

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**DOMESTIC VIOLENCE –
RESTRAINING ORDER
WITH CHILDREN PACKET**



FORMS INCLUDED IN THIS PACKET

FORMS INCLUDED IN THIS PACKET	
Request for Child Custody and Visitation Orders	Judicial Council Form #DV-105
Child Custody and Visitation Order	Judicial Council Form #DV-140
Supervised Visitation and Exchange Order	Judicial Council Form #DV-150
Request for Order: No Travel With Children	Judicial Council Form #DV-108
Order: No Travel With Children	Judicial Council Form #DV-145
Family Court Services Screening Form	SDSC Form #FCS-046
Family Court Services (FCS) Data Sheet	SDSC Form #FCS-002
Family Court Services Child Custody Recommending Counseling Information Sheet	SDSC Form #FCS-022
Domestic Violence and Child Custody	

This form is attached to DV-100, *Request for Domestic Violence Restraining Order*.

Check the orders you want .

1 Your name: _____ Mom Dad Other*

2 Other parent's name: _____ Mom Dad Other*

*If Other, specify relationship to child: _____

3 **Child Custody**

I ask the court for custody as follows:

Legal Custody to: (Person who makes decisions about health, education, and welfare)

Physical Custody to: (Person you want the child to live with)

Child's Name	Date of Birth	Mom	Dad	Other	Mom	Dad	Other
a. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if you need more space. Attach a sheet of paper and write "DV-105, Child Custody" for a title.

4 **Change Current Court Order**

I want to change a current child custody or visitation court order.

Case Number (if you have it): _____ County: _____

Explain your current order and why you want a change. _____

Check here if you need more space. Attach a sheet of paper and write "DV-105, Change Current Court Order" for a title.

5 **Child's Address**

Where has the child in 3(a) lived for the last 5 years? Give each city and state the child has lived unless it is unknown to the other parent and you want to keep it confidential because of domestic violence or child abuse. Start with where the child lives now and work backwards in time. (If the current address is confidential, check the box below and just provide the current state).

Child 3(a) addresses (city and state):	Child 3(a) lived with:			Dates lived there:
	Mom	Dad	Other	
<input type="checkbox"/> Confidential _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to present
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From _____ to _____

Check here if you need more space. Attach a sheet of paper and write "DV-105, Child's Address" for a title.

This is not a Court Order.

6 Other Children's Addresses

- Check here if the other child's (or children's) address information is the same as listed in 5.
- If it is different, check here. Attach a sheet of paper and write "DV-105, Other Children's Addresses" for a title. List other children's address information, including dates, and name of person child lived with.

7 Other Custody Case

Were you involved in, or do you know of, any other custody case for any child listed in this form?

- No Yes *If yes, fill out below and attach a copy of any custody or visitation orders if you have them:*

a. Name of each child in other custody case: _____

- b. Type of case: Parentage (Paternity) Divorce Child Support Guardianship
 Juvenile/Dependency Domestic Violence
 Other (specify): _____

c. I was a Party Witness Other (specify): _____

d. Court (name): _____

Address: _____ County: _____ State: _____

e. Date of court order: _____

f. Case number (if you have it): _____

8 Other People With or Claiming to Have Custody or Visitation Rights

Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? No Yes *If yes, fill out below:*

Name and address of that person:

- Has custody Claims custody rights Claims visitation rights

For these children (name of each child):

Check here if you need more space. Attach a sheet of paper and write "DV-105, Other People With or Claiming Custody or Visitation" for a title.

9 Visitation

I ask the court to order that the person in 2 have the following temporary visitation rights:

(Check all that apply)

- a. No visitation until the hearing
- b. No visitation after the hearing
- c. The following visitation until the hearing after the hearing

(1) **Weekends** (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of month

from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

(2) **Weekdays** (starting): _____

from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

This is not a Court Order.

10 **Other Visitation**

Attach a sheet of paper with other visitation days and times, like summer vacation, holidays, and birthdays. List dates and times. Write "DV-105, Visitation" for a title.

11 **Responsibility for Transportation**

The parent will take or pick up the child or make arrangements for someone else to do so.

I ask the court to order that:

- a. Mom Dad Other (name): _____ **take children to** the visits.
- b. Mom Dad Other (name): _____ **pick up children from** the visits.
- c. Drop-off / pick-up of children will be at (address): _____
- d. Check here if other arrangement. Attach a sheet of paper and write "DV-105, Responsibility for Transportation" for a title.

12 **Supervised Visitation**

a. I ask that the visitation in **9** be supervised by

- A professional supervisor A non-professional supervisor Other _____
- Name and telephone number, if known:* _____

b. I ask that the visitation in **10** be supervised by

- A professional supervisor A non-professional supervisor Other _____
- Name and telephone number, if known:* _____

c. I ask that any costs for supervision be paid by:

Mom _____% Dad _____% Other (name) _____%

13 **Travel With Children**

I ask the court to order that:

Mom Dad Other (name): _____ **must** have written permission from the other parent, or a court order, to take the children outside of:

- a. The State of California County of: _____
- b. Other place(s) (list): _____

14 **Child Abduction Risk**

I believe that there is a risk the other parent will take our child out of California and hide the child from me.
If you check this box you must fill out and attach Form DV-108, Request for Order: No Travel with Children.

Important Instructions

- You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.
- If the court makes a temporary custody order, the parent receiving custody must not take the child out of California without a noticed hearing. (See Family Code §3063.)

This is not a Court Order.

This form is attached to (check one): DV-110 DV-130

1 Name of Protected Person: _____ Mom Dad Other*

2 Other Parent's Name: _____ Mom Dad Other*

* If Other, specify relationship to child: _____

The Court Orders:

3 Child Custody is ordered as follows:

Legal Custody to: (Person who makes decisions about health, education. Check at least one.)

Physical Custody to: (Person the child lives with. Check at least one.)

Child's Name	Date of Birth	Mom	Dad	Other*	Mom	Dad	Other*
a. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If more children, check here. Attach a sheet of paper and write "DV-140, Child Custody" for a title.

* If Other, specify relationship to child and name of person: _____

4 Child Visitation is ordered as follows:

a. No visitation to Mom Dad Other (name): _____

b. See the attached _____ - page document, dated: _____

c. The parties must go to mediation at: _____

d. Until the next court order, visitation for Mom Dad Other (name): _____ will be:

(1) Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of month
from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

(2) Weekdays (starting): _____
from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)

(3) Other Visitation

Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV- 140, Other Visitation" for a title.

5 Supervised Visitation or Exchange

Visits and/or exchanges of children are supervised as specified on Form DV-150, Supervised Visitation and Exchange Order.

This is a Court Order.

6 **Responsibility for Transportation for Visitation**

“Responsibility for transportation” means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. Mom Dad Other (*name*): _____ **take children to** the visits.
b. Mom Dad Other (*name*): _____ **pick up children from** the visits.
c. Drop-off / pick-up of children will be at (*address*): _____
-

7 **Travel with Children**

Mom Dad Other (*name*): _____ **must** have written permission from the other parent, or a court order, to take the children outside of:

- a. The State of California
b. The United States of America
c. Other place(s) (*list*): _____
-

8 **Child Abduction**

There is a risk that one of the parents will take the children out of California without the other parent’s permission. The orders in Form DV-145, *Order: No Travel with Children*, are attached and must be obeyed. (*Fill out and attach Form DV-145 to this form.*)

9 **Other Orders**

Check here and attach any other orders to this form. Write “DV-140, Other Orders” as a title.

10 **Jurisdiction**

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 starting with § 3400).

11 **Notice and Opportunity to Be Heard**

The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

12 **Country of Habitual Residence**

The country of habitual residence of the child or children in this case is The United States of America or Other (*specify*): _____.

13 **Penalties for Violating This Order**

If you violate this order, you may be subject to civil or criminal penalties, or both.

14 **Duration of Child Custody, Visitation, and Support Orders**

If this form is attached to Form DV-130 (*Restraining Order After Hearing*), the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

This is a Court Order.

This form is attached to DV-110, *Temporary Restraining Order* DV-130, *Restraining Order After Hearing*
 DV-140, *Child Custody and Visitation Order*

① **Name of Protected Person:** _____ Mom Dad Other*

② **Other Parent's Name:** _____ Mom Dad Other*

*If Other, specify relationship to child: _____

The Court Orders:

③ **Mediation, Visitation and Exchange**

a. Parties must go to mediation at: _____

b. Visitation of children is supervised.

Parent to be supervised is: Mom Dad Other (name): _____

c. Exchanges of children are supervised.

④ **Schedule of Supervised Visits**

a. All visits as provided in the schedule on Form DV-140, item ④(d) are to be supervised.

b. Supervised visits shall be _____ visit(s) per week of _____ hours(s) each, to be arranged with the provider.

c. Other schedule of supervised visits is attached. (Check here and attach a sheet of paper with "DV-150, Other Schedule" for a title.)

⑤ **Type of Provider**

a. Professional (individual or supervised visitation center)

b. Nonprofessional

c. Therapeutic (licensed mental health professional)

⑥ **Provider's Information**

Name: _____

Telephone number: _____

Address: _____

⑦ **Costs Will Be Paid As Follows:**

Mom to pay: _____ %

Dad to pay: _____ %

Other: _____

⑧ **Contact With Provider**

Mom to contact provider before (date): _____

Dad to contact provider before (date): _____

Other: _____

⑨ **The court also orders (specify):** _____

This is a Court Order.

This form is attached to DV-105, Request for Child Custody and Visitation Orders.

1 Your name: Mom Dad Other*

2 Other parent's name: Mom Dad Other*

*If "Other," specify relationship with children:

3 Do you think the other parent may take the children without your permission to:
a. Another county in California? Yes No If "yes," what county?
b. Another state? Yes No If "yes," what state?
c. A foreign country? Yes No If "yes," what country?
If "Yes," is the other parent a citizen of that country? Yes No
If "Yes," does the other parent have family or emotional ties to that country? Yes No

Explain:

4 Why do you think the other parent may take the children without your permission?
The other parent: (Check all that apply)

- a. Has violated — or threatened to violate — a custody or visitation order in the past.
b. Does not have strong ties to California.
c. Has done things recently that make it easy for him or her to take the children away without permission.
He or she has: (Check all that apply)
Quit his or her job Sold his or her home
Closed a bank account Ended a lease
Sold or gotten rid of assets Hidden or destroyed documents
Applied for a passport, birth certificate, or school or medical records
d. Has a history of: (Check all that apply)
Domestic violence
Child abuse
Not cooperating with me in parenting
Child abduction
e. Has a criminal record
f. Please explain your answers to a–e:

This is not a Court Order.

What orders do you want? Check the boxes that apply to your case.

- 5 **Post a Bond**
I ask the court to order the other parent to post a bond for \$ _____. If the other parent takes the children without my permission, I can use this money to bring the children back.

- 6 **Do Not Move Without My Permission or Court Order**
I ask the court to order the other parent *not* to move with the children without my written permission or a court order.

- 7 **No Travel Without My Permission**
I ask the court to order the other parent *not* to travel with the children outside: (*Check all that apply*)
 This county California The United States Other (*specify*): _____

- 8 **Notify Other State of Travel Restrictions**
I ask the court to order the other parent to register this order in the state of _____ before the children can travel to that state for visits.

- 9 **Turn In and Do Not Apply for Passports or Other Vital Documents**
I ask the court to order the other parent to turn in and *not* apply for passports or other documents (such as visas or birth certificates) that can be used for travel.

- 10 **Provide Itinerary and Other Travel Documents**
If the other parent is allowed to travel with the children, I ask the court to order the other parent to give me before leaving:
 The children's travel itinerary
 Copies of round-trip airline tickets
 Addresses and telephone numbers where the children can be reached
 An open airline ticket for me in case the children are not returned
 Other (*specify*): _____

- 11 **Notify Foreign Embassy or Consulate of Passport Restrictions**
I ask the court to order the other parent to notify the embassy or consulate of _____ of this order and to provide the court with proof of that notification within _____ calendar days.

- 12 **Foreign Custody and Visitation Order**
I ask the court to order the other parent to get a custody and visitation order equal to the most recent U.S. order before the child can travel to that country for visits. I understand that foreign orders may be changed or enforced depending on the laws of the country.

- 13 I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

This form is attached to DV-140, Child Custody and Visitation Order.

1 Name of Protected Person: _____ Mom Dad Other*

2 Other Parent's Name: _____ Mom Dad Other*

*If Other, specify relationship to child: _____

The Court Finds:

3 There is a risk that (name of parent): _____ might take the children without permission because that parent (check all that apply):

- a. Has violated—or threatened to violate—a custody or visitation order in the past
b. Does not have strong ties to California
c. Has done things that make it easy for him or her to take the child without permission.

He or she has (check all that apply):

- Quit his or her job Sold his or her home
 Closed a bank account Ended a lease
 Sold or gotten rid of assets Hidden or destroyed documents
 Applied for a passport, birth certificate, or school or medical records

- d. Has a history of (check all that apply):
 Domestic violence
 Child abuse
 Not cooperating with the other parent in parenting
 Taking the children without permission

e. Has a criminal record

f. Has family or emotional ties to another county, state or foreign country

Note: If (f) is checked, at least one other item in items (a)–(e) must be checked also.

The Court Orders:

The Court makes the orders, checked below, to prevent the parent in 3 from taking the children without permission. These orders are valid in other states and any country that has signed The Hague Convention on the Civil Aspects of International Child Abduction.

4 Post a Bond
The parent in 3 must post a bond for \$ _____ .

5 Do Not Move Without Written Permission of the Other Parent or Court Order
The parent in 3 must not move with the children outside This county California
 The United States

Other (specify): _____
without written permission from the other parent or a court order.

6 Do Not Travel Without Permission of the Other Person or Court Order
The parent in 3 must not travel with the children outside (check all that apply):
 This county California The United States Other (specify): _____
without written permission of the other parent or a court order. _____

This is a Court Order.



- 7** **Notify Other State of Travel Restrictions**
 The parent in **(3)** must register this order in the state of _____ before the children can travel to that state for visits.
- 8** **Turn In and Do Not Apply for Passports or Other Vital Documents**
 The parent in **(3)** must *not* apply for passports or other documents (such as visas or birth certificates) that can be used for travel, and must turn in the following documents: _____
- 9** **Provide Itinerary and Other Travel Documents**
 The parent in **(3)** must give the other parent the following before traveling with the children:
- The children's travel itinerary
 - Copies of round-trip airline tickets
 - Addresses and telephone numbers where the children can be reached
 - An open airline ticket for the other parent in case the children are not returned
 - Other (*specify*): _____
- 10** **Notify Foreign Embassy or Consulate of Passport Restrictions**
 The parent in **(3)** must notify the embassy or consulate of _____ of this order and provide the court with proof of that notification within _____ calendar days.
- 11** **Foreign Custody and Visitation Order**
 The parent in **(3)** must get a foreign custody and visitation order equal to the most recent U.S. order before the children can travel to that country for visits. The court recognizes that foreign orders may be changed or enforced depending on the laws of that country.
- 12** **Enforcing the Order**
 The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at:

- 13** **Other**

Notice to Authorities in Other States and Countries

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (California Family Code, part 3, § 3400 et seq.) and The Hague Convention on the Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they will be listed in paragraph 13 above.

This is a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA, 92101 <input type="checkbox"/> CENTRAL DIVISION, MADGE BRADLEY, 1409 4TH AVE., SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA, 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 340, VISTA, CA, 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	
PETITIONER(S) _____	
RESPONDENT(S) _____	
FAMILY COURT SERVICES SCREENING FORM (CONFIDENTIAL)	CASE NUMBER _____

FATHER

Name: _____

Address: _____

Daytime Telephone Number (8:00 a.m. to 5:00 p.m.): _____

Attorney: _____ Telephone Number: _____

MOTHER

Name: _____

Address: _____

Daytime Telephone Number (8:00 a.m. to 5:00 p.m.): _____

Attorney: _____ Telephone Number: _____

NOTE: THIS SCREENING FORM IS FOR FAMILY COURT SERVICES (FCS) USE ONLY. THIS INFORMATION WILL BE KEPT CONFIDENTIAL.

CHILDREN MAY NOT ACCOMPANY PARTIES TO THE FAMILY COURT SERVICES APPOINTMENT UNLESS ORDERED BY THE COURT OR SPECIFICALLY REQUESTED BY A FAMILY COURT SERVICES COUNSELOR.

FAILURE TO APPEAR OR FAILURE TO CANCEL THE FAMILY COURT SERVICES APPOINTMENT AT LEAST 48 HOURS PRIOR TO THE APPOINTMENT TIME MAY RESULT IN SANCTIONS IMPOSED BY THE COURT OF UP TO \$1500 TO ONE OR BOTH PARTIES PURSUANT TO CODE CIV. PROC. § 177.5 AND SAN DIEGO SUPERIOR COURT LOCAL RULES.

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Do you or the other party allege domestic violence? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is there a domestic violence restraining order? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Do you or the other party require a Spanish-speaking counselor? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do you or the other party live outside of the County of San Diego and need a telephone FCS session? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is a third party requesting custody or visitation? | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Grandparent Joinder | | |
| <input type="checkbox"/> Other: _____ | | |
| Name and relationship to child(ren) | | |

Date: _____

Signature of Filing Party/Attorney



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

FAMILY COURT SERVICES (FCS) DATA SHEET (CONFIDENTIAL)

PLEASE COMPLETE ALL THREE PAGES

Have you previously been to Family Court Services? [] Yes [] No

Case Name _____

Case No. _____

FCS Date _____

Next Court Date _____

IF YOU ARE BEING PROTECTED BY A RESTRAINING ORDER OR IF YOU ALLEGE DOMESTIC VIOLENCE, YOU MAY BE SEEN SEPARATELY. Are you requesting a separate session? [] Yes [] No
If you want to be seen separately, please advise the Family Court Services Clerk when you check in.

SUPPORT PERSON: If you are being protected by a restraining order, a support person may accompany you during your FCS session. The support person must first sign a Family Court Services Domestic Violence Support Person Agreement (SDSC Form #FCS-038). Please advise the Family Court Services Clerk of your support person when you check in.

Are you requesting that your address and telephone number remain confidential? [] Yes [] No

CHECK ONE [] Father [] Mother [] Grandparent [] Other: specify relationship _____

FULL LEGAL NAME _____ AKA OR MAIDEN NAME _____

ADDRESS _____
Number and Street Apt. # City State Zip Code

HOME TEL. NO. _____ WORK TEL. NO. _____ WORK SCHEDULE _____

SOCIAL SECURITY NUMBER _____ BIRTH DATE ____/____/____ PLACE OF BIRTH _____

DRIVER LICENSE NUMBER _____ STATE _____ CURRENTLY VALID [] Yes [] No

ATTORNEY _____ TELEPHONE NO. _____

ADDRESS _____
Number and Street Apt. # City State Zip Code

CHILD(REN)'S ATTORNEY (if any) _____ TELEPHONE NO. _____

ADDRESS _____
Number and Street Apt. # City State Zip Code

PARENTS:

Date of Marriage _____ or Date Began Living Together _____ Date of Separation _____

If dissolution filed, when? _____

NAME OF MINOR CHILD(REN)

Table with 6 columns: First, Middle, Last, Date of Birth, Place of Birth, Parent with whom residing. Rows 1-4.

CASE NAME	CASE NUMBER
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MEDICAL AND DENTAL INFORMATION

Child(ren) Doctor's Name _____ Telephone No. _____

ADDRESS _____
Number and Street Apt. #. City State Zip Code

Please list medical/dental information to be discussed at FCS: _____

EDUCATION

Child	Name of School	Teacher/Counselor	Grade
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

COUNSELING

Is Child(ren) Father Mother in Counseling? Yes No

Counselor for: _____	Counselor for: _____
Counselor's Name _____	Counselor's Name _____
Address _____	Address _____
Telephone No. _____	Telephone No. _____
When did counseling begin? _____	When did counseling begin? _____

CHILD(REN)'S ACTIVITIES AND OTHER SPECIAL NEEDS (Such as special classes, team activities, transportation to and from these activities) _____

- Are there allegations of verbal intimidation or threats? Yes No
- Has there been physical violence between the parents? Yes No
If yes, how long ago? 0 - 6 mos. 6 mos. - 1 yr. 1 yr. or more
- Has law enforcement been involved? Yes No
Please provide details: _____
- Have there been allegations of abuse against the child(ren)? Yes No
 - If yes, when: _____
 - Who made the allegations? _____
 - Who was the alleged abuser? _____
 - Has Child Protective Services (CPS) been involved? Yes No
 - CPS worker's name and telephone number _____

CASE NAME	CASE NUMBER
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FAMILY COURT SERVICES (FCS) DATA SHEET
Please complete the following questions.

- 1. Which parent filed the current court action? _____
- 2. What is the action regarding? _____

- 3. Is there a court order regarding custody and visitation now? Yes No
 - a. If yes, briefly summarize: _____

 - b. When was it issued? _____
- 4. If there is no court order or a different schedule is being practiced, please summarize your current parenting schedule. _____

- 5. What parenting schedule would you like to have? _____

Date: _____

Signature of Party Filling Out This Form

NO ATTACHMENTS PLEASE



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- CENTRAL DIVISION, FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA 92101 (619) 450-7888
- EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 (619) 456-4100
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 (760) 201-8300
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910 (619) 746-6097

FAMILY COURT SERVICES **CHILD CUSTODY RECOMMENDING COUNSELING INFORMATION SHEET**

IMPORTANT: This information sheet is not and should not be considered or construed as legal advice. Child custody recommending counselors do not give legal advice. If you need legal advice, you should consult an attorney.

What Is Child Custody Recommending Counseling?

Child custody recommending counseling (formerly called "mediation") is a process in which parties are given the opportunity to work together, with the assistance of an experienced Family Court Services (FCS) counselor, towards a goal of reaching an agreement regarding a parenting plan for the child(ren). The child custody recommending counseling conference is an opportunity for parties to discuss custody and visitation and make their own decisions about what is in the best interest of the child(ren). The parenting plan that is developed will detail when the children are to be with each party and will specify other parental responsibilities. Information shared by parents in the child custody recommending counseling session is not confidential to the court. The counselor will notify the court of areas of agreement. If no agreement is reached, the counselor will make a written recommendation to the court as to what is believed to be in the best interest of the child(ren). The recommendation will be provided to the parties prior to the court hearing. If you disagree with the counselor's recommendation, during your court hearing, you or your attorney will have the opportunity to tell the judicial officer your position regarding a child sharing plan. Only a judicial officer can make a court order for child custody or visitation.

Telephone calls to a counselor after the Family Court Services session will not be accepted unless the counselor has requested specific information. All information that you want the counselor to know should be discussed during the FCS session.

What will happen at your Family Court Services appointment?

You will view an orientation video before seeing a counselor. The child custody recommending counseling conference will last 1½ to 2 hours. The Family Court Services Data Sheet (SDCS Form #FCS-002) will be reviewed. You will be asked about your home, relationships and other aspects of your life related to parenting. Your proposal for a child sharing schedule and any parenting concerns will be discussed.

Are the parties always seen together in the child custody recommending counseling session?

Arrangements can be made for a telephone conference if one party is out of the county. Please call the FCS office where your session will take place to arrange for participation by telephone.

If you are being protected by a restraining order against the other parent or if you allege domestic violence has occurred, you may be seen separately without the other parent present at your FCS appointment. Also, if a restraining order for your protection is in effect at the time of the appointment, you may have a support person with you during your FCS session, including a session where you are seen without the other parent. Please advise the FCS clerk of these requests when you check in.

Should I bring the child(ren) to the Family Court Services appointment?

Do NOT bring the child(ren) with you for the FCS appointment unless ordered to do so by the court. If an interview with the child(ren) is needed, arrangements will be made for this at a later time.

What are the limitations of child custody recommending counseling?

Child custody recommending counseling does NOT deal with issues related to money, child or spousal support, or property. Family Court Services cannot monitor or enforce court orders.

FAMILY COURT SERVICES
CHILD CUSTODY RECOMMENDING COUNSELING INFORMATION SHEET

I M P O R T A N T

If you do not need the Family Court Services child custody recommending counseling appointment you must cancel it at least two court days prior to the appointment date. If you do not cancel the appointment and/or fail to appear for the appointment you may be ordered by the court to pay a monetary sanction of up to \$1,500 pursuant to Code Civ. Proc. § 177.5.

Where can I obtain additional information about child custody recommending counseling?

FCS provides a free twice monthly Parent Orientation meeting to provide general information regarding child custody and Family Court matters. This meeting is facilitated by an FCS counselor. The orientation lasts about one hour. Advance registration is not required.

Day	Time	Address	Location	Phone
3rd Tuesday of the month	12:00 p.m. *	1555 6th Ave., San Diego	Family Law Court FCS Conference Room 2nd floor	(619) 450-7888
1st Thursday of the month	4:00 p.m.	1555 6th Ave., San Diego	Family Law Court FCS Conference Room 2nd floor	(619) 450-7888

*Please be aware that doors are closed promptly at 12:10 p.m.

Additional information about child custody recommending counseling can be found at www.sdcourt.ca.gov and www.courts.ca.gov.

Domestic Violence and Child Custody

If you are involved in a family law case involving children and there has been domestic violence, here is important information about a law that affects you.

What is “child custody”?

There are two types.

- *Physical custody*: Whom the child lives with
- *Legal custody*: Who makes important decisions regarding the child’s health care, education, and welfare

What is “domestic violence”?

It means to hit, kick, scare, throw things, pull hair, push, follow, harass, sexually assault, or threaten to do any of these things. It also includes other actions that make someone afraid of being hurt. Domestic violence can be spoken, written, or physical.

How does the judge decide if there is domestic violence in my case?

The judge will treat your case as a domestic violence case if, in the last 5 years,

- A parent was convicted of domestic violence against the other parent *or*
- Any court has decided that one parent committed domestic violence against the other parent or the children

Otherwise, the judge will decide based on all the evidence in your case. The judge cannot decide based only on the conclusions or recommendations of Family Court Services staff or a child custody evaluator.

What if the judge decides there is domestic violence in my case?

If a court decides there is domestic violence (now or in the past 5 years) against a parent or the children, the judge must follow special rules to decide custody of the children.

Usually, the judge *cannot* give custody to the person who committed domestic violence. But the judge can give that person visitation.

Are there exceptions?

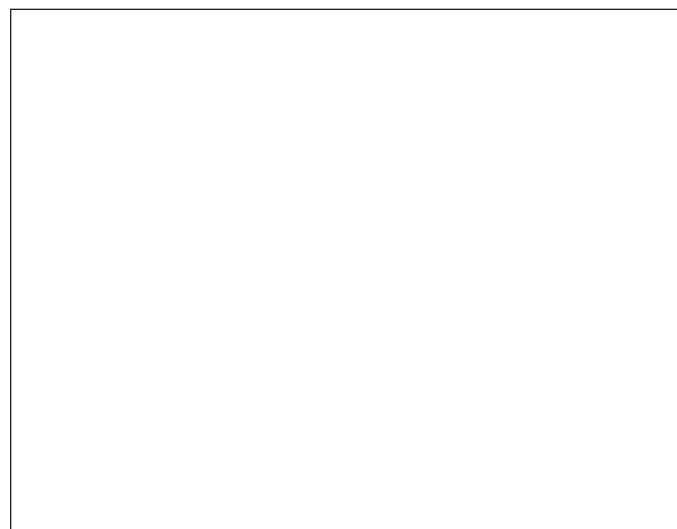
Yes. The judge can give custody to the person who committed the domestic violence. To do so, the judge must consider whether:

- It is best for the child
- The person has:
 - Completed a 52-week batterer’s program
 - Not committed any other domestic violence
- The person has obeyed court orders to:
 - Complete an alcohol or drug abuse program or a parenting class
 - Follow all terms of probation or parole or a protective or restraining order

This law applies to any person seeking custody, not only a parent. To read the law, see California Family Code section 3044 (attached). Other laws also apply.

Need Help?

For more information, contact:



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

California Courts Online Self-Help Center: www.courtinfo.ca.gov/selfhelp/

Family Code Section 3044

January 1, 2004

(a) Upon a finding by the court that a party seeking custody of a child has perpetrated domestic violence against the other party seeking custody of the child or against the child or the child's siblings within the previous five years, there is a rebuttable presumption that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of the child, pursuant to Section 3011. This presumption may only be rebutted by a preponderance of the evidence.

(b) In determining whether the presumption set forth in subdivision (a) has been overcome, the court shall consider all of the following factors:

(1) Whether the perpetrator of domestic violence has demonstrated that giving sole or joint physical or legal custody of a child to the perpetrator is in the best interest of the child. In determining the best interest of the child, the preference for frequent and continuing contact with both parents, as set forth in subdivision (b) of Section 3020, or with the non-custodial parent, as set forth in paragraph (1) of subdivision (a) of Section 3040, may not be used to rebut the presumption, in whole or in part.

(2) Whether the perpetrator has successfully completed a batterer's treatment program that meets the criteria outlined in subdivision (c) of Section 1203.097 of the Penal Code.

(3) Whether the perpetrator has successfully completed a program of alcohol or drug abuse counseling if the court determines that counseling is appropriate.

(4) Whether the perpetrator has successfully completed a parenting class if the court determines the class to be appropriate.

(5) Whether the perpetrator is on probation or parole, and whether he or she has complied with the terms and conditions of probation or parole.

(6) Whether the perpetrator is restrained by a protective order or restraining order, and whether he or she has complied with its terms and conditions.

(7) Whether the perpetrator of domestic violence has committed any further acts of domestic violence.

(c) For purposes of this section, a person has "perpetrated domestic violence" when he or she is found by the court to have intentionally or recklessly caused or attempted to cause bodily injury, or sexual assault, or to have placed a person in reasonable apprehension of imminent serious bodily injury to that person or to another, or to have engaged in any behavior involving, but not limited to, threatening, striking, harassing, destroying personal property or disturbing the peace of another, for which a court may issue an ex parte order pursuant to Section 6320 to protect the other party seeking custody of the child or to protect the child and the child's siblings.

(d) (1) For purposes of this section, the requirement of a finding by the court shall be satisfied by, among other things, and not limited to, evidence that a party seeking custody has been convicted within the previous five years, after a trial or a plea of guilty or no contest, of any crime against the other party that comes within the definition of domestic violence contained in Section 6211 and of abuse contained in Section 6203, including, but not limited to, a crime described in subdivision (e) of Section 243 of, or Section 261, 262, 273.5, 422, or 646.9 of, the Penal Code.

(2) The requirement of a finding by the court shall also be satisfied if any court, whether that court hears or has heard the child custody proceedings or not, has made a finding pursuant to subdivision (a) based on conduct occurring within the previous five years.

(e) When a court makes a finding that a party has perpetrated domestic violence, the court may not base its findings solely on conclusions reached by a child custody evaluator or on the recommendation of the Family Court Services staff, but shall consider any relevant, admissible evidence submitted by the parties.

(f) In any custody or restraining order proceeding in which a party has alleged that the other party has perpetrated domestic violence in accordance with the terms of this section, the court shall inform the parties of the existence of this section and shall give them a copy of this section prior to any custody mediation in the case.