

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
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SUBSTANCE ABUSE PROVISIONS

Parent Requested Drug Testing

- The parents shall abstain from all psychoactive drugs not medically prescribed. The parents shall abstain from the use of marijuana, even if prescribed, 24 hours prior to and during any physical contact with the children. The parents shall abstain from the abuse of alcohol 24 hours prior to and during any physical contact with the children. [Abuse of alcohol shall be defined as drinking enough alcoholic beverages that would result in a 0.08% Blood Alcohol Concentration]. If either parent appears to be in violation of this paragraph of the Order, then the other party may call law enforcement to make a determination as to such violation. A violation of this paragraph of the Order may be considered a change in circumstance, and may be taken into consideration by the Court in future custody and visitation matters in this case.

When the child is in the care of either parent, that parent shall not associate with anyone who is abusing alcohol or using illicit drugs. It is the responsibility of each parent to provide the child with a drug free and sober environment. A violation of this provision may be considered a change of circumstance.

Neither parent shall expose the child to secondhand smoke. All smoking shall occur outdoors when the child is present. It is the responsibility of each parent to provide the child with a smoke-free environment. A violation of this provision may be considered a change of circumstance.

Either parent/The mother/The father may request that the other parent submit to a urinalysis test (witnessed collection) to determine the usage of alcohol, illegal drugs, and/or the abuse of prescription medication. A certified testing facility shall administer the test. (Refer to the attached list of certified testing facilities). If the presumptive drug screen is positive, the testing agency shall use a more specific, alternate chemical-testing method (GC/MS) to confirm the results.

NOTE: All testing shall be completed by a SAMHSA (Substance Abuse and Mental Health Service Administration) certified facility. All collectors must meet current certification standards. The certified testing facility will provide a referral to a SAMHSA laboratory for out-of county and/or out-of state testing.

The requesting party shall request the testing facility to notify the other party to test. The testing party shall abide by all of the testing facility's procedures for testing. The urinalysis test (witnessed collection) shall be completed within four (4) hours of the request; however, if the testing facility is closed within that 4 hour period, the test shall be completed the following day by 8:30 a.m., or at the time the testing facility opens for its next business day.

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The requesting party must pay for the costs of the test prior to, or at the time the other party is tested. The requesting party shall provide the following items to the testing facility: (a) A signed, filed copy of the Court Order; (b) A current picture identification; (c) A designated address for each party, each Attorney of record and Family Court Services where test results can be mailed; and (d) A designated telephone number of each party. The testing parent shall provide the following items to the testing facility: (a) A current picture identification and (b) An address where test results can be mailed.

Failure to test and/or refusal to complete the selected test(s) shall be considered a positive (dirty) test if: (1) The requesting party has a receipt that he or she prepaid for the test; and (2) The testing facility has submitted a written statement that the testing party did not appear for testing and/or refused to complete the test.

The laboratory shall send a copy of the results to Department 201 of the Sisk Courthouse, Fresno Superior Court, 1130 'O' Street, Fresno, CA 93724, to each Attorney of record, and the parties. The results shall be maintained as a sealed record in the court's file and shall not be released to any person except as specifically authorized by law. Any person who has access to the test results may not disseminate copies or disclose information about the test results to anyone other than those authorized to receive this information pursuant to this Order, or applicable provisions of the Family Code. Any breach of this confidentiality may be punishable by a fine as allowed by law. The results of the test may not be used for any purpose other than as specifically provided by law.

In the event the testing party submits a positive test and/or refuses to complete the test, the requesting party may file an ex-parte motion for modification of the current Court Order.

In the event the testing party submits three (3) consecutive negative tests, the requesting party shall not be allowed to request additional tests without further order of the court. In the event a party is charged or arrested for any drug or alcohol related offense, this may be considered a change of circumstance and this Court Order may be modified.

Random Drug Testing Program

- Both parents/The mother/The father shall participate in a Random Drug Testing program, such as the one provided through Choice Compliance Solutions at (559) 229-3737. The testing party shall submit to a urinalysis test (witnessed collection) to determine the usage of alcohol, illegal drugs, and/or the abuse of prescription medication a minimum of 2 times per month for at least 6 months. If the presumptive drug screen is positive, the testing agency shall use a more specific, alternate chemical-testing method (GC/MS) to confirm the results.

NOTE: All testing shall be completed by a SAMHSA (Substance Abuse and Mental Health Service Administration) certified facility. All collectors must meet current certification

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standards. The certified testing facility will provide a referral to a SAMHSA laboratory for out-of county and/or out-of state testing.

The testing party shall abide by all of the testing facility's procedures for testing. The urinalysis test (witnessed collection) shall be completed within four (4) hours of the request; however, if the testing facility is closed within that 4 hour period, the test shall be completed the following day by 8:30 a.m., or at the time the testing facility opens for its next business day.

The testing party must pay for the costs of the test prior to, or at the time the test in accordance with the facilities payment procedures. The testing party shall provide the following items to the testing facility: (a) A signed, filed copy of the Court Order; (b) A current picture identification; (c) A designated address for each party, each Attorney of record and Family Court Services where test results can be mailed.

Failure to test and/or refusal to complete the selected test(s) shall be considered a positive (dirty) test if: The testing facility has submitted a written statement that the testing party did not appear for testing and/or refused to complete the test.

The laboratory shall send a copy of the results to Department 201 at the Sisk Courthouse, Fresno Superior Court, 1130 'O' Street, Fresno, CA 93724, to each Attorney of record, and the parties. The results shall be maintained as a sealed record in the court's file and shall not be released to any person except as specifically authorized by law. Any person who has access to the test results may not disseminate copies or disclose information about the test results to anyone other than those authorized to receive this information pursuant to this Order, or applicable provisions of the Family Code. Any breach of this confidentiality may be punishable by a fine as allowed by law. The results of the test may not be used for any purpose other than as specifically provided by law.

In the event the testing party submits a positive test and/or refuses to complete the test, the other party may file an ex-parte motion for modification of the current Court Order.

PROGRAMS AND SERVICES

Chemical Abuse Assessment

- The mother/father/parents shall participate in and satisfactorily complete a **Chemical Abuse/Dependency Assessment**. The Chemical Abuse/Dependency Assessment shall be completed by an agency that provides Chemical Abuse/Dependency Assessment services (refer to the attached list of service providers). The mother/father/parents shall contact the service provider within 7 days of the signing of this Order, for the purpose of scheduling appointments, and shall provide the service provider with a copy of this Order. The mother/father/parents shall be responsible for their own fee(s) and shall provide the Court with a copy of the completed Assessment.

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The service provider shall review the results of the Chemical Abuse/Dependency Assessment with the mother/father/parents. The mother/father/parents shall follow through with treatment as proposed by the service provider. Failure to complete this

Chemical Abuse/Dependency Assessment and/or to follow through with treatment as proposed by the service provider may be taken into consideration by the Court in future custody and visitation matters in this case.

12-Step Program

- The mother/father/parents shall immediately join or continue to attend a **Twelve Steps** Alcoholic Anonymous program, telephone (559) 221-6907 or a Narcotics Anonymous program, telephone (559) 255-5881, for relapse prevention or to achieve the necessary sobriety that leads to an effective, long-term successful recovery process. The mother/father/parents shall actively participate in the program by attending at least two meetings per week for a minimum of 52 weeks, obtaining a sponsor, and effectively working the Steps. If applicable, the terms and/or conditions of probation or parole shall take precedence. The mother/father/parents shall provide the Court with verification of attendance, and verification that a sponsor was obtained at any future Court hearings. Failure to attend the said program in accordance with this Court Order may be taken into consideration by the Court in future custody and visitation matters in this case.

52-week Child Abuse Program

- The mother/father/parents shall participate in and satisfactorily complete the 52-week Child Abuse / Parenting Program (Please refer to the attached list of service providers). The mother/father/parents shall be responsible for their own fee(s), and shall provide the Court with written verification of completion of this program. Failure to complete this program may be taken into consideration by the court in future custody and visitation matters in this case.

Parenting Program

- The mother/father/parents shall enroll in a Parenting Program within 30 days of signing of this Order (Please refer to the attached list of service providers). The mother/father/parents shall be responsible for their own fee(s), and shall provide the Court with written verification of completion of this program. Failure to complete this program may be taken into consideration by the Court in future custody and visitation matters in this case.

Co-Parenting Program

- The mother/father/parents shall enroll in a Co-Parenting Program for separated parents within 30 days of signing of this Order. The Co-Parenting Program shall be provided by an agency that provides Co-Parenting Program services (Please refer to the attached list of service providers). The mother/father/parents shall be responsible for their own fee(s),

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and shall provide the Court with written verification of completion of this program. Failure to complete this program may be taken into consideration by the Court in future custody and visitation matters in this case.

Conjoint Co-Parenting Program

- The dispute between the parents poses a risk to the child. The parents are ordered to attend a Conjoint Co-Parenting Program. The parents are then ordered to speak with each other by telephone to coordinate their enrollment in this program. The parents shall mutually agree upon a program and contact the program within 30 days of signing of this Order. The parents must attend this fourteen-week program jointly. The Court finds the cost of this program, which is on a sliding scale, does not jeopardize the parents' other financial obligations. Each parent shall pay his/her own fees and costs associated with this program.

If one parent refuses to comply with the order for the Conjoint Co-Parenting Program, that shall be considered in future hearings. Each parent must use his/her best efforts to include the other and to complete the Conjoint Co-Parenting program. If one parent refuses to comply with the order then the complying parent should proceed as follows:

The complying parent must be able to demonstrate at any future hearing the specific efforts, which cannot be minimal, to include the other and to follow the requirement for joint participation in the Conjoint Co-Parenting program. The demonstration should include documentation pertaining to phone calls, emails and text messages giving information to the other and seeking the other's compliance.

If, after best efforts have been used, the other parent continues to refuse to comply, then the complying parent may substitute both of the following for the Conjoint Co-Parenting Program:

- A Co-Parenting (conjoint or non-conjoint) Program that is of at least six weeks' duration and that requires personal attendance. An online program is not sufficient for this order. The complying parent is responsible for his/her own costs associated with this program.
- A Parenting Program that is of at least six weeks' duration and that requires personal attendance. An online program is not sufficient for this order. The complying parent is responsible for his/her own costs associated with this program.

Absent an emergency, neither parent may seek a change to this order without providing that the parents have jointly completed the Conjoint Co-Parenting Program, or in the event that one parent refuses to comply, that the parent seeking modification has met the requirement set forth above.

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Anger Management Program

- The mother/father/parents shall enroll in an Anger Management Program within 30 days of signing of this Order (Please refer to the attached list of service providers). The mother/father/parents shall be responsible for her their own fee(s), and shall provide the Court with written verification of completion of this program. Failure to complete this

program may be taken into consideration by the Court in future custody and visitation matters in this case.

52-week Batter's Treatment Program

- Pursuant to Family Code § 6343, the Court orders that the mother/father/parents shall participate in and satisfactorily complete a certified, 52-week Batterers Treatment Program (refer to the attached list of treatment programs). The mother/father/parents shall be responsible for their own fee(s), and shall provide the Court with written verification of completion of this program. Failure to complete this program may be taken into consideration by the Court in future custody and visitation matters in this case.

Survivors of Domestic Violence Program

- The mother/father/parents shall participate in a Support Program for Victims/Survivors of Domestic Violence (refer to the attached list of treatment programs). The mother/father/parents shall participate in the counseling support program by attending at least one session per week for at least 12 weeks, and/or at the direction of the treatment program facilitator/counselor. The mother/father/parents shall be responsible for their own fee(s), and shall provide the Court with written verification of completion of this program.

COUNSELING

Mother/Father/Parents Counseling

- The Court finds that counseling for the mother/father/parents would be in the child's best interest. The Court therefore orders that the mother/father/parents shall participate in outpatient counseling with a licensed mental health clinician or through a community mental health agency.

The parties shall provide the mental health clinician with a copy of this Court Order and with a copy of any personal conduct or stay away restraining order. If said participation in counseling conflicts with a personal conduct or stay away restraining order(s), the personal conduct or stay away restraining order shall take precedence.

Counseling for the mother/father/parents shall address the following issues;

- a basic mental health assessment

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- co-parenting and communication skills,
- parenting skills and style, parent and child communication,
- possible parental alienation, parental divorce/separation adjustment,
- custody conflict resolution,
- blended family issues,
- anger management, domestic violence,
- substance abuse,
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- referral for a psychiatric and medication evaluation as deemed appropriate by the mental health clinician, personal adjustment,
- and any other issues deemed pertinent by the mental health clinician.

The individual(s) ordered to attend counseling shall participate in counseling as directed by the mental health clinician for a period to be determined by the mental health clinician. The Court finds the cost of such counseling does not jeopardize the parties other financial obligation. All of the costs not reimbursed by insurance shall be paid by the parties as follows:

- each party shall pay for their own counseling sessions.
- the mother shall pay 50% and the father shall pay 50% for all conjoint counseling sessions.
- the mother shall pay 50% and the father shall pay 50% for all of the child's counseling sessions including those sessions that include both parents and the child.

Child/ren's Counseling

- The Court finds that counseling for the children would be in the child's best interest. The Court therefore orders that the children shall participate in outpatient counseling with a licensed mental health clinician or through a community mental health agency.

The parties shall provide the mental health clinician with a copy of this Court Order and with a copy of any personal conduct or stay away restraining order. If said participation in counseling conflicts with a personal conduct or stay away restraining order(s), the personal conduct or stay away restraining order shall take precedence.

The parents shall participate in the child counseling as / if directed by the child's mental health clinician.

Counseling for the child/ren shall include a basic mental health assessment, and shall address the following issues;

- learning to identify and express feelings,
- developing coping skills and strategies for dealing with parental conflict,
- parent and child communication,
- possible parental alienation,
- parental divorce/separation adjustment,

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- custody conflict resolution,
- blended family issues,
- anger management,
- behavioral problems
- exposure to domestic violence,
- exposure to substance abuse
- referral for a psychiatric and medication evaluation as deemed appropriate by the mental health clinician, personal adjustment,
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- and any other issues deemed pertinent by the treating mental health clinician. (Counseling shall be specifically designed to alleviate any distress evident in the child).

The individual(s) ordered to attend counseling shall participate in counseling as directed by the mental health clinician for a period to be determined by the mental health clinician. The Court finds the cost of such counseling does not jeopardize the parties other financial obligation. All of the costs not reimbursed by insurance shall be paid by the parties as follows:

- each party shall pay for their own counseling sessions.
- the mother shall pay 50% and the father shall pay 50% for all conjoint counseling sessions.
- the mother shall pay 50% and the father shall pay 50% for all of the child's counseling sessions including those sessions that include both parents and the child.

CUSTODY EVALUATION

(This is a court order if it is either (1) attached to a custody order which has been signed by a judicial officer and has a file mark on the first page; or (2) is signed by a judicial officer at the bottom of this page and is attached to a Minute Order which is also signed.)

Order for child custody evaluation: As authorized by Family Code section 3111, the parents and child are referred for a child custody evaluation to be performed by a private evaluator who meets the requirements of the Family Code and has been approved by the court. (A list of evaluators is available through Family Court Services.) The parents and child are to be seen by the same evaluator.

Determination of ability to pay: The Court has considered the parents' financial circumstances and finds the parents are able to pay for the evaluation. The cost of the evaluation shall be assigned as follows: The father shall pay 50% percent and the mother shall pay 50% percent. Either parent has the authority to pay for the entire evaluation and seek reimbursement from the other at a later date.

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Processing of report: The evaluator will complete a report, which shall be sent to Department 201 at Sisk Courthouse, Fresno Superior Court, 1130 'O' Street, Fresno, CA 93724. When that report is received, the court will set a hearing. The parties/attorneys may agree to one continuance of that hearing by contacting Department 201. At the hearing, the court will have the ability to do any or all of the following: release the evaluation; refer the parents back to Family Court Services; set the matter for further hearing; make temporary orders; pending further hearing.

Designation of evaluation: The evaluation will be performed by .

Notice to parents: If only one parent participates, the evaluator will still complete a report to the court. The judge will consider that report as allowed by law.

Instructions for parents: Evaluations are expensive and time consuming. Your portion of the evaluation is likely to take place over several sessions and may, in the discretion of the evaluator, include testing. In order for the evaluator to meet the due date for the report, you must contact the evaluator within ten days of the date this order is signed and you must promptly make and keep appointments. If at least one parent has not made and kept an initial appointment with the evaluator within thirty days of the date this order is signed, then the order for an evaluation is suspended. Unless otherwise granted an extension, once the order for the evaluation is suspended, the parent who wishes the evaluation to go forward must bring this issue back to the court. If either parent believes the other is unreasonably delaying the evaluation, that parent may request a hearing by filling the appropriate documents with the court.

Instructions for evaluators: Please prepare a report for the Court within 90 days of the date this order is signed. If only one parent participates, please prepare the report based on the information available to you. You have the authority to grant a reasonable extension of not more than fifteen days for the parent(s) to schedule an initial appointment if that extension is appropriate due to your own practice requirements or the circumstances of either of the parents or child. You may make a request for an extension of time of not more than 30 days to complete the report by contacting Family Court Services. Please send the report to Department 201 at Sisk Courthouse, Fresno Superior Court, 1130 'O' Street, Fresno, CA 93724.