

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
FAMILY COURT SERVICES**

Sole Custody Order Example

INFORMATION

- This court has jurisdiction to make child custody orders in this case under the uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
- The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
- The country of habitual residence of the child in the case is the United States of America.
- Failure to obey this order shall be deemed a violation of Sections 166.4, 273.6, 278, 278.5, and 279 of the California Penal Code and appropriate law enforcement agencies are directed to secure compliance of this order.
- The custody and visitation rights of each party are set forth herein and this Order shall define custody and visitation for the following child:
- The Court has considered the factors set forth in Family Code Section 3048(b)(1) and finds that there is NOT a risk of abduction of the child by either parent.

LEGAL CUSTODY RIGHTS AND RESPONSIBILITIES

- The father/mother shall have sole legal custody, which means the father/mother shall have the right and responsibility to make decisions in matters relating to the health, education, and welfare of the child and shall select all schools, health care providers, childcare providers, and counselors.
- A parent shall not be denied access to records and information pertaining to a minor child pursuant to Family Code § 3025: 'Notwithstanding any other provision of law, access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records, shall not be denied to a parent because that parent is not the child's custodial parent.'
- Each parent will have access to and has the right and obligation to keep him or herself advised of information concerning the well-being of the child, which shall include but not be limited to: report cards; State standardized test results; order forms for school pictures; significant communications from medical or mental health care providers; the names, addresses, and telephone numbers of all schools, health care providers, regular childcare providers, and counselors.

PHYSICAL CUSTODY RIGHT AND VISITATION (PARENTING TIME)

- The father/mother shall have sole physical custody, which means the child shall reside with and under the supervision of that parent subject to the following Court ordered visitation plan.

HOLIDAYS AND SPECIAL OCCASIONS

- Holidays and special occasions between the mother/father and child shall be supervised in accordance with Section 3.00 of this court order.
- Holidays and special occasions with the child shall be shared between parents as mutually agreed upon. If the parents do not agree, in the event a third party supervisor is available during the mother's/father's designated times, holidays and special occasions with the child shall be as follows:

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- **Easter, Thanksgiving, Christmas Day** shall be divided into two periods. For each holiday listed the first period shall be defined as commencing at 08:00 a.m. and concluding at 02:00 p.m. The second period shall be defined as commencing at 02:00 p.m. and concluding at 08:00 p.m.
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 - The period shall be alternated between the parents each year such that the first period shall be with the father/mother during odd-numbered years and with the other parent during even-numbered years.
- **Mother's Day** shall be with the mother and **Father's Day** shall be with the father commencing on Sunday at 09:00 a.m. and concluding on Sunday at 06:00 p.m.
- **Fourth of July** shall be with the father/mother during odd-numbered years and with the other parent during even-numbered years commencing on July 4th at 09:00 a.m. and concluding on July 5th at 09:00 a.m.
- **Halloween** shall be with the father/mother during odd-numbered years and with the other parent during even-numbered years commencing on October 31st at 09:00 a.m. and concluding on November 1st at 09:00 a.m.

SAFETY AND PROTECTION

- The child must be driven only by a licensed and insured driver and the vehicle must have legal child restraint devices.
- The custodial parent shall be responsible for providing all transportation to and from the supervised visits.
- The parent responsible to arrange transportation to and from the supervised visit may utilize a third party to transport the child, if needed. If a third party is utilized, he/she shall be known to the parents and the child.
- In the event the non-custodial parent is unable to participate in the supervised visitation on a given occasion, she/he must provide the supervising agency/third party with at least 72 hours in advance notice of the cancellation of the supervised visit.
- If the non-custodial parent fails to arrive at the appointed time and fails to notify the other parent that she/he will be late, then the custodial parent need wait for only 15 minutes before considering the visitation cancelled.
- The parents shall refrain from doing or saying anything in the presence of the child that will diminish the love and affection the child has for the other parent. The parents shall not question the child about the personal life of the other parent, nor discuss custody, visitation, or custody child support issues in the presence of the child, or question the child about where they want to live. The parents shall neither argue nor insult each other in the presence of the child, nor allow any third party to do so. Both parents shall encourage the child to be with the other parent, in accordance with the Court Order, and help to ensure a peaceful transition from one parent to the other.
- The parents may NOT use the child as messengers between them.
- The parents may supplement or revise the terms and conditions of this custody arrangement as the needs of the child change. Such changes shall be in writing, dated and signed by both parents and notarized. If controversy arises, the existing Order of the Court shall remain in full force and effect pending further Order

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of the Court. In the event of reconciliation and a subsequent separation, the existing Order of the Court shall remain in full force and effect from the date of the subsequent separation.

- Each parent is to provide the other parent with the address, telephone number and an emergency telephone number where he/she can be immediately contacted in case of an emergency regarding the child. Each parent shall notify the other parent within 24 hours of any changes of address and/or telephone numbers. This provision shall not be used for the purpose of harassing or annoying the other parent.
- The custodial parent shall notify the other parent if he or she plans to change the residence of the child for more than 30 days, unless there is prior written agreement to the removal. The notice shall be given before the contemplated move, by mail, return receipt requested, postage prepaid, to the last known address of the parent to be notified. A copy of the notice shall also be sent to that parent's counsel of record. To the extent feasible, the notice shall be provided within a minimum of 45 days before the proposed change of residence so as to allow time for mediation of a new agreement concerning custody.
- The parents and any third party shall NOT use any form of physical discipline (corporal punishment) when disciplining the children. Failure to comply with the provision of this 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.