



Lake County Family Court Mediation Orientation



Family Court Services
Superior Court of California
County of Lake



The Purpose of Mediation

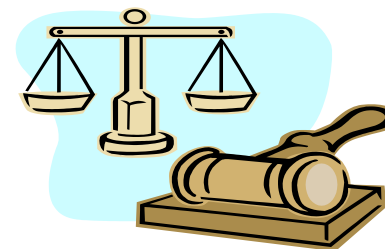
The purpose of mediation is to assist parents in setting a plan that ensures that children have a good relationship and lots of time with each parent.





California Law Defines Three Purposes of Mediation

- To reduce conflict between the parents
- To develop an agreement ensuring the child's close and continuing contact with both parents consistent with public policy and
- To effect a settlement regarding visitation rights that is in the best interest of the child





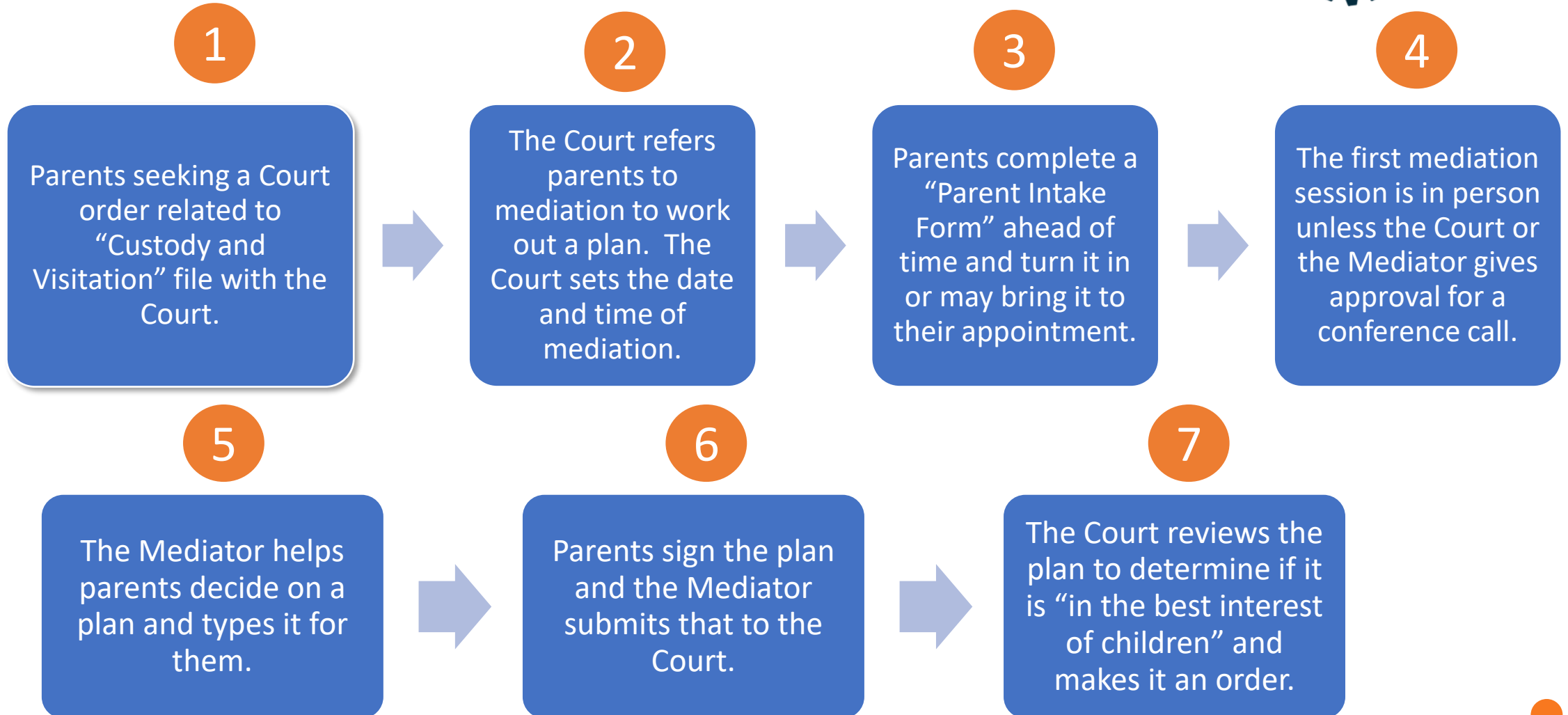
What if Parents Already Have an Agreement?

- If both parents agree to a parenting plan, then the Mediator may assist you with preparing a written statement to submit to the court.





From Mediation to Custody Order





Legal Custody

- Legal custody includes the responsibility to make decisions about schools, daycare, religion and healthcare.
- Legal custody is either joint or sole.
 - Joint legal custody = parents share responsibility for these decisions.
 - Sole legal custody = one parent makes these decisions.





Physical Custody

- Physical custody is either joint or sole
 - Joint physical custody =
 - Both parents share significant periods of physical custody that assure that the children have frequent and continuing contact with both parents.
 - Does not necessarily mean equal time share.
 - Sole physical custody =
 - One parent provides primary supervision.
 - Other parent retains the right to spend time with the child.
 - Both parents must follow the court-ordered schedule.





Separate Sessions and Support People

The Mediator may decide to interview each parent separately at first if:

- There are safety concerns that require further assessment.
- One or both parents have a limitation or disability that inhibits their ability to represent themselves effectively in a custody mediation.

If a parent wishes to have a support person present due to either safety or accommodation needs, then:

- It is the parent's responsibility to reach out to an agency that provides support people for court.
- The Mediator will work with the agency and both parents to schedule an appointment that works for everyone.





Special Rules Related to Domestic Violence

- Restraining Orders are to be obeyed by all parties at all times.
- The Mediator may interview each person individually if further assessment is needed.
- Separate meetings are required if the person who obtained a restraining order requests it.
- A support person may be present during the mediation session. In Lake County, staff of the Family Resource Center are able to serve as neutral support people. Their phone number is 707-279-0563.
- Joint sessions may take place with agreement of parents and at the Mediator's discretion.





Guidelines

- Treat all people and topics with respect
- Each person has a right to be heard
- Listen to understand the other person's view
- Be as honest as you can





Confidentiality



- The Mediator gives no information to the Court or any other person.
- No recording of any kind is allowed during mediation.
- No other person may be present or overhear the conversation.
- No texting or other communication with the other parent or anyone else during the conversation.





Confidentiality Exceptions

- ✓ If the Mediator learns about child abuse or neglect, she may contact Child Welfare Services to find out the status of an investigation or she may file a report.
- ✓ If a participant in mediation makes a serious threat of violence against any other person she may report such a threat to law enforcement .





Mediation Outcomes



- **Agreement Reached**
 - Parents sign.
 - Forwarded to attorneys, if any, and Judge for approval.
- **Partial Agreement** (Parenting plan includes only the agreed upon terms)
 - Parents sign.
 - Mediator submits plan to attorneys, if any, and Judge for approval.
- **No Agreement**
 - Parents return to Court for decision.
- **Temporary Agreement**
 - Parents might want to try out a plan before committing to it permanently. They write a plan with a follow-up mediation date and they return to Court shortly after the next mediation. A temporary plan may be in force for a few weeks or months.





Parenting Plan



Parenting plans usually include:

- Assignment of legal and physical custody
- Schedule for the children to be in each parent's care
- Transportation - how the children go from one parent to the other
- Communication - how parents will communicate with each other





Parenting Schedule

There are a lot of examples of parenting plans on the internet but you will figure out what works for both of your schedules and what's best for your children.





Sometimes parenting plans also include agreements about:



- Holidays, birthdays and vacations



- Travel out of the area or out of state



- Children's health, safety or special needs





Other topics that may be discussed in mediation:

- How to help children with their reactions to the transition
- How to reduce the effects of adult conflict on the children
- What and when to tell the children about the parenting plan
- What to tell other adults about the parenting plan





What is **NOT** discussed in mediation:

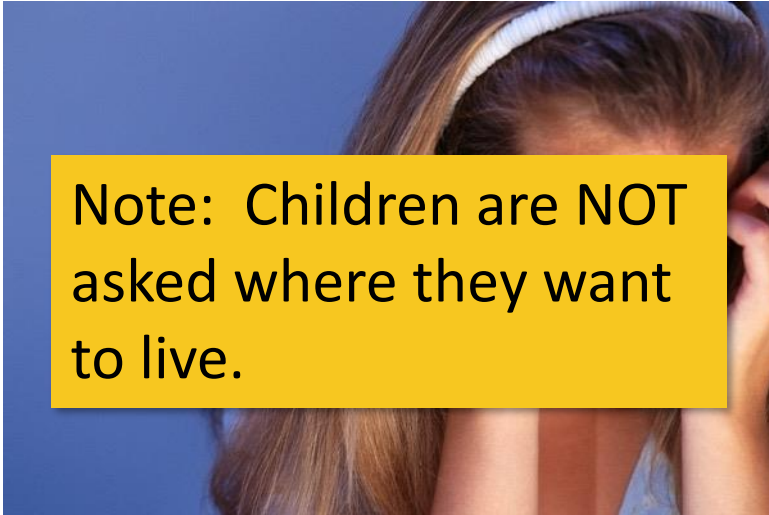
- Child support
- Spousal support
- Property and other financial issues
- Negotiating about protective orders





Children in Mediation

- No matter how mature children appear to be, decisions related to where and with whom they reside is the responsibility of the adults.
- Mediators may use their discretion in deciding if interviewing children will help parents reach agreement.
- If the Mediator decides to include a child, the steps are:
 - Mediator meets individually with the child and prepares a statement or list of concerns the child wishes to present to the parents.
 - Mediator may assist the child in presenting their statement.
 - The child is excused and Mediator meets with the parents to help find agreement based on what they have heard from their child.



Note: Children are NOT asked where they want to live.





Mediator Communication with the Court

Lake County is
“non-recommending” That means
that the Mediator DOES NOT:

- Share with the Court anything that was discussed in mediation and can not be called as a witness.
- Make recommendations to the Court.

- Mediator DOES:
 - Give the Court a note that indicates whether or not parents kept the appointment, if more time is needed for mediation and whether the parents reached agreement.
 - Give the Court either the parents’ signed agreement or a copy of the agreement reached if parents have been unable to sign it.
 - The Mediator MAY also verify for the Court any criminal or other investigations related to child safety.





Family and Friends



Family and friends have the best intentions and want to be your advocate, but you are the one who must work with the other parent.

- Pay attention to your *own* experience with the other parent and with the child.
- Speak up on your own behalf.
- Trust your own judgement.
- Tell your family and friends that you and the other parent are working things out
- At the conclusion of Court, you may share with individuals those parts of the plan that they need to know.





Remember

- Parents who make their own mutual decisions regarding their Parenting Plan are less likely to need future Court involvement and are generally happier with the outcome.
- Parenting is a lifelong relationship.





Important Contacts

Text to: Rudeen Monte or Stacy Burgess (707) 245-6440

Email to: LakeFamilyCourtMediation@cicpartners.org

Family Law Facilitator (Can help you file papers): (707) 994-4612

Court Clerk: (707) 263-2374

Information about having a support person at Court:
Lake Family Resource Center: (707) 279-0563

Information about supervised visitation:
LakeMendo Supervised Visitation (707) 742-0643
Quadruple Threats: (707) 244-4485

