

Welcome to
Superior Court of California
County of Glenn
Orientation to Mediation

Family Court Services

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Introduction to Mediation/Child Custody Recommending Services

California law states that in all child custody and visitation cases where the parties have been unable to reach an agreement on a parenting plan, the case is required to be sent for mediation. The court orders the parties to participate in and complete the local mediation program prior to a court making permanent custody orders. Family Court Services and Mediators/Child Custody Recommending Counselors (CCRC) provide services to families who need assistance in arriving at a parenting plan for their children.

Important Terms to Understand

Mediation/Child Custody Recommending Counseling:

Mediation/Child Custody Recommending Counseling provides an opportunity for parents to meet with a trained professional to develop a parenting plan that is in the best interest of their children. The Family code governs mediation and sets forth the purpose of Child Custody Recommending Counseling: To reduce acrimony that may exist between parents, to develop an agreement assuring the children close and continuing contact with *both* parents and to develop an arrangement that is in the best interest of the children. California's mandatory mediation law affords parents **the opportunity** to develop their own plans to raise their children after the decision to separate has been made, rather than to delegate that responsibility directly to the Court. If parents are not able to agree upon a parenting plan, a recommendation will be submitted by the Mediator/CCRC to the Courts. **The judge will make the final decision.** The law states that **the parents**, the Mediator/CCRC and the Court must consider what arrangements are in the "best interest" of the child. It also provides that the child/ren of separating parents has/have the "right to frequent and continuing contact with both parents."

Mediator/Child Custody Recommending Counselor (CCRC)

The Mediators/CCRC's are appointed by the Court and meet various educational qualifications as prescribed by law. The Mediator/CCRC provides a safe place for each parent to talk and be heard. They also provide information about the effects of parental separation, the developmental needs of the child(ren), how to effectively share parenting responsibilities in the best interest of the child(ren) and how to meet the needs of the child(ren) in the future.

Legal Custody:

Legal custody refers to the rights and responsibilities of parents to make decisions concerning the child/ren's health, safety, education and welfare. (School enrollment, participation in particular religious activities or institutions, beginning or ending psychiatric, psychological, or other mental health counseling, selection of a doctor, dentist, or other health professional, out of state or out of country travel)

Joint Legal Custody: Both parents share in the right and responsibility to make decisions for their children.

Sole Legal Custody: One parent has the right and responsibility for making decisions for the children

Physical Custody:

Physical custody refers to how much time the child/ren spend with each parent; where the children live; how day-to-day responsibilities are fulfilled. Physical custody will not be awarded if a party is a registered sex offender, has been convicted of child abuse or has had child abuse substantiated against them (Family Code Section 3030).

Joint Physical Custody: The child/ren spend a significant amount of times with each parent. This does not mean timeshare must be equal. (One parent may have primary physical custody). Joint physical custody is shared by the parents in such a way so as to assure the child(ren) of frequent and continuing contact with both parents.

Sole Physical Custody: The child/ren reside with and under the supervision of one parent while timeshare and/or contact may be ordered for the non-custodial parent.

Supervised Timeshare/Visitation:

Supervised visitation provides a highly structured, safe and protected setting for parent-child contact when such contact presents risk to the child(ren) due to high conflict surrounding parental separation, domestic violence, substance abuse, mental illness of a parent, parental alienation, child abuse or neglect, child abduction, or after an extended time of no contact.

The emphasis of supervised visitation is on neutrality. The visitation monitor is an observer, intervening only when the emotional or physical safety of the child is threatened, or when program guidelines are broken. The monitor is “the eyes and ears of the court” to provide objective information required by the court or Mediator/CCRC.

Types of Supervised Timeshare/Visitation:

Professional supervision: Visits are paid for with an hourly fee. A trained person follows State Guidelines to supervise the visit and provide reports to the court following each visit.

Non-professional supervision: A family member or friend (agreed upon by the parties) or someone specific is ordered by the court to supervise the visits in accordance with the State Guidelines for non-professionally supervised visits. Copies of the guidelines for are available upon request.

VIP Mediation:

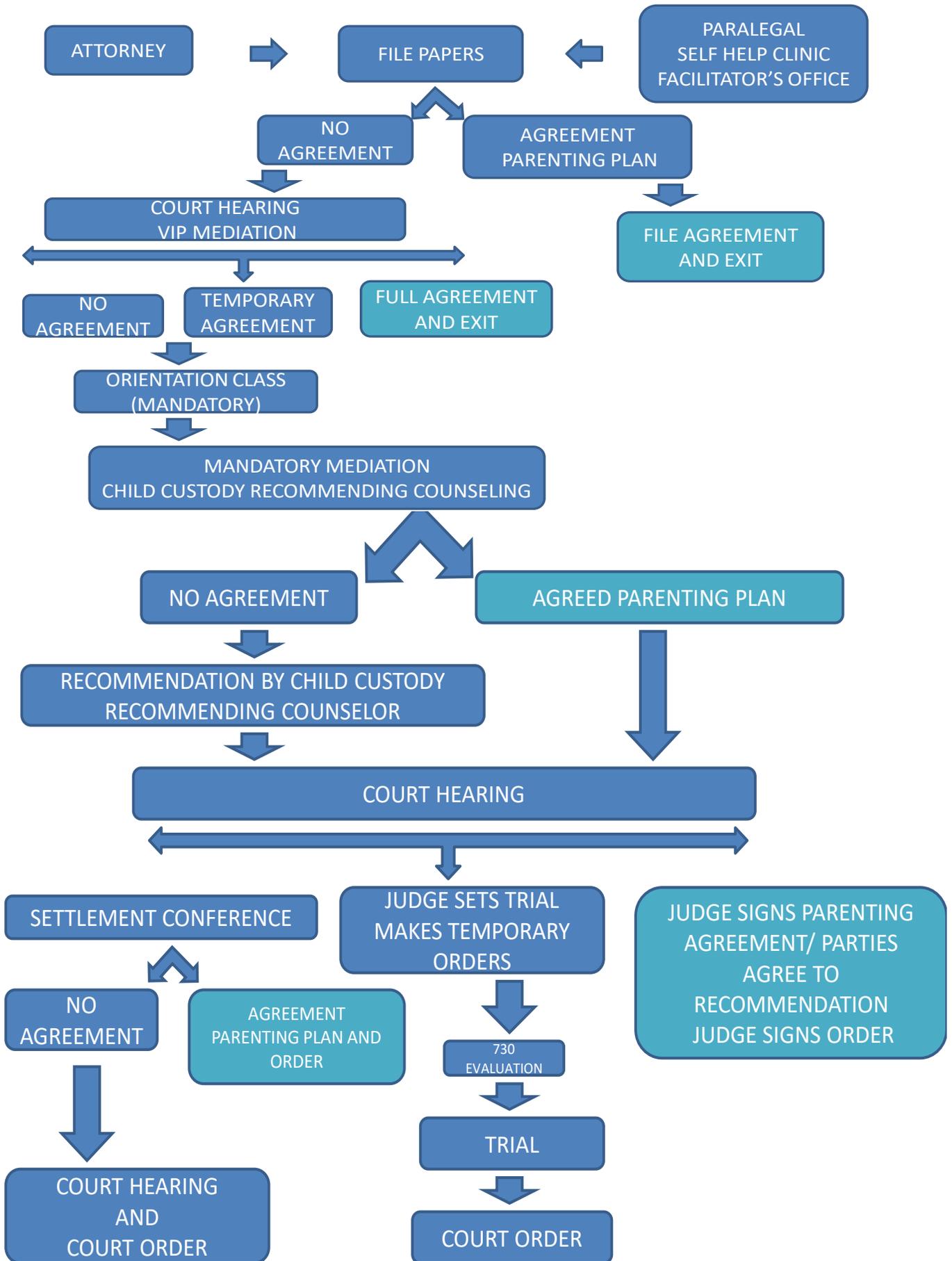
Prior to mediation, the parties may be invited by the judge to attend a Voluntary In-Court Program (VIP) of mediation to develop a temporary agreement pending full mediation or long term agreement. VIP Mediation offers a brief (10-15 minute) session on the court’s Family Law and Motion calendar. The purpose of VIP Mediation is to address emergency situations and help parents establish a temporary parenting plan which will be in place until orientation and full mediation can be scheduled and completed. More detailed information is provided when VIP is offered in court. **VIP is not mandatory**, both parties must agree to participate.

Domestic Violence:

Domestic violence is a pattern of behavior used to establish power and control over another person with whom an intimate relationship is or has been shared through fear and intimidation, often including the threat or use of violence. Battering happens when one person believes that they are entitled to control another. Domestic violence generally escalates over time. It may include intimate partner relationships, live-in partners, dating relationships, spouses, family members, elders and children. Abuse generally falls into one or more of the following categories:

- physical battering
 - punching, choking, slapping
- sexual assault
 - rape, non-consensual sex acts
- verbal, emotional, and mental abuse
 - yelling, cursing, name calling
 - threats and coercion (written or verbal)
 - power and control (making someone afraid)
- isolation
 - preventing from leaving home or communication with other
- economic abuse
 - limiting access to funds and accounts

HOW THE FAMILY LAW PROCESS WORKS



The Process of Mediation/Child Custody Recommending Counseling

In all child custody and visitation cases where the parties have been unable to reach an agreement on a parenting plan, the case is required to be sent for mediation. The Court orders the parties to participate in and complete mediation prior to the Court making permanent custody orders. In court, the parties will be asked to fill out an ***INFORMATION FORM FOR CUSTODY/VISITATION MATTERS***, providing Family Court Services with important demographic, contact and domestic violence information. Within 48 hours of appearing in court, the parties will receive either a phone call or Zoom invite with all necessary information related to their upcoming mediation appointment.

Orientation to Mediation

Prior to mediation, all parties are **required** to complete ***ORIENTATION TO MEDIATION***. The orientation process takes approximately 1-1.5 hours. Orientation is required for any referral or return to Mediation if the parties have not participated within the previous 2 years. Orientation is designed to help prepare you for your mediation appointment. **The judge will be notified if you fail to complete the required Orientation.**

Mediation Appointment

Both parents attend mediation. In cases involving domestic violence, parties may request separate mediation appointments, or a party may bring a support person, if necessary. Support persons may not have any connection to the case and must not talk during mediation. Relatives and attorneys are not permitted to be present at mediation.

If you are participating in face-to-face mediation, do **not**, under any circumstances, bring children to your appointment unless requested in advance to do so by the Mediator/CCRC or ordered to do so by the judge. If you are participating in mediation by phone or Zoom, you must ensure that you are ready and available to participate at the time of your scheduled mediation. You must secure a quiet and private location where you may participate without being overheard by any third party and where you will not be interrupted.

In some instances, the Mediator/CCRC may find it necessary to interview the child(ren). If the Mediator/CCRC requests to interview the child(ren), the process is explained to both parents in detail. **Please do not discuss the case with the child(ren) before or following the interview.**

Confidentiality

Mediation is a confidential meeting held between the parties and the Mediator/CCRC. If the parties reach an agreement, the mediation records are confidential. If the parties do not reach an agreement and the Mediator/CCRC makes a recommendation to the court, the records are not confidential. If children or others are interviewed or other information is obtained, this information also may not be confidential. The Mediator/CCRC may be called to testify during a trial.

Non-Appearance at Mediation

The parties are ordered by the judge to attend Mediation. **Failure to attend the appointment is a violation of a court order.** If one of the parties does not arrive on time, after **15 minutes** the appointment will be canceled. If the parties were scheduled for separate appointments and the first party fails their appointment, the second party will be contacted to cancel their appointment. The Mediator/CCRC cannot make a recommendation unless both parents are present for the assigned appointment. **The judicial officer is notified in writing of all non-appearances.**

WHAT HAPPENS WHEN PARENTS DO NOT AGREE

Parties Agree on a Parenting Plan

When parties agree, the Mediator helps them write a parenting plan which is prepared as a legal document that may become their custody and visitation order. In court, the agreement will be reviewed by the judge/judicial officer. If it is acceptable to the judge/judicial officer, it will be signed and made an Order of the Court. The agreement is not a binding court order until signed by the judge/judicial officer.

Parties Do Not Agree on a Parenting Plan

In cases where the parties are unable to reach an agreement, the Mediator/CCRC is required to provide a parenting plan recommendation and report to the Court.

Keep in mind, if the parents are unable to reach an agreement, it is the judge who makes the final decision as to what the parenting plan will be, not the Mediator/CCRC. The Mediator/CCRC's recommendation is only one of the factors the judge considers in making the custody and timeshare decision.

Court Date

Parties are scheduled to return to court approximately 4-6 weeks after their Orientation and Mediation. Copies of the parenting plan agreement or Mediator/CCRC's recommendation are provided to the judge, the parents' attorneys and, if assigned, attorney(s) for the child(ren) prior to court. The documents will be mailed directly to the parents if they do not have attorneys. It is your responsibility to update the court with your current mailing address.

Arrival

If attending mediation in person; plan to arrive **15 minutes** early for your mediation appointment. Please check in at the clerk's counter. The mediator/CCRC will call you in for your appointment.

HELPFUL TIPS FOR MEDIATION

Things to Consider When Preparing a Parenting Plan With the Other Party or With the Mediator/CCRC

- Age and stage of development of the child(ren).
- The child(ren)'s psychological attachments.
- Past caretaking responsibilities of the child(ren).
- The child(ren)'s temperament and ability to adjust to change.
- Each parent's work schedule/demands.
- Any disabilities or special needs of the parents or child(ren).
- How to promote a relationship with the other parent.
- The distance between each parent's residences.
- Where the child(ren) will attend school.
- Vacations and holidays.
- Children's Friends
- Parent's Flexibility
- Substance abuse issues.
- Mental health issues.
- Criminal history.
- Children's Services history/involvement in the case.

DO'S AND DONTS OF MEDIATION

DO:

- Think about a parenting plan that allows your child/ren to have frequent and continuing contact with both parents
- Focus on your child/ren/s needs
- Acknowledge that a child needs time with BOTH parents
- Listen respectfully to the other parents in the mediation session
- Think about your child's needs and schedule, as well as both parents' schedules.
- Be prepared to compromise about scheduling
- Bring up any valid concerns about the other parent's ability to care for the child/ren.
- Understand that as your child grows, his/her developmental needs may change, which may require flexibility and changes in your parenting.

DON'T:

- Come unprepared
- Focus on your own needs
- "Punish" the other parent by with-holding the child/ren
- Let your feelings lead you to behave in an abusive or threatening manner toward the other parent or toward the Mediator/CCRC
- Think that there is one standard plan that fits the needs of all children.
- Compromise about your child's health or safety. You do not have to agree to a parenting plan that you feel is dangerous, harmful, or that is not in your child's best interest.
- Needlessly bad-mouth the other parent.
- Assume that the agreement reached will be "carved in stone".

WHAT TO BRING TO YOUR MEDIATION APPOINTMENT

- One photo of your child(ren), which can be on your cell phone
- School attendance records and report cards (if there is an issue with school attendance or grades or if there is a request for change)
- Parenting Plan Worksheet or your proposal for visitation
- If needed: Law enforcement intervention reports or report/case #.

*Bring **3** copies of each item (except for the picture): One for the other party, one for the Mediator/CCRC and one copy for yourself.

DOMESTIC VIOLENCE (FC 3044)

How does domestic violence affect custody and timeshare?

Family code §3044 states there is a presumption that domestic violence is detrimental to the "best interests of the child." Because of this presumption, if a domestic violence protective order is issued against a person who has minor children, the entry of the domestic violence order may affect your rights to legal and physical custody of those children. The entry of such a protective order may also be grounds for modification of an existing child custody order. If a person does not have legal or physical custody, this non-custodial parent is entitled, in most cases, to visitation. However, a finding of domestic violence may affect the conditions under which the judicial officer will allow the visitation to take place. Please read family code section 3044 which is set forth in its entirety below.

Family Code Section 3044

3044. (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 noncustodial 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.

Orientation

(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.

Separate Mediation Appointments/Domestic Violence

If there was **domestic violence** between the parents, separate mediation appointments can be requested **by the survivor/victim** of domestic violence by completing the: ***INFORMATION FORM FOR CUSTODY/VISITATION MATTERS***. This form will be provided to you in court or you may access the form online under *Mediation*. If you have scheduled separate mediation appointments, the dates and times will be kept confidential. Separate Mediation appointments are approximately 1 hour long for each party.

Joint Mediation Appointment/Domestic Violence

If you have been the victim of **domestic violence**, but choose to attend mediation with the other parent, you will be permitted to bring a support person who is not related to the case with you. The support person may sit in the room but will not participate in any way in the mediation itself. If domestic violence is an issue, information about the victim's address, telephone number, employer and child(ren)'s school will not be made available to the other parent. We will also offer you a separate place to wait for your mediation appointment, if requested.

Domestic Violence Statistics (NCADV Public Policy Office)

- 1 in 12 women and 1 in 45 men have been stalked in their lifetime.
- One in every four women will experience domestic violence in her lifetime.
- 81% of women stalked by a current or former intimate partner are also physically assaulted by that partner; 31% are also sexually assaulted by that partner.
- Sexual assault or forced sex occurs in approximately 40-45% of battering relationships.
- Intimate partner violence results in more than 18.5 million mental health care visits each year.
- Less than one-fifth of victims reporting injury from intimate partner violence sought medical treatment following injury.
- Almost one-third of female homicide victims are reportedly killed by an intimate partner.
- In 70% to 80% of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder.
- Most cases of domestic violence are never reported to law enforcement.

DOMESTIC VIOLENCE AND CHILDREN

Children are affected in negative ways when there is violence between their parents

Domestic violence affects every member of the family. Family violence creates a home environment where children live in constant fear. Children who witness family violence are affected in ways similar to children who are physically abused. They are often unable to establish nurturing bonds with either parent. Children are at greater risk for abuse and neglect if they live in a violent chaotic home.

- Witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next.
- Boys who witness domestic violence are *twice as likely* to abuse their own partners and children when they become adults.
- 30% to 60% of perpetrators of intimate partner violence also abuse children in the household.
- Statistics show that over 3 million witness violence in their home each year. Those who see and hear violence in the home suffer physically and emotionally.
- Children may have difficulty regulating their emotions
- Children who have witnessed domestic violence may:
 - Have difficulty regulating their emotions
 - Suffer from anxiety and/or depression
 - Feel fear and/or helplessness
 - Be at risk for high-risk behaviors such as drug and alcohol abuse
 - Have low self-esteem
- "Families under stress produce children under stress. If a spouse is being abused and there are children in the home, the children are affected by the abuse." (*Ackerman and Pickering, 1989.*)

SOME OF THE WAYS CHILDREN SHOW THE EFFECTS OF DOMESTIC VIOLENCE:

Emotional

- Grief for family and personal losses.
- Shame, guilt, and self-blame.
- Confusion about conflicting feelings toward parents.
- Fear of abandonment, or expressing emotions, the unknown or personal injury.
- Anger
- Depression and feelings of helplessness and powerlessness.
- Embarrassment.

Behavioral

- Acting out or withdrawing
- Aggressive or passive
- Refusing to go to school
- Caretaking; acting as a parent substitute to siblings.
- Lying to avoid confrontation
- Rigid defenses.
- Excessive attention seeking.
- Bedwetting and nightmares.
- Out of control behavior.
- Reduced intellectual competency.
- Manipulation, dependency, mood swings.

Social

- Isolation from friends and relatives.
- Stormy relationships.
- Difficulty in trusting, especially adults.
- Poor anger management, self-control and problem-solving skills.
- Excessive social involvement to avoid home.
- Passive or bullying with peers.
- Engaged in exploitative relationships as perpetrator or victim.

Physical

- Somatic complaints, headaches, and stomachaches.
- Nervous, anxious, short attention span.
- Tired and lethargic.
- Frequently ill.
- Poor personal hygiene.
- Regression in development.
- High risk play.
- Self-abuse.

HOW CHILDREN EXPERIENCE SEPARATION, DIVORCE, AND PARENTAL CONFLICT

Prior to Separation

- Children worry what will happen to their parents and what will happen to them.
- Children feel anxious. They may have trouble sleeping or have problems in school.
- Children may have problems with their behavior.

During Separation

- Children face shock and denial. They may think, “this can’t be happening!”
- Children worry that they may lose their parent’s love.
- Children worry that they may be rejected by a parent.
- Children worry about their future. They may wonder, “who will take care of me?”.

After Separation

- Children still worry about who will take care of them
- If a parent is sad and unable to care for the home or the children, the child may try to do the parent’s job.
- It can be hard for children to go back and forth between the parents’ homes, especially if there is conflict between the parents.
- Children may feel deep sadness.

The experience of separation is different for children than it is for adults. Adults will seek relief for unhappiness, but children do not have the tools to do this. Children tend to worry about their parents and to blame themselves for the separation and/or divorce.

Children can experience the five stages of grief in dealing with their parents’ separation/divorce. These are the same stages of grief that adults may experience during a loss:

- Denial: this may feel like emotional numbness. Feeling, “this can’t be happening to me.”.
- Anger: Emotions of hurt, pain and fear turn to anger and negative feelings. Feeling, “how could they do this to me?”
- Bargaining: this involves trying to make a deal with yourself or with the other parent, to get what you want. Children may do the same thing. When children take on the responsibilities of making things the way they were, promising themselves or their parents anything to get their parents back together.
- Sadness/Depression: feelings of sadness and depression usually occur once the anger begins to lessen. You may think, “this really is happening to me. I’ll never be happy again.”
- Acceptance & Recovery: You begin to move on with your life and have a more balanced view of the other parent. You may think, “I can deal with this...”. When children begin to talk more openly about the separation and get their energy and interests back. Acceptance and recovery are the goals.

Risks for Children During Separation:

- Parents are so emotionally empty that they are not available to their children.
- Children become emotional supports for their children.
- One parent tends to spend less time at home and this may cause a break in the child-parent bond.
- Conflict between parents interferes with the children's development.
- Even under the best circumstances, children feel guilty and have problems with loyalty and trust.
- Children tell their parents what they think they want to hear.
- Parents put pressure on children to state a preference.
- Fighting between parents reinforces children's wish for their parents to reconcile.

HOW TO HELP YOUR CHILD ADJUST TO SEPARATION/DIVORCE:

DO:

- Tell the child **briefly** what is happening, where everyone will live, and when he/she will see each parent.
- Explain that separation/divorce is an adult decision that is made when parents can't get along with one another. **Do not burden the child/ren with too many details.**
- Reassure the child/ren that he/she did not cause the separation/divorce and that he/she can not change the decision.
- Reassure the child/ren that separation /divorce does not happen between children and their parents.
- Encourage the child/ren to talk about how he/she feels and what he/she thinks. Encourage the child to ask questions.
- Keep a clear and reliable schedule for the child.
- Speak respectfully about the other parent.
- Reach out for support for yourself, if necessary.
- Allow the child to adjust to having two homes-one with each parent.
- Allow the child/ren to love both parents.

DON'T:

- Fight-physically or verbally-with the other parent. Witnessing family violence hurts children of all age.
- Put the child in the middle. Don't ask him/her to carry messages, deal with money matters, or spy on the other parent. Don't make the child/ren choose between parents.
- Talk about the legal and financial issues (child support, spousal support, etc.) with the child/ren.
- Criticize the other parent in front of the child/ren. This only creates a loyalty conflict for the child/ren.

When Is It Time to Consider Counseling for the child/ren?

- It is normal for children to have some behavioral and emotional problems for a while
- Children usually react to parents' stress.
- Sometimes it is the parents who need help!
- Consider counseling for children if problems are severe and do not go away.
- Counseling may help if children are shutting down and not talking.

GIVING CHILDREN LOVE AND CARE:

In giving children the love and care they need; it is important for parents to reflect on these essentials of parenting:

- **Trust and Respect** -Acknowledge children's right to have their own feelings, friends, activities and opinions. Promote independence, allow for privacy and respect their feelings for the other parent. Believe in them.
- **Provide Emotional Security** - Talk and act so your children feel safe and comfortable expressing themselves. Be gentle. Be dependable.
- **Provide Physical Security** - Provide healthy food, safe shelter and appropriate clothing. Teach personal hygiene and nutrition. Monitor safety. Maintain a family routine. Attend to wounds.
- **Give Your Time** - Participate in your children's lives, in their activities, school, sports, special events, celebrations and friends. Include your children in your activities. Reveal who you are to your children.
- **Encourage and Support** - Encourage children to follow their interests. Let children disagree with you. Recognize improvement. Teach new skills. Let them make mistakes.
- **Give Affection** - Express verbal and physical affection. Be affectionate and reassuring when your children are physically or emotionally hurt.

Care for Yourself - Give yourself personal time. Keep yourself healthy. Get sufficient rest. Maintain friendships. Accept love.

PARENTING TOGETHER AFTER SEPARATION:

Show your child/ren that you respect their relationship with the other parent and support the time that they spend with each of you by following the court orders or agreement made with the other parent and/or the child/ren.

- Give your child/ren the stable, predictable routine they need.
- Figure out how you and the other parent can each make time to be with your child/ren.
- Get information to make good decisions about what your child/ren need at each age.
- If possible, find a way to parent well together and separately.
- Take care of yourself; find ways to feel good about yourself and to understand your confusing feelings.
- Try to stay calm in difficult situations.
- Communicate by e-mail or text in a business-like manner.

DEVELOPMENTAL NEEDS OF CHILDREN TO CONSIDER WHEN CONSIDERING AND CREATING A PARENTING PLAN:

Infants, Toddler and Pre-School

- Tend to have a primary bond but can bond to several people
- Need a consistent schedule and lots of nurturing
- Have difficulty tolerating long separations from the primary caregiver
- The schedule should provide more frequent, shorter periods of time with the other parent

School Age Children

- Need an emotional foundation that provides confidence and self-worth
- The schedule should allow them to focus on school

Pre-Adolescents

- Need help with school and peer problems
- The schedule should allow them to spend time doing organized activities and communicating with friends.

Adolescents

- Want their plans and desires to be considered
- May prefer to have a “home base”
- Need consistent rules in both households
- The schedule should be flexible
- Want to spend time with their peers, rather than their parents

Teenagers

- Emotional stability and maturity on the part of both parents is necessary
- Adequate, but flexible and age-appropriate parental controls
- Home base with one parent, a mixture of scheduled and spontaneous overnights, shorter visits with the other parent

EXAMPLES OF PARENTING PLANS

INFANCY TO 3 YEARS OLD

In order for infants and toddlers to develop secure attachments to their parents, it is critically important that the separation time from the mother and father be small to minimize anxiety, keep attachments secure, and keep the child comfortable with both parents. It is hard for the child to maintain a memory of a parent if the parent is not there. Infants and toddlers have difficulty conceptualizing time and need frequent and continuing contact with a predictable pattern.

Separation anxiety is most intense around fifteen (15) to twenty-four (24) months of age.

Although it is normal for children at this developmental stage to cry and cling during transitions, most children can be quickly comforted by each parent. The following parenting plan options for infants and toddlers are guidelines for schedules for the non-custodial parent. These guidelines are based on the degree of attachment with the non-custodial parent. (See Essential Considerations on next page for information about degree of attachment.)

Suggested Parenting Plan Options:

**The following options are dependent upon the age and maturity of the child, pattern of contact with each parent, family lifestyle, and presence of siblings. Gradual increase of the less attached parent's contact should occur over time.*

<p>Child Attached to Both Parents (Child is comfortable and secure with both parents.)</p>	<p>Child Less Attached to One Parent (Parent A) (Child is significantly less comfortable and secure with one parent.) **</p>
<p>1. Parent A Tuesday, Thursday 4:00 p.m. to 7:00 p.m. Saturday 10:00 a.m. to Sunday 10:00 a.m.</p>	<p>Weeks 1 & 2 (Parent A) Minimum (2 hours) per visit, three times per week on nonconsecutive days Parent B All other times</p>
<p>2. Parent A Tuesday 5:00 p.m. to Wednesday 9:00 a.m. Thursday 4:00 p.m. to 7:00 p.m. Saturday 5 :00 p.m. to Sunday 5:00 p.m.</p>	<p>Weeks 3, 4, & 5 (Parent A) Minimum (3 to 4 hours) per visit, three times per week nonconsecutive days Parent B All other times</p>
<p>3. Parent A Wednesday 4:00 p.m. to 7:00 p.m. Saturday noon – Sunday 5:00 p.m.</p>	<p>Weeks 6 & 7 (Parent A) Minimum (5 to 6 hours) per visit, three times per week nonconsecutive days Parent B All other times</p>
<p>4. Parent A Wednesday 4:00 p.m. to 7:00 p.m. Saturday 5:00 p.m. to Monday 8:30 a.m.</p>	<p>Week 8 (Parent A) See Schedule for Child Attached to Both Parents Parent B All other times</p>
<p>5. Parent A Tuesday noon – Wednesday noon Thursday noon – Friday noon Saturday noon – Sunday noon **Child is with Parent B at all other times</p>	<p>Parent B All other times <i>*Parents may agree on any combination of the above.</i></p>

Essential Considerations - Infancy to 3 Years Old

- **Degree of Attachment** – Attachment can be defined as the level of trust, security, and bonding in a parent/child relationship. If a parent has not had contact with an infant to 3-year-old child for an extended period of time or has not been involved in the day to day care of the child, contact should start slowly and gradually increase as the child adjusts and feels more comfortable.
- In order to maximize the child's trust and security, it is critical that the less attached parent spend significant alone time caring for the child.
- Information regarding the infant/toddler's diet, medications, daily routine, etc. should be provided by the custodial parent.
- In order to communicate the feeling of security to the child, it is usually best for the primary parent to deliver the child to the other parent.
- Exchanges are to be done quickly with no excessive delays.
- Security object(s) may go with the child.
- Days of contact should be consistent.

3 TO 5 YEARS OLD

Current research suggests that children in this age group can form strong attachments to both parents, as well as other adults and caregivers. Along with the growing ability to form attachments with many people comes the ability to tolerate longer periods of separation from attachment figures. Important for children throughout the preschool years are consistency, predictability, and structure.

Suggested Parenting Plan Options

**The following options are dependent upon the age and maturity of the child, pattern of contact with each parent, family lifestyle, and presence of siblings.*

- 1. Parent A** - Alternate weekends Saturday and/or Sunday from 8:00 a.m. to 4:00 p.m. and Wednesday evenings from 6:00 p.m. until 8:00 p.m.; **Parent B** - All other times
- 2. Parent A** - Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and Wednesdays from 5:00 p.m. until 8:00 p.m.; **Parent B** - All other times
- 3. Parent A** - Alternate weekends from Saturday at 8:00 a.m. until Sunday at 8:00 p.m. and Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.; **Parent B** - All other times
- 4. Parent A** - Alternate weekends from Friday evening until Monday morning and every Wednesday overnight; **Parent B** - All other times
- 5. Parent A** - Monday afternoon to Wednesday morning and Every Other Weekend (Friday afternoon to Monday morning) **Parent B** - Wednesday afternoon to Friday morning and Every Other Weekend (Friday afternoon to Monday morning)
- 6. Parent A** – Saturday evening through Wednesday morning. **Parent B** - Wednesday afternoon through Saturday evening
- 7. Alternate Weeks with Parent A and Parent B and Wednesday overnight with the other parent**
- 8. A combination of any of the above.**

Essential Considerations – 3 to 5 Years Old

- Consistency, predictability, and structure are important during the preschool years.
- Children in this age group are able to follow their schedules using color-coded blocks of time to represent time with each parent marked on a calendar.
- Children in this age group are able to understand one parent may do things differently than the other parent, or rules may differ in different places.
- Preschool children are capable of spending overnights with each parent; however, week-long blocks of time may seem exceptionally long to such young children, and a visit with the other parent midweek may be necessary.
- Most important for children in this age group is that they are not exposed to parental conflict. Exposure to parental conflict can cause young children to experience anxiety and to regress to younger behaviors.
- Nightmares are common for young children and some of their anxieties are often expressed as fears or through nightmares. Nightmares do not necessarily mean the child is having bad experiences with either parent.
- Young children are very self-centered and often dislike changing activities when they are interested in a particular activity. They may cry, for example, when dropped off at preschool or when they are picked up from preschool. Similar protests can occur during parental exchanges of the child.
- If a child cries when one parent picks up the child, this may mean only that the child does not want to “switch gears”; and such incidents should not be universally interpreted to mean that there is a problem between the parent and child.

6 TO 11 YEARS OLD

Most six to eleven-year-old children can handle moving back and forth between parents’ homes with ease, although some children do better spending more time at one home. The child’s school schedule, extra-curricular activities, parents’ work schedule, and availability to provide transportation and supervision, are important factors in deciding on a parenting plan in this age group. Stability, predictability, ensuring the child’s preparedness for school, and protection from parental conflict are essential to the child’s adjustment.

Suggested Parenting Plan Options:

- 1. Parent A** Alternate weekends Saturday and/or Sunday from 8:00 a.m. to 4:00 p.m. and Wednesday evenings from 6:00 p.m. until 8:00 p.m.; **Parent B** All other times
- 2. Parent A** Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and Wednesdays from 5:00 p.m. until 8:00 p.m.; **Parent B** All other times
- 3. Parent A** Alternate weekends from Saturday at 8:00 a.m. until Sunday at 8:00 p.m. and Tuesdays and Thursdays from 5:00 p.m. until 8:00 p.m.; **Parent B** All other times
- 4. Parent A** Alternate weekends from Friday evening until Monday morning and every Wednesday overnight. **Parent B** All other times.

5. Parent A Monday afternoon to Wednesday morning and Every other weekend (Friday afternoon to Monday morning); **Parent B** Wednesday afternoon to Friday morning and Every other weekend (Friday afternoon to Monday morning)

6. Parent A Saturday evening through Wednesday morning; and **Parent B** Wednesday afternoon through Saturday evening

7. Parent A Alternate weeks with **Parent B**; **Parent B** Alternate weeks with **Parent A**

**Parents may agree on any combination of the above.*

Essential Considerations 6 to 11 Years Old

- Parents need to communicate with each other about establishing consistent rules, structure, and discipline for the child.
- Exchanges should be done quickly and without conflict to reduce transition issues for the child.
- Exchanges may be done by pickup and return at school or daycare.
- Neither parent should schedule outside/extracurricular activities that interfere with the other parent's court-ordered time with the child without mutual agreement.
- Parents need to agree mutually on any rescheduling in a timely manner.
- Parents should communicate when there are changes in the schedule.

12 TO 18 YEARS OLD

Adolescents are developing a separate identity from their parents and typically are more focused on activities and relationships outside the home. At the same time they need ongoing contact with both parents and continued guidance about rules and standards for their behavior.

Adolescents often want to be more independent and to have a say in their living arrangements. Parents may find it helpful to allow older teens to express their ideas for schedules and living arrangements, while making it clear that it is still up to the parents to make the final decisions. Flexibility is the key in accepting children's increasing ability to care for their own needs and make more of their own decisions, while making sure that access to both parents occurs on a regular basis.

Suggested Parenting Plan Options:

1. Parent A Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.); **Parent B** All other times

2. Parent A Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.) plus weekly mid-week visit (Wednesday 5:00 p.m. to 8:00 p.m.) **Parent B** All other times

3. Parent A Every other weekend (Friday 6:00 p.m. to Sunday 6:00 p.m.) plus weekly midweek overnight (Wednesday 5:00 p.m. to Thursday before school) **Parent B** All other times

4. Parent A Every other weekend (Friday afternoon to Monday morning) plus weekly midweek overnight; **Parent B** All other times

5. Parent A Monday afternoon to Wednesday morning Parents alternate weekends Friday afternoon to Monday morning; **Parent B** Wednesday afternoon to Friday morning. Parents alternate weekends Friday afternoon to Monday morning (2-2-5-5 schedule)

6. Parent A Alternate weekly custodial periods with **Parent B**; **Parent B** Alternate weekly custodial periods with **Parent A**

**Parents may agree on any combination of the above.*

Essential Considerations – 12 to 18 Years Old

- It is not unusual for teenagers to be angry or embarrassed by the break-up of their parents and to side with one parent over the other. It is important for both parents to be sensitive to their feelings, yet both parents need to encourage ongoing contact with that parent in spite of these feelings.
- Older adolescents may resist a rigid weekly schedule and may prefer to make adjustments in the schedule based on school activities or other extra-curricular activities.
- Both parents need to support their children's participation in extra-curricular activities even if it conflicts with their parenting time.
- Effective parental communication and cooperation are required in order to support adolescents in their school and extra-curricular activities.
- While input from their child should be considered, it is the final responsibility of the parents to agree upon the parenting plan.
- Parents should not use the children as messengers but should communicate directly with one another.
- Flexibility and communication are keys in maintaining positive parent/child relationships.
- Parents should not rely upon their children for emotional support.
- Often teenagers after having lived with one parent wish to spend more time or to live with the other parent. Developmentally this can be appropriate since the adolescent is struggling with forming an identity and often needs to have meaningful contact with the other parent to successfully form their self-concept.

Orientation