



Superior Court of California County of Trinity

PO Box 1258 Weaverville, CA 96093
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Eric L Heryford
PRESIDING JUDGE

Michael B Harper
JUDGE

Staci Holliday
EXECUTIVE OFFICER

WELCOME TO FAMILY COURT SERVICES

- Please complete YOUR "INTAKE PACKET" & turn it in to us today. You will not be contacted for an appointment until **BOTH PARENTS HAVE TURNED IN THEIR PACKETS COMPLETELY FILLED OUT. If an appointment has been scheduled prior to a packet being received by the CCRC, a completed packet MUST be submitted before mediation will occur.**
- It is YOUR RESPONSIBILITY to get us copies of any declarations that you have filed with the COURT (with attached proof of service) related to custody & visitation. We do not have copies of everything that you have filed with the Court.
- DO NOT BRING CHILDREN WITH YOU TO YOUR APPOINTMENT &, if you have mediation over the phone, they may not be in the room with you.
- **AUDIO AND/OR VIDEO TAPING DURING A CCRC SESSION IS ILLEGAL & STRICTLY PROHIBITED. Mediation is confidential. No one other than the parties can be present during mediation.**
- **It is NOT THE RESPONSIBILITY OF THE COUNSELOR TO TRACK YOU DOWN TO SCHEDULE YOUR APPOINTMENT. IF YOU DO NOT RESPOND AND/OR REACH THE COUNSELOR YOU WILL BE REFERRED BACK TO THE COURT AND WILL HAVE TO BE REREFERRED TO COUNSELING BY THE COURT.**
- ALLOW AT LEAST 2 HOURS for your scheduled appointment.
- **If you have a phone appointment, we will only make one attempt to call you. If you do not answer, we consider that a no-show and you will be referred back to Court.**
- DON'T BE LATE. We will only hold your appointment for 15 minutes before we will allow the other party to leave, and your appointment will be canceled. If your appointment is canceled, you will be required to explain to the Court on your return court date why you did not comply with the Court order to attend your appointment. The Court can sanction parties (monetary fine up to \$1,500.00) who fail to comply with the order to Family Court Services.
- ONCE YOUR FCS APPOINTMENT IS OVER, WE HAVE NO FURTHER AUTHORITY OVER YOUR CASE. DO NOT CALL AND TRY TO TALK TO THE COUNSELORS. EX-PARTE COMMUNICATION IS STRICTLY PROHIBITED.

DON'T FORGET TO TURN IN YOUR INTAKE PACKET

Trinity Superior Court Family Court Services

Child Custody Recommending Counseling (CCRC) Orientation Packet

A referral to CCRC is required by law when parents don't agree about child custody and/or visitation matters. This handout helps parents understand the process of CCRC. Please read it carefully.

What is CCRC? CCRC is the process of helping parents, (or other parties in dispute) reach an agreement on custody and visitation matters. Typically, joint CCRC takes place with both parties together in an ordinary office setting. However, if you are a victim of domestic violence and would not feel safe in joint CCRC, you may request separate mediation. See "Notice of Victims of Domestic Violence (page three). CCRC occurs between the disputing parties and the Child Custody Recommending Counselor. Attorneys do not take part in CCRC.

The CCRC process is designed to help parents define issues and focus on what is in the best interests of their children. The Child Custody Recommending Counselor helps parents explore options and make decisions that are based on those best interests. Parents need to recognize that the Child Custody Recommending Counselor is more interested in the welfare of the children than in the discomfort, disappointment, or welfare of the parents. With the help of the Child Custody Recommending Counselor, the parents negotiate an agreement in the children's best interests that both sides find acceptable. If parents are unable to come to a mutually acceptable agreement they will be referred back to the Court.

What will the Child Custody Recommending Counselor want to know? The Child Custody Recommending Counselor will want to know the reasons for each parent's preferences for custody and visitation. After areas of agreement and differences are identified, then the process of examining, negotiating and compromising begins.

If there are legitimate reasons why one or both parents are unfit to raise or have contact with the children, the Child Custody Recommending Counselor will want to know the details. If the Child Custody Recommending Counselor believes there is a reasonable suspicion of child abuse or neglect, CCRC will be suspended and a referral to Child Protective Services will be made. Generally, the Child Custody Recommending Counselor is not interested in reasons for the parents split or the grievances between parents. Child support issues are generally not addressed in CCRC. Letters of reference, police reports, school records, visitation records, medical records, or other important information should be submitted to the Child Custody Recommending Counselor before the CCRC session and a copy provided to the other party.

Is CCRC confidential? Ordinarily, CCRC is confidential between the Child Custody Recommending Counselor and the parties involved. However, if CCRC does not result in an agreement and the Child

Custody Recommending Counselor makes a recommendation to the Court; information obtained in mediation that is relevant to the recommendation may be related to the Court. Also, the Child Custody Recommending Counselor may inform the Court of allegations or threats of a serious nature and may recommend an investigation. If serious allegations of child abuse or neglect are raised, the Child Custody Recommending Counselor will report the situation to proper authorities.

Do children have a say? Because the purpose of CCRC is for parents to reach an agreement, children usually do not take an active role in the process. As part of an assessment to be used in making a recommendation to the Court the Child Custody Recommending Counselor may request to see a child if the parents are unable to agree on custody and visitation arrangements. *As of January 1, 2012, children fourteen years of age have the right to address the Court as to their opinion regarding custody and visitation.* However, the Court has the discretion to choose not to hear a child if it is deemed contrary to the child's best interest. And, it is important to remember that the child will have a voice, but the Court is not required to adopt the child's preferences, only to consider the child's wishes.

It is the parents' joint responsibility to make custody decisions. It is not a good idea for parents to question children about their preferences in custody and visitation matters. Children may volunteer information, but should not be asked to "choose" one parent over the other. The stress of parental separation and custody disagreements is difficult enough for children without the burden of being asked to make adult decisions. Parents, acting in behalf of their children, bear the responsibility for custody decisions.

What is joint legal custody? Joint legal custody means that parent's rights are held by both parents no matter how the child's time is shared with each parent. These rights include access to medical and educational records. Similarly, the parents are jointly liable for the minor's acts and financial support. Legal custody may be removed by a judge when a parent is shown to be, for example, seriously abusive to the child or the other parent. It is possible for a parent to have legal custody of his/her child but not be allowed physical custody or to see the child.

What is physical custody? Physical custody refers to the physical residence of the child. Physical custody involves the division of time with the child, ranging from no time to having the child 100% of the time. Current social and legal philosophy is to provide children with as much access as possible to both parents when it serves the children's best interest.

What happens after CCRC if the parties reach an agreement? If a CCRC session results in an agreement on the terms and conditions of custody and visitation, the Child Custody Recommending Counselor delivers the signed agreement to the Judge of the Superior Court. The judge makes a court order based

on the agreement. The Child Custody Recommending Counselor does not have authority to make or change a court order.

What happens if CCRC does not result in an agreement (impasse)? If CCRC does not result in an agreement, the Child Custody Recommending Counselor will submit a memorandum to the Court with a short synopsis of the parties' positions and recommending that a court hearing be set. The judge determines the final terms and conditions and makes the court order for child custody and/or visitation arrangement.

Notice to Victims of Domestic Violence

If you are a victim of domestic violence (as defined by California Family Law Code Section 6200-6219) , or if there is a restraining order in effect against the other party, you may request a separate CCRC session instead of a joint CCRC session. In separate mediation sessions you meet with the Child Custody Recommending Counselor separately and at separate times.

If it has been determined there is domestic violence in your family, a special law may apply which is, **Family Law Code 3044.**

Regularly scheduled joint CCRC takes place with both parties together in an ordinary office setting. If you have been a victim of domestic violence and feel that you would not be able to freely negotiate in a joint CCRC session due to threats, intimidation, fear for your personal safety, or fear of retaliation, please advise the Child Custody Recommending Counselor that you are requesting separate sessions. If you are concerned about your safety, it is important that you communicate your fears to the Child Custody Recommending Counselor.

If you are a victim of domestic violence instead of separate CCRC sessions, you may also be entitled to the presence of a “support person” to accompany you during the joint CCRC session. The support person is for “moral support” only and may not speak in the CCRC session. *If you choose to use a support person, that person must be pre-approved by the Child Custody Recommending Counselor prior to the CCRC session.*

Counselors or employees of a domestic violence shelter or program are usually approved as support persons. Family members, friends, children or new partners are not usually appropriate support persons, and are not usually approved.

If you believe that you have the right to a separate session due to domestic violence (as defined by California Family Law Code Section 6200-6219), or are requesting the presence of a support person, please fill out the attached form and return it with your yellow intake forms.

Please keep this Orientation Packet for your records. Return only the Intake Form to the Child Custody Recommending Counselor.