SUPERIOR COURT OF CALIFORNIA
SAN LUIS OBISPO COUNTY
FAMILY COURT SERVICES
Mailing address:
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MEDIATION ORIENTATION

What is Mediation? Mediation is a time when parents have the opportunity of self ordering, by creating their own parenting plan. Parent created agreements, even compromises, work much better than orders that are made by the Judge, because parents know their children best.

Child Custody mediation is mandatory if you do not have a mutually agreed upon parenting plan and have scheduled a hearing to address the matter. Its purpose is to assist parents in developing a plan for sharing the responsibilities for raising their children. The goal is to assist and help families maintain ongoing relationships through the process of separation/divorce, or a change in life circumstances. Mediation can help reduce conflict between the parents and give the children the freedom and permission to have a relationship which suits his/her needs with each parent.

The process of mediation: A non-recommending, confidential model:
Your discussions with the mediator will be confidential with the exception of information that is listed on the attached "Limits to Confidentiality" form. The mediator will inform the Court about whether or not the parties reached an agreement. The mediator will not make a custody recommendation to the Court or discuss the content of the mediation with the Court. If the parties reach an agreement and all parties sign, then the agreement will be sent to the judge for signature. Once signed by the Judge, this agreement will become the new custody and visitation order. If no agreement is made in mediation, then it will be up to the Judge to decide what the custody and visitation plan will be.

Who comes to mediation? Parents ONLY. In the case of domestic violence, a support person may be present, but only for support. They may not participate in the mediation process. Attorneys, current spouses, family members, or significant others are not allowed to attend, or participate in, the mediation. **Children should not attend any mediation session.**

Until further notice, all FCS mediations are being conducted by phone. On the day and time of your scheduled mediation appointment, the mediator will call each Party at the phone number provided on the FCS intake form to begin the mediation appointment.

At least three days prior to the scheduled mediation date each parent must complete and submit an FCS mediation form. Forms are available at: https://www.slo.courts.ca.gov/dv/familycourt.htm. Completed mediation forms should be emailed to slo-fcssec@slo.courts.ca.gov or faxed to (805) 706-0210.

When does mediation start? Mediations are currently conducted over the phone at 9:00 a.m., 10:00 a.m., 1:00 p.m., and 2:30 p.m. on Mondays, Tuesdays, and Thursdays. Mediations are either set by the Judge, at a hearing, or when a party files a 'Request for Order' to address child custody issues.

How long does mediation last? Mediation appointments are set for one hour. However, the actual time mediation takes can vary. For example, some cases take thirty minutes and some last over an hour. If more time is needed, the Judge might schedule a follow-up mediation.

Restraining Orders (Examples: Domestic Violence, Civil Restraining Order, and Criminal Protective Order, etc.): Separate appointments are arranged. If there is a criminal restraining order in your case, we cannot write any custody and visitation orders that conflict with this criminal restraining order. Bringing a copy of any restraining orders is helpful. Separate mediation sessions may also be provided if there is not a current restraining order in place. For example, if there is a history in the court record of requests for restraining orders, if either parent discloses to the mediator that there was previously domestic violence in the relationship, or if there are serious safety concerns about mediating over the phone with the other parent, separate mediation appointments may also be offered.

****Records:** If you bring any documentation to the mediator, then you must also provide it to the other party. Any documentation you bring to the mediator will be shredded after the appointment. **We do not maintain any papers in your case at Family Court Services.**

Communication with Attorneys: Attorneys do not attend mediation, but you will be given time to consult with your attorney. Depending on the date of the hearing, you can have up to ten days to review any potential settlement with your attorney. Your attorney will be sent a copy of your agreement/stipulation if you make one.

"Parenting After Separation" class: This is a free online course which addresses the needs of children whose parents maintain separate households. This class can be taken online at: https://pas.familieschange.ca.gov/. This program satisfies the Court's requirements for parent education prior to receiving final orders.

Cancellation and rescheduling of appointments:
In the event of an emergency, parties (or their attorneys) must call (805) 706-3608 to cancel or reschedule an appointment. If mediations need to be rescheduled for any reason, including those with pending Child Welfare Services investigations, Family Court Services will reschedule at their discretion.

Non-Appearance:
A mediation will not take place if one party does not show up for the scheduled phone appointment. An absent party is given 30 minutes to show up before he or she is officially considered a "no show." The Mediation Outcome Report will only indicate which party did not show up.

Agreements:
If parents make an agreement, then the mediator writes up a 'Parenting Plan Stipulation and Order After Mediation' which will be sent via email. If an alternative method to receive the stipulation is preferred, the parties can discuss arrangements with the mediator. Depending on the date of the hearing, the parents can have up to ten days to get back to the mediator about whether or not they intend to sign and about making any corrections to the draft, if needed. This process may be expedited if the parents have Court right away. If the agreement is not signed by all parties within the alloted time provided by the mediator, then the Court will be informed that there was no agreement. An agreement is also often referred to as a Stipulated Agreement or a Parenting Plan.

Limits to Confidentiality

1. The Family Court Mediator is mandated to report suspected child abuse, elder abuse, and the risk of suicide/ and/or homicidal behavior or threats.

2. If there is a pending Child Welfare Services investigation, mediation will be rescheduled until Child Welfare Services completes their investigation.

3. If a full agreement is reached, your agreement will be submitted to the court only after all parties (including their attorneys) have signed the document.

4. If a full agreement is not reached, the mediator will not make any recommendations to the court.

5. The party's attorney, and minor's counsel (if appointed), will receive a copy of the agreement. It will be at the discretion of the Mediator to include any suggested changes made by the party's attorney or (appointed) minor's counsel.

Additional Information:

Additional information about FCS Mediation may be found at: https://www.slo.courts.ca.gov/dv/familycourt.htm.

The following pages outline more information about agreements written by mediators at Family Court Services, including what areas they typically address, things for parents to consider when customizing agreements to fit their children's specific needs, and what the agreements typically looks like:

THE "STIPULATED AGREEMENT" OR "PARENTING PLAN"

The are three (3) main sections of a Stipulated Agreement/Parenting Plan:

1) The Legal Custody section

2) The Parenting Plan section (also called Physical Custody)

3) The General Provisions section

THE LEGAL CUSTODY SECTION:

The Legal Custody section addresses who makes the legal decisions about your children's Health, Welfare, and Education. There are two types of LEGAL CUSTODY:

A. **Joint Legal Custody**

In Joint Legal Custody, the parents agree to consult and cooperate with each other to reach a mutual agreement on all issues affecting their children's Health, Welfare, and Education.

B. **Sole Legal Custody**

In Sole Legal Custody, one parent has sole responsibility for making decisions regarding their children's Health, Welfare, and Education.

THE PARENTING PLAN SECTION (Physical Custody):

The Parenting Plan section outlines the schedule of where the children reside on a day to day basis. This section may also include where the children reside during holidays, summer break, special events, birthdays, and vacations.

THE GENERAL PROVISIONS SECTION:

The General Provisions section includes provisions about how the parents will handle a variety of situations including but not limited to how they will communicate information about the children to one another, how they will notify one another of changes of address or telephone number, how they will arrange phone calls with the children, how out of county/state/country travel with the children will be addressed, how drug and/or alcohol consumption on the part of a parent will be addressed, etc. Many other provisions may be developed by the parents as well.

SHAPING A PARENTING PLAN

We want you to think about what kind of plan will best help each of you parent well and give your children the best life you can. That means thinking about how you will share time, information and decision making as parents. As you think about this, remember that what will help your children the most in adjusting to your separation is knowing that they are going to have regular time with both of you.

Here are some questions to help each of you shape a new parenting plan.

A. TIME SHARING

1. What are the children's schedules and needs?
(Think about school and activity schedule, about children having time alone with each parent)

2. What is your schedule and what are your needs? What is the other parent's schedule, as far as you know it?

3. How would you deal with vacation time? Holidays, birthdays, Mother's and Father's Day, unexpected events?

4. What would be the best way of helping the children move easily from one home to another?

5. Where there is risk of domestic violence, do you need a neutral, safe place for the exchange? If yes, what would be the best way to do this?

6. How will telephone calls between the children and the other parent be handled when the children are with you?

B. DECISION MAKING

1. How do you want to make the major decisions in your children's lives (i.e. which school, what health-care providers, medical emergencies, extracurricular activities, summer programs)?

2. What are the day-to-day decisions you should handle during the time the children are with you?

3. As the children grow, their needs change and your life and needs will probably change too. How will you work out new plans and your differences about them when these changes happen?

C. INFORMATION SHARING

1. What information will you want to share with the other parent on a regular basis?

2. How will you share information with the other parent?

PLANNING FORM FOR CHILD'S TIME WITH EACH PARENT

Based on your answers to the previous questions, and your knowledge of your child's mental health, temperament, style, adaptability and attachment to each parent, and your availability to care for your child, fill out the calendars below.

*Note: Each line covers two weeks of time, providing the space to create up to four different time sharing plans that you could live with. At least one of them-with some negotiated adjustments-should work for everyone involved. Use M and F to show when children are with each parent.

	M	T	W	TH	F	SA	SU	M	T	W	TH	F	SA	SU
AM														
PM														

	M	T	W	TH	F	SA	SU	M	T	W	TH	F	SA	SU
AM														
PM														

	M	T	W	TH	F	SA	SU	M	T	W	TH	F	SA	SU
AM														
PM														

	M	T	W	TH	F	SA	SU	M	T	W	TH	F	SA	SU
AM														
PM														

<u>The following pages include a sample Family Court Services Stipulated Agreement (Parenting Plan):</u>

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN LUIS OBISPO

Case No. **FL000000**

Petitioner:	**Full name as on Court file**	)
		) PARENTING PLAN STIPULATION
		) AND ORDER FOLLOWING MEDIATION
Respondent:	**Full name as on Court file**	)

Court Date: Hearing date or "none"

Attorney for Petitioner: Attorney's Name or Self Represented Litigant

Attorney for Respondent: Attorney's Name or Self Represented Litigant

The Petitioner, Father, and the Respondent, Mother, met for mediation on 1/3/2003. The parents have agreed to the following Parenting Plan with regards to Minor, DOB: month/day/year.

The parties herein agree that they are the parents of the above named child.

LEGAL CUSTODY

The parents have agreed to JOINT LEGAL CUSTODY of Minor.

For the purposes of this Parenting Plan, JOINT LEGAL CUSTODY shall be defined as follows: The parent with whom Minor resides at a given time shall have the day-to-day decision making responsibilities regarding Minor; and the parents shall consult and cooperate with each other to reach a mutual agreement on all issues affecting the HEALTH, WELFARE, and EDUCATION of Minor which includes but are not limited to the following:

1. Enrollment or termination of enrollment in a particular school or school program.
2. Advancing or holding back in school.
3. Beginning or ending the regular practice of a religion.
4. Arranging for child care providers for long term and/or after school child care.
5. Selecting non-emergency medical, dental, and /or psychological services.
6. Authorizing Minor's driver's license.
7. Authorizing employment for Minor.
8. Authorizing Minor's marriage.
9. Authorizing Minor's enlistment into the Armed Forces.

10. Passport application for Minor.
11. Authorizing sex education for Minor.
12. Arranging or permitting regularly occurring extracurricular activities for Minor.
13. Authorizing the purchase of an automobile for Minor.
14. Both parents shall be listed by name, address and telephone number as the parents, as one of the emergency contact persons, and as an individual authorized to pick up Minor from school or day care. The names of both parents shall be listed with appropriate personnel of all care providers, as well as those involved in the child's extracurricular activities, including but not limited to preschools, schools, doctors, dentists, psychologists, counselors, coaches, scout leaders, or others involved with the child on an ongoing basis.

PARENTING PLAN

**[THESE PARENTING PLANS ARE EXAMPLES ONLY.
YOUR PARENTING PLAN WILL BE DESIGNED TO MEET THE NEEDS
OF YOUR PARTICULAR SITUATION AND CAN ONLY BE
DEVELOPED BY MUTUAL AGREEMENT
BETWEEN YOU AND THE OTHER PARENT.]**

PARENTING PLAN

The children shall reside with their mother at all times with the following exceptions: The children shall reside with their father on the first and third weekend of every month from Friday at 3pm until Monday at 8am. For the purposes of this parenting plan, the first weekend of the month shall be defined as the weekend containing the first Friday of the month. The children shall also reside with their father every Wednesday from 5pm until 8pm.

OR

The children shall reside with their father at all times with the following exceptions: The children shall reside with their mother on alternate extended weekends from Thursday after school until Monday before school. Mother's first alternate extended weekend with the children shall commence on (insert date here).

OR

The parents agree that the children shall reside with each parent equally on a one week rotation. The parents further agree that the exchange date will be on Fridays at 3pm.

OR

The parents agree that the (infant) child shall reside with his mother at all times with the following exceptions: The (infant) child shall reside with his father every Monday, Wednesday and Friday from 5pm until 7:30pm and every Saturday from 10am until 2pm. Additional time with father and changes to the above plan may be made by mutual agreement of the parents.

HOLIDAYS

The children's holiday visitation with each parent shall be negotiated by mutual agreement of the parents.

OR

During the year 2002 and on all even numbered years, the children shall reside with their father for Easter and Thanksgiving, and with their mother for Christmas Eve and Christmas Day. During the year 2003 and on all odd numbered years, the children shall reside with their mother for Easter and Thanksgiving, and with their father for Christmas Eve and Christmas Day.

TRANSPORTATION

The receiving parent shall provide transportation for visitation exchanges.

OR

The parents shall meet at the McDonald's in Buellton for visitation exchanges (i.e. for long distance parenting).

SUMMER SCHEDULE

Schedule for when school is not in session.

VACATION

How vacations are to be arranged, and how parents will notify each other about vacations.

OTHER

Anything else that is important to parents, and not covered in General Provisions.

Example: Children will not call anyone but mother or father, "mommy/daddy" or any derivative thereof.

GENERAL PROVISIONS

1. Each parent agrees to provide the other parent with the address and telephone number where Minor resides while in their care, and they shall notify the other parent within 1 day of a change in telephone number and 30 days prior to a change in residence.

2. Prior to either parent relocating their primary residence to a location outside San Luis Obispo County, they shall provide the other parent with written notification sixty (60) days prior to moving.

3. Neither parent shall change Minor's residence to a location outside San Luis Obispo County except with prior written consent of the other parent or by order of the Court.

4. The parents agree to provide each other with a travel itinerary, including the estimated time of return and, whenever reasonably possible, the telephone numbers where Minor can be reached while traveling with either parent for a period of 24 hours or more.

5. Minor shall be picked up and returned at the designated times. Should a delay become necessary, the delayed parent shall notify the other parent immediately.

6. Each parent agrees to provide the other parent, promptly upon receipt, any information concerning the well-being of Minor, including but not limited to report cards, school meeting notices, vacation schedules, class programs, results of standardized or diagnostic tests, notices of activities involving Minor, order forms for school pictures, all communications from health care providers, the names, addresses and telephone numbers of all schools, health care providers, regular day care providers and counselors.

7. Each parent shall be responsible for keeping themselves advised of school, athletic and social events in which Minor participates. Both parents may participate in any activity involving Minor that includes parental participation.

8. Both parents shall refrain from the use of nonprescription drugs and not be under the influence of alcohol, as legally defined, for 24 hours prior to and all during their time with Minor.

9. Either parent may request alcohol/drug testing of the other parent at the time of exchange of Minor if there is a reasonable, good faith belief that the other parent is under the influence of alcohol or drugs. The parent who is to be tested is to appear at a testing facility, and be ready to test, within one hour of the time the request is made. Testing facilities include but are not limited to all Star Drug Testing Facilities. Failure to cooperate with the request to test within the time frame cited shall be considered a dirty test. The parent taking the test is to pay the fees charged by

the testing facility. If the test is clean, the parent requesting the test is to reimburse the other parent for the costs of testing, and the parent tested shall make up any missed visitation time at a time and place of his/her choosing. If the test is dirty, the testing parent is not entitled to have any missed visitation made up. A pattern of dirty tests shall be sufficient basis to change or modify custody or visitation. A pattern of requests to test, with consistently clean test results, may indicate that the requesting parent is attempting to interfere with the child's right to have contact with the other parent. Such interference may be sufficient basis to change or modify custody or visitation.

10. Neither parent shall consume alcohol or use controlled substances 24 hours prior to or during the time Minor is in their care. Nor will they allow Minor to be in the presence of others abusing alcohol or using controlled substances.

11. Both parents are enjoined and restrained from making derogatory, demeaning, harassing comments or criticisms about the other parent in the presence of Minor. Nor will they allow others to make derogatory, demeaning, harassing comments or criticisms about the other parent in Minor's presence.

12. Each parent shall be entitled to reasonable telephone contact with Minor. The parent in whose home Minor receives a telephone call shall not interfere with the child's right to privacy during conversations. Said calls are for the exclusive purpose of Minor and the parent to talk to each other.

13. Each parent is empowered to obtain emergency medical care for Minor without prior consent from the other parent. Each parent shall notify the other parent as soon as reasonably possible of any emergency medical event involving Minor.

14. Should either parent require child care services for a period of 24 hours or more while Minor is in their care, the other parent shall be advised and given the opportunity to provide such care before other arrangements are made for child care.

15. RESTRAINING ORDER: Both parents are enjoined and restrained from removing Minor from California except with prior written consent of the other parent or by Court Order.

16. The terms of this stipulation may be modified. However, unless there is a mutual agreement on modification, the existing stipulation shall remain in full force and effect.

17. MEDIATION: The parents agree to return to mediation for further planning on (date).

It is hereby stipulated by and between the undersigned that The Parenting Plan Stipulation and Order Following Mediation may be signed by the Court Commissioner as a Judge Pro Tem.

ACKNOWLEDGMENTS

Each of us acknowledge that this order modifies any existing Court Order, but only as to those matters covered in this agreement. Those terms of the existing Court Order not mentioned in this agreement remain in full force and effect according to the terms of the existing orders.

Each of us acknowledge that this agreement and order shall remain in full force and effect until it is modified by a subsequent stipulation of the parties or by Court Order.

We have read the entire stipulation and agreement. We understand it fully and request the Court to make our stipulation and agreement the Court's Order. We understand that willful failure to comply with the provisions of this order will be contempt of Court and may be punished by fine and imprisonment.

Full name as on Court file Petitioner	Date	Full name as on Court file Respondent	Date
Name of Attorney (if applicable) Attorney for Petitioner	Date	Name of Attorney (if applicable) Attorney for Respondent	Date

ORDER

The foregoing written stipulation between the parents is declared the Order of the Court. The parents are ordered to comply with and perform each and all of the terms, conditions and provisions of this stipulation and agreement.

Dated	JUDGE OF THE SUPERIOR COURT

We have read these orders, understand them, and hereby acknowledge receipt thereof.

Dated	Full name as on Court file, Petitioner
Dated	Full name as on Court file, Respondent