services

- ▶ **Parenting Programs**
- ▶ **Co-Parenting Programs**
- ▶ **Conjoint Co-Parenting Programs**
- ▶ **Individual Counseling**
- ▶ **Family Counseling**
- ▶ **Substance Abuse Evaluation**
- ▶ **12-Step Program**
- ▶ **Drug Testing**
- ▶ **Anger Management**
- ▶ **Custody Evaluation**

Confidentiality

What Happens in Mediation Stays in Mediation

▶ Exceptions

- ▶ Child Abuse Allegations
- ▶ Danger to self or Others



Partial Agreements

CELEBRATE

THE LITTLE THINGS



Even agreeing to only one small portion of your custody order is a BIG WIN for you and for your child.

- ▶ Don't get overwhelmed
- ▶ The children will benefit from the parts that you can agree upon even if you can't agree on everything.

What happens in court if we are unable to reach an agreement in mediation?

- ▶ Go to your Court date
- ▶ Typically given a choice:
 - ▶ Brief statements that day
 - ▶ Contested hearing (more time but in the future)
- ▶ Judge uses the information provided by the parents (not the mediator)
 - ▶ Petition/response
 - ▶ Other filed documents



Basic Visitation Schedules

Supervised Visits

- ▶ Therapeutic Supervised Visits
- ▶ Agency Supervised Visits
- ▶ Third Party Supervised Visits

Primary Residency

- ▶ Primary residency with one parent
- ▶ Frequent and consistent contact with the other parent
 - ▶ Day visits only
 - ▶ Single overnight visits
 - ▶ Weekends and mid week visits

Balanced Visits

- ▶ One week with each parent
- ▶ Split week with alternating weekends
- ▶ Alternating 3nights/4nights
- ▶ Split week - 3.5 days with each parent
- ▶ Rotating every 2-3 days

Graduated Plans

- ▶ You may also want to explore a graduated plan that slowly increases the child's visits with the non-custodial parent over time to allow the child time to adjust to frequent and consistent contact with both parents

Supervised Visitation

1. Therapeutic Supervised Visits

- ▶ Supervised by a mental health professional

2. Agency Supervised Visits

- ▶ Supervised by a professional at a supervising agency

3. Third Party Supervised Visits

- ▶ Supervised by a friend or family member selected by the parents or by the Court

Basic Holiday Schedules



Odd years/Even Years

- ▶ Easter and Thanksgiving one year
- ▶ Christmas, Halloween and 4th of July the next year
- ▶ Holidays can be defined as:
 - ▶ Day visits: 9am-7pm
 - ▶ Overnight visits: 9am day of until 9am the day after
- ▶ The child will have full holidays with each parent every other year

Split Holidays

- ▶ Split Day
 - ▶ 9am-2pm (period 1)
 - ▶ 2pm-7pm (period 2)
- ▶ Split Extended Holiday
 - ▶ 9am day before until 9am day of
 - ▶ 9am day of until 9am day after
- ▶ Alternate the periods each year or one parent will always have period 1 and the other parent will have period 2
- ▶ The child will have some holiday time with each parent every year

Standard Language in Custody Orders

The Superior Court of Fresno has developed Standard Language that is included in Custody Orders to serve the Best Interests of the Children.

Example:

- Don't make negative comments about the other parent in front of the children
- You can change the custody if you agree on the changes
- Only licensed and insured drives can transport the children

A complete listing of the Standard Language is available on the Family Court Services Website

Please discuss any changes to the Standard Language with the Mediator during your mediation session.

Benefits of Good Communication and Co-Parenting Skills

For our Children

- ▶ Better academic performance
- ▶ Participates in activities
- ▶ Easier transitions/exchanges
- ▶ Less Tantrums, Bed wetting, Lying



For us

- ▶ Save time and money spent in Court
- ▶ Spend less time fighting and more time enjoying our kids

They feel better when we are more focused on them and less focus on the fight.

Consider Your Children

Ways you can help your children

1. Compliments are GOOD -

- ▶ Neutral is NOT in the BEST interest of your Children
- ▶ Compliment the other parent (to them and too your children).
- ▶ Can't just say it's ok to love the other parent, we have to model it and show it
 - ▶ Mother's day/ Father's day
 - ▶ Coming home from a visit with the other parent

Hands Down



Best Mom Ever!



Consider Your Children

Ways you can help your children

2. Same is Simple -

- ▶ follow similar routines for mealtime, bedtime, household rules, discipline and homework time
- ▶ Similar is only hard for the grown-ups, not for the kids
- ▶ Somebody has got to do the hard stuff
 - ▶ If we don't, our kids will!

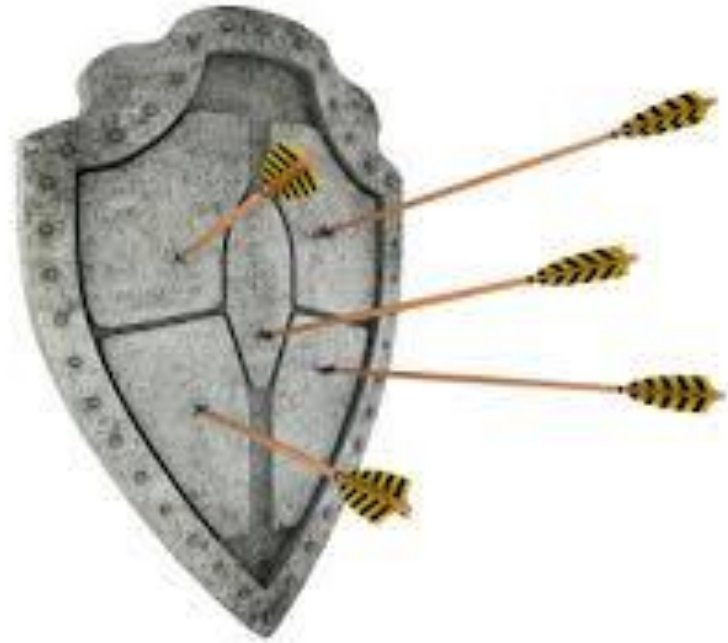


Consider Your Children

Ways you can help your children

3. Conflict Protection

- ▶ Absolutely no conflict in front of the children, even over the phone.
- ▶ Silent tension is not ok either
- ▶ Never use the kids as messengers
- ▶ United front on joint decisions
- ▶ Never critical of the other parent in front of the children
 - ▶ Ride your bike where?
 - ▶ Took my cell phone?



Consider Your Children

Ways you can help your children

4. Boundaries

- ▶ No exposure to Court documents
- ▶ “That’s grown-up stuff”
- ▶ Kid’s don’t know what you are requesting
- ▶ Kid’s don’t know your concerns
- ▶ Kids get to be kids without pressure to pick a parent

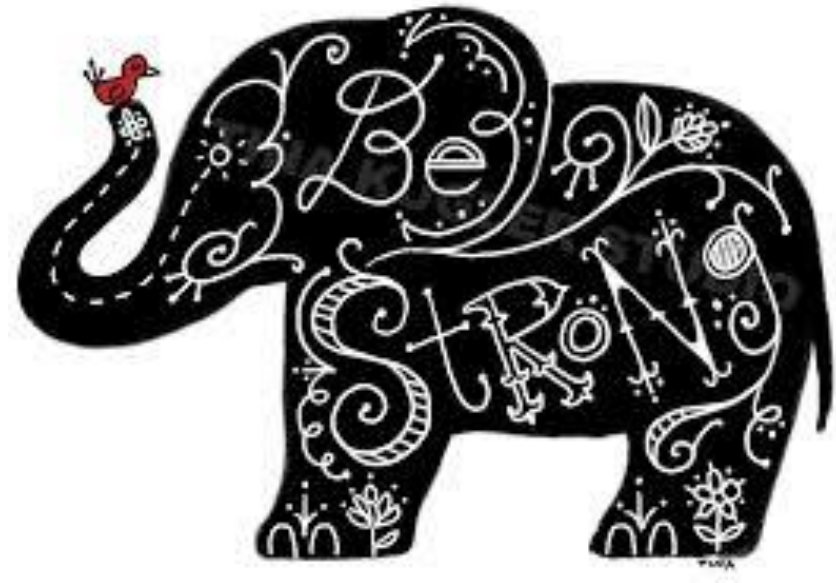


Consider Your Children

Ways you can help your children

5. Your support makes them Stronger

- ▶ Don't apologize for the visits
 - ▶ “I see you are sad/mad but I am excited and think it's a great thing”
- ▶ Your resistance doesn't help them in any way
 - ▶ Only makes it harder for them
- ▶ Opportunity of life long skill building
- ▶ Make them BELIEVE you think it is a great idea
 - ▶ Especially if you don't



Additional Resources

Family Court Services Website

- <http://www.fresno.courts.ca.gov/>



Administrative Office of the Court's Center for Families, Children & the Courts Websites

<https://www.familieschange.ca.gov/>

And

<https://www.familieschange.ca.gov/en/kids/changeville>



Final Reminders

- Complete your Intake Form BEFORE Mediation



- Be On Time - session is short and can be cancelled if you are late



- The Mediator will not keep any documents.



- Do NOT bring your children - we will only be meeting with the parents

Certificate of Completion

Click on the Email link below to send us an email to confirm you completed the Orientation. In the email, tell us your NAME and CASE NUMBER.

FCSOrientation@fresno.courts.ca.gov

If you have any additional questions, email us at

FresnoFCS@fresno.courts.ca.gov