



Family Dispute Resolution Services Tulare County Child Custody Recommending Counseling (CCRC)

Mandatory Orientation For Parents, Guardians and Stepparents

Introduction

Child Custody Recommending Counseling (CCRC)

- CCRC is required whenever there is a dispute about custody or visitation (Family Code §3170)
- CCRC focuses on creating an agreement between parents that is in the best interests of the children (Family Code §3180)

Purpose of CCRC

California law defines 3 purposes for Child Custody Recommending Counseling (CCRC):

1. Reduce conflict between parents
2. Create an agreement that includes continuing contact between parents and child/ren
3. Effect a settlement regarding visitation rights that is in the best interests of the child/ren

(Family Code §3161, 3180 and California Rules of Court Rule 5.210)

Agreements/Stipulations

CCRC assists parents with reaching an agreement (aka: Stipulation) with their Parenting Plan

A Parenting Plan is a plan describing how parents or other appropriate parties will share and divide their decision making and caretaking responsibilities to protect the health, safety, welfare and best interest of each child who is a subject of the proceedings.

Parenting plans may include:

1. Time share with children during school year and children's off-track times from school (i.e. Summer Break)
2. Transportation, Child Exchanges, and other important details
3. Holiday and Vacation Schedule

(California Rules of Court Rule 5.210)

What if Parents Already Have an Agreement?

Parents may already have an agreement regarding the parenting plan

If you have an agreement, you do not need to attend CCRC

- You simply take your written agreement to the court for approval
- Please contact the Self Help Center if you need assistance with the forms at (559) 737-5500.

Important Terms

Custody: Legal

Legal custody means the right and the responsibility to make the decisions relating to the health, education, and welfare of a child.

- Shared (Joint) legal custody means both parents must agree on non-emergency issues affecting the child
- Sole legal custody means one parent has exclusive decision making authority in those matters.

(Family Code Sections §3003 and §3006)

Important Terms

Custody: Physical

Physical custody is with whom the child/ren reside and are under the supervision of:

- **Shared (Joint) physical custody** means that each parent has significant periods of time with the children and are shared by the parents in such a way as to assure a child/ren of frequent and continuing contact with both parents.
- **Sole physical custody** means that child/ren shall reside with and be under the supervision of one parent, subject to the power of the Court to order visitation.

Coparents

- Parents that share responsibility for raising a child even though their relationship has ended

(Family Code Sections §3004 and §3007)

Important Terms

Child Custody Recommending Counseling

- A process in which a trained counselor assists separating parents with creating a parenting plan that is in the best interests of the child/ren
- The counselor remains neutral in the process and facilitates a negotiation between the coparents
- the counselor provides the court with recommendations for the parenting plan if the parents do not reach an agreement in CCRC.

(Family Code 3183 and California Rules of Court Rule 5.210)

Important Terms

Qualifications of the Counselor

- The counselor is a person with at least a master's degree in the social sciences with specialized training in family studies, as well as family dispute resolution

(Family Code Section §3164, and California Rules of Court Rule 5.210 and 5.215)

Goals of CCRC

Assist parents with reaching an agreement that is in the best interests of the child/ren

- Facilitate negotiation between coparents
- Reduce conflict between parents
- Promote understanding of each person's view
- Maintain a child-centered focus on the parenting plan

Counseling Session

Things discussed in the counseling session:

- A parenting plan that is in the best interests of the child/children
(Family Code Sections §3011 and §3020)

Counseling Session

Things NOT discussed in the counseling session:

- Child support
- Spousal support
- Property and monetary disputes
- Taxes
- Health Care Costs

Counseling Session

Things included in the Parenting Plan:

- Child time share
- School year schedule
- Summer and Holiday schedule
- Vacations
- Transportation and exchange procedures
- Phone contact for child and parents
- Other unique family events

Counseling Session

Parenting Plan considerations:

- Age and development of the child
- The child's special needs
- Travel logistics
- Parent work schedules
- Daycare while custodial parent works
- Extra-curricular activities child enjoys
- Child's academic performance
- Living environment of the child

Counseling Session

What if we do not reach an agreement?

- When parents do not reach an agreement, the counselor prepares a contested hearing report and makes recommendations to the court based upon the material discussed in the counseling session.

Counseling Session

What if parents do not reach an agreement?

- In rare cases, parents may decide to have a child custody evaluation by a licensed clinical psychologist with special training in custody issues provide an evaluation.

(Note: These evaluations are costly and the parents must pay the costs, not the court)

(Family Code Sections §3025.5)

Counseling Session

A SPECIAL NOTE ABOUT DOMESTIC VIOLENCE

In cases where domestic violence is an issue, the following procedures may apply:

- The person making the allegations may request to meet separately with the counselor (Family Code 3181)
- The victim is allowed to have a support person present (however, they cannot participate) (Family Code 6303)

Counseling Session

IMPORTANT POINTS TO CONSIDER

- Children normally do best when parents are amicable (friendly)
- Put your children ahead of your differences with the other parent
- Keep an open mind in the session

Counseling Session

IMPORTANT POINTS TO CONSIDER

“DO!”:

- Focus on the child's best interests
- Come with an open mind
- Prepare to discuss options

Counseling Session

IMPORTANT POINTS TO CONSIDER

“DON’T!”:

- Focus on other parent
- Reject a proposal without consideration
- Let others make decisions for you

Counseling Session

TULARE IS A RECOMMENDING COUNTY

If you were referred by the Court to attend Child Custody Recommending Counseling and no agreement is reached:

- The counselor will prepare a contested hearing report and include parenting plan recommendations
- The parties will receive a copy of the report prior to attending their contested hearing date in Court

TULARE COUNTY ALSO OFFERS CONFIDENTIAL/VOLUNTARY MEDIATION

If the parents voluntarily agreed to attend mediation (NOT court ordered) and no agreement is reached:

- The counselor does not prepare a contested hearing report for the Court
- The parent wanting modifications to the parenting plan may bring the matter back before the Court. Parents are referred to their attorney or the Self-Help Resource Center for further guidance

The Legal Process

- Beginning the Process
- Attending the Counseling Session
- The Counselor's Report
- The Hearing
- After the Hearing

Starting the Process

STEPS IN THE PROCESS:

- One party files a motion
- The other party is properly served and then files a response
- Parties attend Court and an appointment for Child Custody Recommending Counseling is made by the Judge if the case is eligible to attend (contested and proper paperwork filed)
- Parties are informed in Court of the need to complete this Mandatory Orientation and Intake immediately.
- Upon receipt of the Intake form, Family Court Services will email an Appointment Confirmation with instructions on how to participate including whether the session will be conducted remotely or in-person.

Counseling Session

WHO ATTENDS?:

- Only the coparents attend
- In domestic violence cases, the parents are usually seen separately
- The goal is to produce an agreement that is in the best interests of the child/children

Counseling Session

WHO ATTENDS?:

- **Special note:** Please do not bring your children. If the court believes the children should be interviewed, that decision will be made in Court by the Judge.

Counseling Session

RESULTS OF SESSION (AGREEMENT):

- If parents reach an agreement, the counselor prints the stipulated agreement, the parents (and attorneys if represented) sign the document in-person or by SignNow electronic signature if remote, and parties will receive a copy by email or mail with the signed Agreement by the Judge.
- If the parties have no other matters before the Court, the matter *may* be taken off calendar by the Court and you may not have to attend the court hearing. IF this applies, you will also sign and receive a copy of this Order.

Counseling Session

RESULTS OF SESSION (NO AGREEMENT):

- If parents do not reach an agreement, the counselor prepares a summary of the session and provides the court with recommendations for the parenting plan (also called a contested hearing report); and the matter is referred back to court.
- Family Court Services makes every effort to provide the contested hearing report to the parties at least 5 days prior to the court hearing. This will either be emailed or mailed to you as determined in your counseling session.

Counseling Session

IMPORTANT NOTICES ABOUT COUNSELOR RECOMMENDATIONS:

- The counselor only provides recommendations - they do not make the orders.
- The court makes the final orders after hearing the arguments from the parents and/or attorneys and reviewing the counselor's report.

Counseling Session

IMPORTANT NOTICES ABOUT COUNSELOR RECOMMENDATIONS:

In addition to the parenting plan, the counselor makes recommendations to assist families struggling with issues such as:

- Chemical dependency
- Domestic Violence
- Child abuse
- Substance Abuse
- Problematic relationships in family

The Contested Hearing

THE HEARING

- The court reviews your agreement or counselor's contested hearing report and may ask the parents questions
- The court will then make the order

The Contested Hearing

THE HEARING

After the order is made:

- The court's order is as binding as any order made by a Superior Court in California
- The order remains in effect until another order replaces it.

Tips for the Counseling Session

- Be realistic
- Focus on child's needs
- Have more than one parenting plan proposal to assist with negotiation
- Think in terms of a "win-win" session

Children and Divorce

AFTER DIVORCE, CHILDREN EXPERIENCE:

- Anxiety
- Distress
- Insecurity
- Changes in mood and behaviors

Children and Divorce

AFTER DIVORCE, CHILDREN EXPERIENCE:

- The first year is filled with changes in routine and activities
- It takes time to adjust!

Children and Divorce

CHILDREN DO BETTER WHEN PARENTS:

- Cooperate
- Do not make disparaging (negative) comments about the other parent
- Assure the child each parent loves them and will not leave them

Children and Divorce

CHILDREN ARE HARMED WHEN:

- They are exposed to chronic conflict between coparents
- They are exposed to domestic violence

Frequently Asked Questions

ARE CHILDREN INTERVIEWED?:

- In some cases a parent, the counselor or the court will want to interview the child/ren
- The court will order this on a case-by-case basis if the child is deemed mature enough to participate in an interview
- If ordered by the court, the children will be interviewed in person at the Family Court Services offices privately; and the counselor will write a report for the Court. This report is not provided to the parties by the counselor.

Frequently Asked Questions

ARE BOTH PARTIES REQUIRED TO ATTEND ORIENTATION?:

- Yes, both parents must attend this Orientation and it is strongly encouraged that they attend the Families in Transition Orientation (link provided in the second part of this Orientation). This orientation is detailed and assists with preparing for your session. Sessions are limited in scope and time, so it is important to be as prepared as possible so the session is as productive as possible.

Frequently Asked Questions

WHAT IF THE OTHER PARTY DOES NOT ATTEND THE COUNSELING SESSION?:

- No counseling session can take place without both parents
- The court is notified in writing and the Court will address this at the next court hearing date.

Frequently Asked Questions

CAN MY SIGNIFICANT OTHER ATTEND THE COUNSELING SESSION?:

- No, only the parents can attend the counseling session.
- During remote sessions, it is imperative that the parties are in a confidential area where **no one** can overhear the counseling session or participate in any way. If it is determined by the counselor that this rule is not being followed, the counselor may decide to end the session early and write a report to the Court as to why the session was ended early.

Frequently Asked Questions

HOW LONG IS A COUNSELING SESSION?:

- Counseling sessions generally run 1-2 hours. It is expected that you set aside at least 2 hours of uninterrupted time for your session.

Frequently Asked Questions

DO I NEED AN ATTORNEY?:

- Parents can represent themselves in family law cases.
- The parents must decide for themselves if they should have legal counsel.

Frequently Asked Questions

WHAT IF THE OTHER PARENT DOES NOT FOLLOW THE COURT ORDER?:

- In such cases, law enforcement can be contacted to compel compliance with the order.
- The matter could be brought back to court.
- Please note: Please do not call the counselor to report non-compliance.

Frequently Asked Questions

WHAT IF THE OTHER PARENT DOES NOT RETURN THE CHILD?:

- In such cases, law enforcement can be contacted to compel compliance with the order.
- Please note: Please do not call the counselor to report non-compliance.

Frequently Asked Questions

WHAT ABOUT CHILD SUPPORT, PROPERTY, AND TRANSPORTATION COSTS FOR THE PARENTING PLAN?:

- The court makes orders for these issues.

Frequently Asked Questions

DECLARATIONS AND OTHER DOCUMENTATION SUCH AS:

- School report cards
- Medical reports
- Child Welfare Services reports
- Police reports
- Witness declarations
- Photos or videos

**MUST BE PROPERLY FILED IN THE COURT FILE BEFORE COUNSELORS CAN
VIEW THEM**

Frequently Asked Questions

DOES A JUDGE EVER NOT ALLOW VISITS FOR A PARENT?:

- Very rarely. Only in cases where one parent is destructive to the child (e.g. severely abusive, severely addicted to substances, etc)

Frequently Asked Questions

DOES THE COURT FAVOR MOTHERS OVER FATHERS?:

- No. Gender of the parent is not a consideration - what is considered is quality of the relationship with the child and "fitness" as a parent.

Frequently Asked Questions

WHEN CAN WE GET COPIES OF THE COUNSELOR'S REPORT?:

- In many cases, the counselor's report will be ready on the same day as the counseling session.
- If you have an agreement, every effort is made to obtain all signatures the same day, or within 3 days. Once signed by all parties including any attorneys and the Judge, the counselor will provide you a copy of your agreement.
- If you did not come to an agreement, every effort will be made for you to obtain the report five days prior to the court hearing.
- If Parties provided an email, the reports will be emailed. Otherwise, they will be mailed or you may request of the counselor to pick up your copy at the Family Court Services offices .

Frequently Asked Questions

WHAT IF I DISAGREE WITH THE COUNSELOR'S RECOMMENDATIONS?:

- The judge will allow you time to make your arguments before making a ruling.
- Judges are not required to follow the counselor's recommendations - parental testimony can influence the judge's decisions.

Frequently Asked Questions

WHAT IF I HAVE A RESTRAINING ORDER AGAINST THE OTHER PARENT?:

- Some restraining orders allow for "brief and peaceful contact" for child exchanges.

Important: Read the Following Section Very Carefully!

THANK YOU FOR COMPLETING THE FIRST PART OF THE FAMILY COURT SERVICES ONLINE ORIENTATION.

For the Second part of the required Orientation, select the link at the bottom on the page to complete the Intake Form and related tasks. YOU MUST SUBMIT THE FORM ON THE LAST PAGE OF THE INTAKE FORM FOR YOUR ORIENTATION TO BE COMPLETE. There is no certificate of completion provided. Submission of the Intake Form is proof of completion.

[Complete the Family Court Services Intake Form](#)

*If you have any difficulties with the completion of this Orientation or Intake Form, please contact Family Court Services at (559) 730-5000 Option 6 and we will assist you.