

# **A Parent's Guide to Family Court Services**

Keeping the focus on children

Santa Clara County Family Court

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\*\*Portions of this handbook were adopted with permission from San Francisco Unified Family Court. Sections were revised to be applicable to Santa Clara County Family Court Services.

# Welcome and Introduction

## Welcome to Family Court Services

Coming to court can often feel very frightening and confusing for parents and children. It is our hope that we can lessen your concerns by providing you with some basic information on how Family Court operates. Your attendance at the Family Court Services Orientation Program will allow you the opportunity to have many of your questions answered. We will continue to be available to you throughout the mediation and resolution process. It is equally important that you take the opportunity to educate yourself about what is expected of you in court.

This handbook will address your concerns and questions about the court and its procedures. It has information about what to expect during mediation, as well as how to take some control over determining the issues that affect your child(ren).

The most important goal of the Family Court is to create plans that work best for your child(ren). The court firmly believes that parents should make their own plans for their child(ren) since parents, more than the court, know their child(ren) and their child(ren)'s needs. Parents are usually the best decision makers. We will explain how parents, like you, can design a parenting plan that addresses your child(ren)'s social and psychological needs even when you and the other parent may have a difficult relationship with each other.

We've included statements from children about how they experience the changes that come with their parents' breakup: how they feel when their parents don't get along; how family transitions affect them; and how you can help keep things as normal as possible in their lives. We will also give you ideas about how you and your child(ren)'s other parent can work together for the benefit of your child(ren). The worksheets in this handbook can help you think about your child(ren)'s needs and give you a way to organize some of your thoughts before you come to mediation.

Finally, we recognize that this is a very stressful time for you and your family. It's important that you take care of yourself in order to be better able to meet your child(ren)'s needs. A section in this handbook is aimed at helping you develop coping skills and understanding the emotional aspects of separation. It is all too easy to stay caught up in the negative and difficult feelings about your child(ren)'s other parent. We encourage you to keep a focus on the future and how you can move forward in creating a sense of peace for your child(ren) and yourself. Your capacity to move forward and to focus on the positive aspects of your life will enable your child(ren) to do the same.

## Important Information to remember when you come to Family Court Services (FCS)

You will have at least two (2) files. One or more will be for the court. FCS will have their own confidential file. Please be sure to provide a change of address to the court as well as FCS.

If you do not speak or understand English you must bring a neutral third party to provide you with translation services for all court and FCS interviews. In cases where there are Domestic Violence allegations, the court may provide an interpreter for you (this is not guaranteed).

## Waiting Room Policy

The only persons permitted to wait in the FCS waiting room are the following individuals who have appointments with FCS:

- Parents;
- Attorneys representing parents;
- Attorneys representing a child;
- Domestic Violence support person;
- Other individuals who have been given specific appointments;
- All other persons must wait downstairs.

In cases where there are Domestic Violence Restraining Orders, the restrained person should check with the FCS staff at the front desk, leave a cell phone number where you can be reached and then wait downstairs on the main floor. A mediator will either call you or come get you at your appointed time.

# FAMILY COURT SERVICES PROCESS

## **ORIENTATION**

Orientation is a group class that provides parents with an introduction to the court as well as to the emotional process affecting families in court. The class will give parents information about the developmental needs of children and tools for focusing on children's needs after separation. Both parents must attend orientation before they participate in mediation. Once both parents have attended orientation, Family Court Services staff will send each of you an appointment letter in the mail. If you cannot make the appointment scheduled for you, you must call 48 hours or more in advance to cancel or reschedule that appointment or you will be charged \$100. Each parent may reschedule a mediation appointment once. If you do not show up for your scheduled appointment you will be charged \$100 for that missed appointment.

## **MEDIATION**

### **What is Mediation?**

Mediation is a process that allows parents to talk with each other about their child(ren)'s needs with the assistance of a person who does not side with either parent.

All of the mediators are trained licensed mental health professionals who are knowledgeable about child development, and the effects of separation, divorce, and loss on children.

Mediation in Santa Clara County at Family Court Services is a confidential process (see below for further explanation) in which the only people who have the authority to decide on child custody and visitation are the parents and other parties in the case. Family Court wants to give the parents every opportunity to decide for themselves what will be in the best interest(s) of their child(ren).

### **What does Confidential mean?**

Mediation in Santa Clara is confidential. This means that the mediator does not report anything about your family to the court or anyone else, except for agreements that you make or referrals to a Judicial Custody Conference. However, there are some exceptions to this rule.

### **What is NOT Confidential?**

The mediator is required to report the following:

- If there is information that a child or elder may be at risk for neglect or abuse the mediator is required to make a report to Child/Elder Protective Services;
- If anyone threatens to hurt themselves or anyone else, the mediator must take appropriate steps to ensure the safety of the person threatened;
- The mediator may make the suggestion to the court after meeting with you, that an attorney be appointed for your child(ren).

While the mediator is free to provide information and make suggestions for you to consider, the mediator does not have the power or authority to make decisions about child custody or visitation. Only the parents and parties involved can make those decisions in mediation.

### **What the Mediator Is NOT Allowed to Do**

- The mediator cannot discuss child support, property, or spousal support issues.
- The mediator will not take sides but will provide education and suggestions.
- The mediator cannot require you to agree.
- The mediator will not interview a child at the first appointment.
- The mediator will not speak to your attorney about the content of mediation.
- The mediator can not conduct mediation over the phone except for deployed military personnel.
- The mediator is not a judge and will not decide who is right and who is wrong.
- The mediator cannot discuss whether or not a restraining order should be issued.
- The mediator will not tell the judge what he or she thinks your parenting plan should be.

### **What is the Purpose of Mediation?**

The Family Court's responsibility is to help parents establish parenting plans that allow their child(ren) the best of what each parent has to offer them. The court believes that parents should make their own parenting plans, without the court's interference, whenever possible.

The court wants you to create your own parenting plan because:

- You know your child(ren) best;
- Children are often relieved when they know that their parents have worked together to create a plan for their care;
- Children tend to be more successful in life when their parents can cooperate with each other;
- You know the details of what will work best for your child(ren) and what is realistic within your own schedule.

### **What You Can Expect in Mediation**

In most situations, you will meet with the mediator and your child(ren)'s other parent for up to 2 hours. If there is a history of domestic violence, however, the mediator will meet with each parent separately, generally 30 minutes apart. If you are working collaboratively on a parenting plan and need a second appointment, the mediator will set that appointment with you.

During the mediation session you will be encouraged to talk about what you think would work best for your child(ren). The mediator will help each of you focus on your child(ren)'s needs, and may give you suggestions on how to improve your communication with each other.

When you work out your parenting plan, the mediator will write an order for you. Family Court Services will send each of you and your lawyer(s), if you have one, a copy of the agreement/order in the mail. You have 15 days to review the order. If you agree with the order you do not have to do anything. If you do not agree with the order, you must submit your objections to the order to Family Court Services by the 15<sup>th</sup> day. You must pay close attention to the deadlines. If there are no objections submitted to Family Court Services by the deadline, the agreement will be sent to the Judge for signature and will become a court order. The court will send each of you and your attorney(s) a copy of the order. Family Court Services does not have the authority to extend deadlines. We are not responsible for mail that is not delivered.

If you cannot agree on a parenting plan, the mediator will refer you to a Judicial Custody Conference (JCC) with the Judge. At the JCC, both the parents and lawyers, if you have one, will meet with the Judge to discuss your concerns and possible solutions.

## **Mediation in Cases that Involve Domestic Violence**

If there has been domestic violence between you and the other parent, the mediator will meet with each of you individually. You may request to have a support person with you in mediation, if you have been the victim of violence by the other parent and you have provided a declaration to the court, and if there is a restraining order. The support person may provide moral and emotional support, but cannot participate in the session. The mediator may exclude a support person from a mediation session if they are disruptive to the mediation.

### **How to Make the Most of Your Mediation**

- Before you go to your mediation appointment, spend some time imagining yourself talking with your child(ren)'s other parent. Think of strategies you can use to keep focused on your child(ren), not on the other parent.
- Before you go to your mediation, think of at least two different ways that you and the other parent can share time with your child(ren). Remember to think about how to share school vacations and holidays.
- Tell your mediator if there are issues of domestic violence. As discussed, you have the right to separate meetings, or to bring a support person if there is a restraining order in place.
- Tell your mediator if you are having a hard time focusing on your child(ren) because of your feelings toward the other parent. The mediator can assist you in dealing with these feelings or refer you to someone who can spend more time working with you outside the court.
- Tell your mediator if there are drug or alcohol issues that affect the best interests of your child(ren). Be frank with your mediator. It is important to your child(ren) that you deal with all of the issues that can affect him or her.
- Focus on what is currently working for your child(ren).
- Don't bring children to the mediation appointment. This is a time for adults to work out a plan for their children. The court generally does not want to involve children in creating the parenting plan.
- Calmly express your ideas about what you think your child(ren) need(s) and why. Realize that the other parent may see things differently. That's OK. The first step toward an agreement is, understanding someone else's point of view.
- If you have a new partner, he or she may come to court but cannot participate in the mediation. They must wait downstairs. You and your new partner should act respectfully towards the other parent.
- When the other parent is explaining their perspective, try to understand why these things are important to her or him. Although it can be difficult not to react, remember that understanding is not the same as agreeing. You can write down notes while you listen so that you won't forget what you want to say when it's your turn.
- You don't need to convince the mediator that you're right. The mediator is not a judge. Only a judge has the power to decide whose story is true.
- More will be accomplished if both parents behave respectfully towards each other. Abusive or threatening behavior is not acceptable.
- Remember that your parenting plan will change with the needs of your child(ren). Talk with your mediator about how you can set up a temporary plan and return to mediation to discuss how it's working.

# WHAT CHILDREN NEED

Now we want to turn to what matters most: your child(ren)! There has been a lot of research about the effects of family change on children. We encourage you to educate yourself.

Some research has found that even though many children experience anxiety and depression when their parents first break up, many of those symptoms disappear within a year's time.

Unfortunately, some children can experience extreme difficulties and may develop mental health problems. The good news is that there are things that you, as a parent, can do to help your child(ren) avoid these problems.

The following are some ideas that parents can use to help their children adjust better to their new situation in life:

1. Children with an easygoing temperament and the ability to make friends tend to do better because they have more social support. As parents, you can help your child(ren) by encouraging and helping them to learn the skills to develop a broader network of friends;
2. In addition to developing a broad network of friends, children may do better when they feel part of a larger and supportive community, such as religious, social, or recreational groups;
3. Children who feel successful generally feel better about themselves and have an easier time with change. Parents can help by giving their children praise and encouraging them to pursue activities that they enjoy and in which they can excel;

*“I hated being in the middle. My parents still say bad things about each other to me and it's been 7years.”*

*-Nicole, 19*

4. Continued positive involvement by both parents is particularly crucial to children when parents are no longer together. Not only are parents the most influential people in children's lives, especially at an early age, but children need to experience both parents' support so that they don't feel abandoned;

If you are the only parent involved in your child(ren)'s life, your role is that much more important. In that situation it can help your child(ren) if you can find a mentor for him or her;

5. A peaceful and civil parenting relationship makes a huge difference in the happiness and adjustment of your child(ren). The only thing worse than a child living in the middle of a family with a lot of fighting is to be in the middle of two parents who have separated and are continuing the fight, especially when the fight involves issues related to the child;
6. Take care of yourself so that you can be emotionally available to your child(ren)'s needs. See the section on Self Care, page 18.

Parents' actions are the most important factors in a child's well being. Here is a list of things you can do, followed by a list of things you should try to avoid. Your attention to these behaviors can be crucial for your child(ren) successfully coping with this difficult time in their lives.

Your relationship with your child(ren) can be made even stronger if you can remember how they might feel instead of reacting to your own feelings about the other parent.

## What you can do to help your child(ren):

- **Explain that you and the other parent love them, and that both of you will always be their parents.**

Your child(ren)'s world has fallen apart, and they need constant reassurance that you and their other parent love them and will always be there to take care of them. Even when you think the other parent doesn't give or care enough, your child(ren) need whatever support is available from each of you.

- **Explain that the separation is an adult decision and that your child(ren) didn't cause the separation.**

Don't overburden your child(ren) with too many details, but do reassure them of their importance to both of you. Explain how difficult it was for you, as parents, to make the decision to separate. Children see themselves as being at the center of their parent's world. As a result, they think that they are somehow responsible for what is happening around them. Children may also think that they can make things happen. For example, a child might think, "If I had been a better kid, maybe my parents would still love each other."

*"I think they would still be together if I hadn't asked for that video game. My mom says it's not my fault, but sometimes I still think it is."*

*-Jake, 11*

- **Tell them when they will see their other parent.**

Children live very much in the "present". They need help in understanding that they will still see daddy or mommy even though things have changed. They need specific information about when they will spend time with each parent. With a specific and consistent schedule, your child(ren) can relax and use their energy to focus on school and play.

- **Create and maintain a clear and reliable schedule, and keep consistent routines at home.**

Children need predictability, particularly when their world has changed so dramatically. Having consistency helps them feel more secure. They have just had everything they took for granted changed forever. It helps them to have a consistent routine because then they can have some sense of control and they know what to expect.

- **Keep your child(ren) in the same school, sports programs and other special things they do outside of school as much as possible.**

The more things stay the same in your child(ren)'s life during this time, the better they will feel. If everything in their lives changes at the same time, they will feel very insecure, unstable, and have a very difficult time at school and at home.

- **Explain that it is all right to express their ideas and feelings and to ask you questions.**

Your child(ren) need(s) to know that you can handle hearing all of their feelings, including anger, they might feel toward you or their other parent. They need to know that you and their other parent love them no matter how they might feel. Be sure that you are prepared to deal with whatever might come up. If you need help in dealing with your own feelings there are services to help you.



### **Speak respectfully about the other parent.**

When children hear negative or nasty things about you or their other parent they may feel that those things are being said about them, too. After all, they have parts of each of you and identify with both of you. Think about how you might feel if someone spoke badly about someone you care about. Bad mouthing can lower a child's self esteem and affect their performance in many areas of life such as school and social interaction.

- **Support your child's relationship with their other parent.**

Children need to be able to have a loving and supportive relationship with both of their parents. Each of you offers your child(ren) different things. These differences can provide your child(ren) with more than either parent can give alone. It also teaches your child(ren) that people have different ideas, values and ways of doing things and that there is no "right" way to be in the world.

Children whose parents discourage them from having a relationship with their other parent (whether the discouragement is overt or unconscious) can grow up very confused and bitter. The irony is that as they become more independent, they often feel angry and distrusting of the parent who kept them away from their other parent.

### **Help make the transitions between you and the other parent calm and peaceful.**

Going back and forth between homes is difficult for most children. It reminds them of their parents' separation and can raise feelings of abandonment and insecurity. It is vital that the transitions between you and the other parent are calm and peaceful.

Even if you and your child(ren)'s other parent do not get along, you both need to find a way to make the exchange of your child(ren) as stress-free as possible. Don't talk about any adult issues, especially if there's a possibility of conflict, during the exchange. Avoid any issues that could lead to disagreement. If you have to make a choice between silence or angry confrontation, it's better for your child(ren) if the exchanges are silent.

- **Manage you own feelings about the other parent.**

One of the biggest challenges in creating a parenting plan can be managing your own feelings about the other parent so that you can focus on your child(ren)'s needs. This can be one of the hardest things you have to do as a parent.... how can you support your child(ren)'s relationship with their other parent when that other parent may have hurt or betrayed you...when you feel no trust and have strong negative feelings about him or her? It's hard and yet your child(ren) need you to find a way to do it.

*“When my mom gets mad at me, she always says  
I'm just like my dad. Why is it bad to be like him?”*

*-John, 6*

*“I was always the messenger. It tore me apart that they couldn't  
even talk to each other. I was always in the middle.”*

*-Barb, 18*

### **Don't ask your child(ren) to:**

- **Carry messages between you and their other parent.**

If you can't communicate directly, try using email, texts, a daily log, or notes passed during the exchanges directly between the parents (not through the children).

- **Report to you about their other parent's life.**

Children can feel put in the middle and that they are betraying one of their parents if they are asked questions about the other parent. It can make them feel guilty that they must choose to be loyal to either you or their other parent, and in the long run they may learn to be careful and calculating about what they say to both of you.

- **Listen to information related to adult issues, including court-related or financial issues.**

Children may already feel responsible for their parents' problems with one another. Hearing about the details of the court case and financial issues only makes children feel more responsible to fix the situation. They can also feel immense stress and fear about economic hardship and upcoming court decisions.

- **Listen to complaints about their other parent, including who's a better parent or who loves them more.**

Children will tell each of you what you want to hear because they want to please both of you. This can lead to more conflict between parents, and also means that your child(ren) will learn to lie and to lose sight of what their own truth is. When children get older they will form their own independent opinions about each of their parents.

- **Choose between you and their other parent.**

Children generally love both of their parents and feel very badly that their parents are not getting along. When they are put in situations where they must choose to be loyal to you or their other parent they are put in tremendous conflict. They feel bad no matter what they do because being "loyal" to one parent means that they are "disloyal" to the other.

- **Keep secrets from their other parent.**

Asking your child(ren) to keep secrets from their other parent puts them in the position of acting as a conspirator with you and betraying their other parent. For all of the reasons mentioned above, forcing children to align themselves with one parent against the other can be very damaging to their emotional, and social well-being

### **SPECIAL NEEDS OF CHILDREN EXPOSURE TO VIOLENCE**

Children exposed to violence in their own homes have more problems to overcome than other children. Home is supposed to be a place where children can relax and feel safe. If their home becomes a place of violence, children can experience a lot of anxiety, despair and long-term emotional trauma. Home should be a safe haven. When it is not, children will look for safety elsewhere.

#### ***What Do We Mean by the Word "Violence"?***

It is important to recognize that there are many types of violence, all of which are damaging to children and adults. They include everything from shoving, slapping, kicking and pushing, hitting with objects or hands, throwing things, threatening to hurt someone or something important to them, threatening to use a weapon, using a weapon, and many other actions that can hurt or scare someone else.

Violence isn't just physical. It also includes isolating people, withholding money, stalking, making unwanted sexual advances, and many other coercive behaviors. Violence can also be verbal. Verbal violence includes saying negative, derogatory, intimidating, humiliating, or threatening things. Verbal violence, can leave very damaging lifetime scars for both children and adults.

*Children are often so anxious and focused on the violence that they can't concentrate.*

### **The Impact of Violence on Children**

Sometimes parents think that their children are unaware of the violence or conflicts at home because the children are not in the same room where it happens. However, most children are very aware of what's going on because they can hear the violence and "feel" the tension.

How your child(ren) respond(s) to family violence will depend on a number of things, such as their age, temperament, relationship to the people involved, and whether or not they receive immediate help in dealing with their feelings about what happened.

Here are some specific ways in which children can be affected by family violence:

1. **Children can feel emotionally abandoned.**

During a domestic violence incident neither you nor your child(ren)'s other parent is emotionally available to respond to your child(ren)'s fear because you are both focused on the conflict. As a result, your child(ren) may learn not to trust adults and to put themselves in dangerous situations. Children learn that the world is not a safe place, even in their homes, and that their parents cannot provide them with protection or ensure their safety.

2. **Children living in constant fear can become very anxious and distrusting of the world.**

Children may feel powerless and insecure because they cannot stop the violence. They also cannot predict when there will be violence and, as a result, can feel afraid even when things are peaceful. They also don't know if you or their other parent will survive the violence or be taken away by the police. As a result, they may be afraid that they'll be left alone.

*"Mom and dad were screaming at each other. I was really afraid. I pretended to be asleep so that they wouldn't know that I heard."*

*-Shane, 8*

3. **Violence can affect your child(ren)'s brain development.**

Repeated exposure to violence can literally exhaust your child(ren)'s central nervous system and can negatively impact proper brain development. Even when there is no brain damage, children are often so anxious and focused on the violence that they cannot concentrate, which can directly affect their school performance.

4. **Children learn that violence toward others is acceptable and normal.**

When children are repeatedly exposed to violence they come to think of it as normal and acceptable behavior. They learn to accept violence as part of an intimate relationship. Some children become abusive themselves and some children learn to accept being abused by others, potentially putting them in very dangerous situations.

Children growing up in violent homes generally don't learn how to handle conflict in non-violent ways. They grow up without vital skills for functioning well in school, the work place, and in relationships with others.

## 5. **Violence can lower children's self esteem.**

Children may feel that it's their responsibility to protect their parents from getting hurt. They can feel hopeless and guilty when they can't help. This can lead to depression and lower self-esteem. Their sense of self worth is also diminished when their own needs for comfort during the violence is ignored by their parents. They can feel that they are not worthy of having their feelings tended to.

## 6. **Children can be physically hurt.**

Children are often very protective of their parents. They may try and get in the middle of a physical fight to break it up and end up getting hurt themselves.

The good news is that you can take steps to make things better. If your child(ren) has experienced violence it is imperative that they receive therapeutic support. Organizations that can help you and your children are listed in the back of this handbook.

If you have been involved in a violent relationship there are programs that can help you find another, less stressful, way to manage your adult relationships. Counseling is an important option to consider. See the list of services at the back of this handbook and ask your mediator.

## **How Are Your Children Doing?**

One of the ways that you can measure how your child(ren) is/are doing is to be aware of whether or not their behaviors and feeling fit their developmental stages.

While all children are different, they go through similar stages of development that can be recognized. Problems can come up when children are expected to understand or to do things that they are not capable of doing because of their age. When a child cannot perform the expected task, the child's self-esteem can be greatly diminished.

Likewise, a parent can feel frustrated and angry that the child is not following his or her direction, and can believe that the child is just being stubborn when, in fact, the child is not capable of following the instructions.

For those of you who have a child, or children, with special needs, whether they are physical, cognitive deficits or severe emotional issues, the developmental stages in this handbook do not apply.

You should consult, instead, with your child(ren)'s physician or therapist so that you can have a clear understanding of what your child is capable and not capable, of doing. Often parents of these special children can expect too little or too much of them. Be sure to get specific information on how you can help them reach their full potential with high self esteem.

*Problems can come up when children are expected to understand or to do things that they are not capable of doing because of their age or disability.*

## CHILDREN'S DEVELOPMENTAL STAGES AND NEEDS

The following guideline is intended to give you information on what can generally be expected of children at certain ages. It is meant to help inform your thinking about what your child(ren) may need at different ages, and what signs you might look for that could indicate that your child(ren) is/are having a difficult time.

### From Birth to 18 months

#### *Developmental Tasks:*

- Receiving attention and protection;
- Allowing physical closeness to, and nurturing by, primary caretakers;
- Beginning to adjust to scheduled feedings and sleep time.

#### *Signs of Possible Stress:*

Any significant change in behavior, such as:

- Sleeping much longer or much shorter or difficulty in getting to sleep;
- Difficulty in following feeding schedule that was already in place;
- Infant is more clingy than usual;
- Infant is non-responsive or pulls away from physical contact;
- Infant cries more than usual;
- Difficulty learning developmentally appropriate tasks.

#### *Possible Reasons for Stress:*

- Loss of familiar environment and familiar caretakers;
- Loss of predictability and structure;
- Infants don't understand that the parent who is no longer "around" will come back.

### ***Infants do well when they have a consistent routine.***

#### *Ideas to Consider in Developing a Parenting Plan for this Age Group:*

- Infants do well when they have a routine. Coordinate their transitions between parents in a way that does not interfere with their normal sleeping and eating times. Try to maintain similar routines in both households;
- Infants have very short attention spans. Consider frequent and short visits; too many transitions may be difficult for an infant to manage;
- Children do better in a calm and soothing atmosphere;
- Infants thrive with physical affection and nurturing, including quiet talking and other

mental stimulation;

- It helps all children to have familiar things around them, such as toys and their security animal or blanket.

### 18 Months to 3 Years

#### *Developmental Tasks:*

- Becoming more independent;
- Learning about their ability to maneuver in the world;
- Learning the beginnings of abstract thought and about relationships.

#### *Possible Signs of Stress:*

Any significant change in behavior, such as:

- Doing things they did at a younger age, for example, a child who has many accidents even though she or he has been toilet trained for some time (regressive behavior);
- Becoming very clingy;
- Crying or "acting out" when a parent leaves the room;
- More quiet, angry or sad than is usual for them;
- Pulling away from physical nurturing.

#### *Ideas to Consider in Developing a Parenting Plan for this Age Group:*

- Children need routine and predictability;
- Children may need to feel reassured while in your care by having contact with the other parent;
- Children need to be able to explore in a safe environment. Baby proofing each home is important;
- Children need firm and consistent limits, particularly related to safety issues;
- Children need a lot of attentive monitoring. Verbal praise and encouragement for the steps they are taking in mastering their bodies and their environment boost their self-esteem;
- Children need to know that both parents can take care of them physically and emotionally.

### 3 Years to 6 Years

#### *Developmental Tasks:*

- Learning how to control impulses;
- Learning routines and consequences of behavior;
- Learning how to get along with peers;
- “Trying on” adult behaviors;
- Learning to express their feelings in words.

#### *Possible Signs of Stress:*

- Withdrawal and sadness;
- Lack of curiosity;
- Eating or sleeping disturbance;
- Regression;
- Unable to be consoled;
- Too “good” or “acting out”;
- Extreme neediness.

#### *Ideas to Consider in Developing a Parenting Plan for this Age Group:*

- Children need to be reassured that both parents are available to them;
- Extended separation from either parent can be difficult;
- A schedule that maintains consistency and meets your child(ren)’s scheduled activities;
- Ensuring time for your child(ren) to be with other children of their same age.

*Extended separation from either parent can be difficult for young children.*

### 6 Years to 10 Years

#### *Developmental Tasks:*

- Learning impulse control;
- Developing skills to stay focused;
- Developing logical thought and understanding the concept of consequences;
- Developing a sense of fairness and the ability to show empathy;
- Learning how to work independently and with others.

#### *Possible Signs of Stress:*

- School problems;
- Tantrums, aggression or other disruptive behavior;
- Increased anxiety or restlessness (inability to concentrate);

- Intense emotions of anger, sadness, grief;
- Withdrawal or emotional “flatness”;
- Extreme mood swings;
- Sleep disturbance, including nightmares;
- Physical complaints with no medical basis.

*“When my dad says those bad words about my mommy, my stomach hurts.”*

*-Annie, 7*

#### *Ideas to Consider in Developing a Parenting Plan for this Age Group:*

- Children need time to spend with both parents that allows each parent to be involved in school-related activities, meals and play time;
- Children need to spend time in their own activities, like sports or art classes;
- Children need to be listened to, to have their feelings heard, and to be given explanations, appropriate to their age and maturity level, about what they can expect from their parents;
- Children need to be able to love both of their parents and should not hear negative things about their other parent or be used as spies or messengers;
- Support of each parent for the other parent’s authority.

### Pre-Adolescence; 10 to 13 years

#### *Developmental Tasks:*

- To gain a sense of themselves and begin to become more independent with firm limits in place;
- To learn how to manage relationships;
- To develop true abstract thinking;
- Truly understanding cause and effect;
- Mastering impulse control.

#### *Possible Signs of Stress (similar to 6- 10 years):*

- School problems, including attendance, interactions with teachers and performance;
- Tantrums, aggression, other anti-social behavior;
- Increased anxiety or restlessness (inability to concentrate);
- Intense emotions of anger, sadness, grief
- Withdrawal or lack of interest;
- Change in eating habits;
- Substance or alcohol abuse.

*“My mom always tells me that I don’t have to listen to my dad. My dad tells me that I don’t have to listen to my mom. At first I thought it was cool. Now I get in trouble all the time.”*

*-Marcus, 13*

### **Teenagers: 13 to 18 years**

#### *Developmental Tasks:*

- Develop self-motivation;
- Develop independence from parents;
- Develop own sense of values;
- Develop sexual identity;
- Establish goals and formulate plan for reaching them.

#### *Possible Signs of Stress:*

- Same as for Pre-Adolescents

#### *Ideas to Consider in Developing a Parenting Plan for this Age Group:*

- Adequate, but flexible, control by parents that is consistent between households;
- Support of each parent for the other parent’s authority;
- Acknowledgment of your child’s maturity and need to make independent choices as long as they’re safe;
- Clear limits that are consistent with your child’s maturity;
- Allowing children to make their own mistakes as long as safety is not jeopardized;
- Attention to any needs for school performance, social issues, counseling needs, or any other support your child may need.

*“I can do whatever I want. I just tell my mom that I’m at my dad’s, and I tell my dad that I’m at my mom’s. They don’t talk to each other.”*

*-Jessica, 15*

# Creating a Parenting Plan

The most important goal of mediation will be to create a parenting plan that serves as a guide for co-parenting into the future.

Parenting plans are meant to meet the specific needs of your child(ren) based on their age, psychological development, social and educational concerns, and individual temperament. Because each child is different no two plans are exactly the same. Parenting plans provide each parent and child with a clear understanding of what is expected on a day to day basis, as well as during holidays and vacation times.

Cooperation between you and the other parent is generally more important to how well your child(ren) does than the specifics of your parenting plan. When parents can cooperate with each other they can be more flexible as circumstances change, making it easier to take care of their child(ren)'s changing needs. Also, it is very beneficial to children when they see their parents cooperate with each other in areas such as education, health and special activities.

*Parenting plans are meant to provide your child(ren) with a safe and stable way to have consistent, positive contact with you and their other parent.*

## What is Custody and Timeshare?

A parenting plan has two different components: custody and timeshare

There are two separate kinds of custody rights **Legal custody and Physical custody.**

**A. Legal Custody** is about who has the right and responsibility to make decisions about your child(ren)'s medical, educational, religious and other major life issues.

(1) **Sole Legal custody** means that one parent has the right and the responsibility to make all of the major decisions for your child(ren).

(2) **Joint Legal custody** means that you and your child(ren)'s other parent each share the right and the responsibility to make major decisions for your child(ren). You can also choose to specify which of you will make particular decisions. For example, you might have the right to make all educational decisions and your child(ren)'s other parent might have the right to make all religious decisions. Good communication between you and the other parent is important if you are to share joint legal custody.

**B. Physical Custody** is a term that has to do with the relative amount of time your child(ren) spends with you and with his or her other parent.

(1) **Sole Physical custody** with you or the other parent means that your child(ren) lives most of the time with that parent and has a schedule of time that he or she is with the other parent.

(2) **Joint Physical custody** means that your child(ren) spends a lot of time with you and their other parent. You can have a joint physical custody order even if your child(ren) is/are not spending an equal amount of time with each of you.

## Timeshare

A timeshare plan outlines when your child(ren) is/are with you and when they are with their other parent.

It is important that this timeshare be done with the greatest sensitivity to your child(ren)'s needs and not to the needs and the desires of the adults.

Timeshares will change over time as children go through different developmental stages.



## POINTS TO CONSIDER WHEN CREATING YOUR PARENTING PLAN

Parenting plans are meant to provide your child(ren) with a safe and stable way to have consistent, positive contact with you and their other parent. Here are some practical questions to ask yourself when making this plan:

### General Questions about how you see your children

- What common goals do you and the other parent have for your child(ren)?
- What values do you both share as parents?
- What are your child(ren)'s special abilities?
- How are they doing in school?
- How do they handle change?
- Are there common household rules you wish to share while raising your child(ren)?

### Questions about schedules

- What schedule has your child(ren) had in the past?
  - Do they have a hard time going back and forth between you and their other parent?
  - If they are very young, how can they be helped to handle an overnight away from where they have usually slept?
  - Would it be easier on your child(ren) to take graduated steps towards overnight visits?
  - Are there some specific things you can do to make the adjustment easier?
  - Does the schedule you suggest give your child(ren) adequate rest?
- What kind of activities does your child(ren) participate in and how can you find ways to support them continuing?

*“Holidays were always the worst. My parents would fight about who I’d be with. When I got older, I’d pick who I’d be with by who was feeling the loneliest.”*

—Doug, 15

- What is each parent's schedule?
- Whose schedule is more flexible?
- Who is available to help with homework?
- What are the family traditions you wish to maintain for your child(ren) ?
- How flexible can you be with the schedule?
- Think about how you want to handle the situation if the other parent, or you, are running late for a pick up or drop off

### Be sure to include holidays in your parenting plan

It's important that your parenting plan include where your child(ren) will spend holidays and vacation times. Family traditions make for lasting memories and a true sense of belonging. Children should be able to spend holidays, vacation time, and school breaks with each parent, as may be appropriate. It's also a great opportunity for children to spend time with their extended families.

Use the holiday worksheets at the end of this handbook to help you organize your ideas about holiday, vacation time, and school breaks. There is no right way to share holidays. If you get stuck, however, consider alternating holidays. For example: Thanksgiving with one parent and Christmas with the other. The following year, switch which holiday is spent with each parent.

## **Questions about decision making**

- How is the communication between you and the other parent about matters relating to you child(ren)?
- How do you keep your communication focused on the child(ren), and not on your personal issues between each other?
- How would you like to share responsibilities such as taking the child(ren) to the doctor, attending parent-teacher conferences, or taking your child(ren) to their various activities?
- If one parent is going to make the decisions, such as religion, education, health and extracurricular activities, what will be the role of the other parent?
- Will the other parent be consulted?
- What if after consulting with the other parent, there is no agreement?
- How will the other parent be informed about decisions in a timely fashion?

## **Questions about handling future disagreements**

- How will you resolve future disagreements?
- Is there somebody who can help you talk things out before taking matters to court?

## **Parenting plans for specific types of situations**

### **1. Creating a plan when there has been a history of violence**

If you and the other parent have a relationship that includes either physical or emotional conflict, you should put together your parenting plan in a way that protects you and your child(ren).

In general, parents who have had conflict with each other should consider exchanging their child(ren) with the help of a neutral person, such as a mutually agreed upon friend or family member.

There are also professional agencies to help you exchange your child(ren) safely.

Even in those cases where there has been a history of violence in the family, children generally benefit from having a relationship with both parents as long as they are physically and emotionally safe. This can be a challenge for the parent who has been a victim of violence and who may be feeling anger, fear and sadness. Again, one of the most important and difficult tasks for any parent is to separate their own feelings from what their child(ren) might need.

Violent incidents are very hard on children as well. They may show signs of fear and stress and may say that they don't want to see the violent parent. This will be another challenge to the parent who was a victim of violence. It would be easy to agree with your child(ren)'s request because it matches your own feelings.

However, it's important to remember that your child(ren) has very complicated and conflicted emotions. We have all experienced having more than one feeling at the same time about another person.

Children, even more than adults, need help in sorting out these contradictory feelings, particularly when there has been violence in the past.

There is no bigger task required of a victimized parent than to have to help a child manage these feelings. Added to that challenge is the difficulty involved in supporting a safe relationship between the child and a parent who has been abusive in the past.

In order to help heal damaged relationships, counseling services are critical. Counseling can help both parents and children express and manage their feelings. There are services that specifically work with families who have experienced violence. (See the back of this handbook for more information.)

## 2. **Creating a plan when there has been a lot of conflict and disagreements**

If you and the other parent have a difficult time communicating without fighting, you should consider how you are going to minimize your contact with each other. It is important that necessary parenting communication be done out of earshot of your child(ren) or be done indirectly through email, FAX, or a neutral third party.

If communication is bound to lead to an argument or a non-productive discussion, some parents choose to parent without much direct communication, at least, on a temporary basis. They approach their co-parenting by simply respecting the other parent's parenting time and parenting decisions without interference unless the child is being harmed. Even though you may not agree with what the other parent does, it is more important that your child(ren) have peace than for the two of you to agree on all decisions.

Yet another challenge is co-parenting is accepting that you cannot control your child(ren)'s other parent any more than he or she can control you.

## 3. **Creating a plan when children have not seen a parent in a long time (or don't know the other parent).**

In those situations where a parent has been absent from a child's life for a long time, there are professional services that help children and parents find a comfortable way to begin, or re-establish, their relationship with each other. Depending on the child's age, there are different ways to introduce, or re-introduce, children and their parents.

- If it is appropriate, your presence at the visit may help your child(ren) feel comfortable while getting reacquainted with their other parent.
- There are agencies and professionals that offer supervised and "therapeutic visits." The professional guides parents who have not seen their child(ren) in a long time with ideas about what to say and how to relate to their child, including information about their developmental needs.
- If your child(ren)'s therapist is unable to assist directly he or she can often refer you to counselors who can facilitate visits.

## 4. **Creating a parenting plan when a child's safety is a concern.**

If one parent is concerned for the safety of a child while in the care of the other parent due to that parent's lack of parenting skills or a lack of appropriate parenting due to substance abuse or mental health problems, parents can set up supervised visits for a limited period of time. After a period of successful supervised visits parents can return to mediation to discuss what changes might be made to the parenting plan.

Supervision can be done by anyone that you and the child(ren)'s other parent agree on. However, you should consider:

- Can the person doing the supervision adequately control, or set boundaries for the supervised parent if necessary?
- Can the person doing the supervision remain neutral?
- If you are the parent being supervised, will the person providing supervision be able to properly report back to court about how you're doing at the visit?

There are professional visitation agencies and licensed professionals that can provide a place for visits to be supervised. The visit supervisors are trained professionals who only report what they see or hear. They will provide reports to the court. This can be helpful to both parents by providing a neutral, professional trained observer. The parents, and the court, will have information to help them determine if the visits should be changed to unsupervised times.

Parenting plans that include supervised visits should also include specific things that supervised parent can do in order to have the visits changed to unsupervised, such as participation in a substance abuse program, drug testing or anger management class.

# Taking Care of Yourself

If you're reading this handbook, you are more than likely in a dispute with your child(ren)'s other parent. This can be very stressful. This section addresses:

1. Issues related to loss and grieving;
2. Why it's important to your child(ren) (not to mention, to you) that you find some tools for taking care of yourself, and;
3. Some ideas about how you can relieve some of the stress that naturally follows when parents who share children in common are not a couple.

## 1. **Stress, Loss and Grieving**

There are countless stresses in our lives. Losing a significant person in our lives, whether to death or separation, is one of the most stressful situations we encounter.

There is loss caused by the ending of a relationship that you wanted to continue. Even when it is a relief that the relationship has ended, there is still the loss of the hope that things could have worked out in the way you would have liked: that you would be loved, protected and happy.

In addition to the feelings of loss, there can also be tremendous stress. It can be caused by the mere fact that you are suddenly a single parent, or are having to find a way to co-parent with your ex, when you'd rather not have to deal with her or him at all.

Separation often also causes financial strain, and sometimes social support can be lost when mutual friends or family "choose sides".

There is a grief process that accompanies significant change and loss. This process includes the same emotional journey that is involved when someone we love passes away. As overwhelming as these feelings can be at times, you should remind yourself that they are normal. With time and support, you can get through this.

If, however, you find yourself unable to function or to move on with your life, you should consider finding some help to get "unstuck".

You and your child(ren) deserve to live without anger, bitterness, and sadness.

The ending of the relationship with your child(ren)'s other parent is an opportunity to learn from the past. It's also an opportunity to change your relationship with the other parent for your child(ren)'s sake, as well as for your own.

If you focus on how to create a new life for you and your child(ren), you can have a more peaceful life. Trying to get back at the other parent for whatever wrongs he or she may have committed only keeps you locked in the past and in continuous drama.

One of you needs to be the "bigger" person in order to protect your child(ren) from continuing conflict.

## 2. **Children benefit when their parents are doing well**

As all parents have experienced, children imitate their parents. They pay very close attention to everything their parents do. Children are very aware of their parents' moods and feelings. When parents are feeling stressed or out of control, children feel the tension and imitate their parents' reaction to the stress.

When you and your child(ren)'s other parent's relationship has ended, it can be very difficult for you. It is even harder on the children because they do not understand all of the adult issues that are involved in the decision to move apart.

As discussed earlier, children often feel very frightened, abandoned, and without direction when their parents are not together, especially if their parents are fighting with each other. They have very little control over their lives and may feel that they are responsible for your feelings of sadness or anger.

*When parents are feeling stressed or out of control, children may feel the tension and imitate their parents' reaction to the stress.*

Children count on the adults they love to let them know that everything will be OK, especially when things have changed or are difficult. If you are able to provide a feeling of security and calm, your child(ren) will have a much easier time. They will be less likely to act out which, in turn, will help your stress level as well. Finding a way to maintain a sense of peace, while still dealing with your own feelings, is not necessarily so easy, but it can be done!

***Focus your energy on yourself and your child(ren), not on your child(ren)'s other parent.***

### **3. Ideas for taking care of yourself**

#### ***Taking care of yourself physically***

During very stressful times it can be very easy to forget to eat or to not feel like eating. Yet, without healthy, nurturing food, you can actually aggravate the stress that you feel. Some people, under stress, do the opposite. They tend to overeat and drink. Be careful about eating too much fattening food or drinking alcohol in excess. Overeating and drinking can cause you to feel more depressed and can drain your energy.

Exercise can help you feel better. There have been many studies that demonstrate the connection between exercise and feeling better emotionally. Even walking for 10 to 20 minutes a day can help take the "edge" off. If you're feeling angry, hitting a ball, boxing, or doing exercise with more physical exertion can help release some of that energy.

Breathing is another very powerful tool for reducing stress. It may sound a little strange at first, but research shows that most of us do not breathe deeply and we deprive our bodies of oxygen. If you breathe deeply and consciously, especially when you're feeling overwhelmed, it can help to calm you down.

#### ***Breathing technique***

Sit somewhere where you feel comfortable and safe. Close your eyes. Breathe in slowly and deeply and try to bring the breath in through your abdomen. Let the air out slowly, through your abdomen. Do this three times. Repeat this three more times while thinking about someone you love. After the last breath open your eyes slowly.

*When you feel stress, consciously breathe deeply and slowly.  
It can help to calm you down.*

#### ***Taking care of yourself socially***

Some people tend to isolate themselves when they have a lot of stress. If you have this tendency, you should pay special attention to making sure that you socialize with other people. Even if it's difficult to talk about your feelings, it is important that you spend time with people you enjoy and trust. Just going out for a walk or to a movie can help lift some of the stress by distracting you for a short time. If you can share how you're feeling, that will be even more helpful to you.

Think about any personal goals you might have put aside. Consider taking classes, learning new skills, or developing a plan for work advancement.

### ***Taking care of yourself spiritually***

For some people, maintaining or developing a spiritual practice can be very helpful in dealing with stress. No matter what your beliefs, spirituality can be a source of strength in overcoming the challenges you're facing and help you keep things in perspective.

### ***Taking care of yourself emotionally***

There can be a lot of suffering when a relationship ends. People can experience tremendous stress and emotional upheaval. Although there is no way around having to go through this stressful process, you can take steps to make it easier for you and your child(ren).

You deserve to have peace in your life. Keep in mind that what has happened to you is what most people experience at some time in their life loss. The vital question is how you can find a way to stop having your life revolve around the loss you have experienced and, instead, have it revolve around you and what's fulfilling for you. It's not always so easy to let go of the anger and sadness that accompanies grief. But, if we allow our lives to stay centered on how unfairly we have been treated we can imprison ourselves in a life that is no longer about us: instead, our life can become filled with anger, bitterness and sadness, with little room for love, peace and happiness.

*You can create a new life that is positive and stress-free for your child(ren) and yourself by accepting what you can change and what you cannot.*

### **Some ways you can refocus your energy away from your loss and toward feeling better are:**

- Focus your energy on yourself and your child(ren), not on your child(ren)'s other parent;
- Spend time with people who care about you and on whom you can rely;
- Find help for dealing with difficult feelings such as depression and anxiety that are common in the midst of family change. They are important to deal with because they can contribute to making bad decisions. Sometimes professional assistance can help you feel better more quickly;
- Look for a support group where you can talk with other people who are going through a similar situation as you;
- Give yourself a break. Allow yourself permission to feel your emotions;
- Pamper yourself ;
- Breathe!

Although you can never control how other people behave, you can, at least, control how you react to whatever is thrown your way. Even though it can be a significant challenge to do so, you can create a new life that is positive and stress-free for your child(ren) and yourself by accepting what you can change and what you cannot.

The court can provide you with referrals to help you through this process and we encourage you to take advantage of our staff's knowledge.







# CHILDREN'S RIGHTS

During separation and divorce

- To be told that each of my parents will always love me.
- To be told that the family break-up is not my fault.
- To be seen as a human being and not a piece of property to be fought over or bargained for.
- To have decisions about me based on what is in my best interest and not on my parents' feelings or needs.
- To love both of my parents without being forced to choose or feel guilty.
- To know both of my parents through regular and frequent involvement in my life.
- To have financial support of both of my parents.
- To be a child and not be asked to lie, spy, or send messages between my parents.
- To be allowed to have affection for new people who come into my life without feeling guilty or being pressured.

# Parenting Plan Worksheets

## Monthly Calendar for Planning

### EXAMPLE

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Father-from after school (3 p.m.)	Father	Mother 4 p.m. – 8 p.m.	Father	Father	Father	Father
Mother-from after school (3 p.m.)	Mother	Father 4 p.m. – 8 p.m.	Mother	Mother	Mother	Mother
Father-from after school (3 p.m.)	Father	Mother 4 p.m. – 8 p.m.	Father	Father	Father	Father
Mother-from after school (3 p.m.)	Mother	Father 4 p.m. – 8 p.m.	Mother	Mother	Mother	Mother

Mon	Tues	Wed	Thurs	Fri	Sat	Sun

### Usual Weekly Schedule

Times and parents names can be entered into the spaces to specify custodial period for each parent

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>Example Week 1</b>	Mother from after school (3:00 p.m.)	Mother	Father from after school (3:00 p.m.)	Father	Mother from after school (3:00 p.m.)	Mother	Mother
<b>Example Week 2</b>	Mother	Mother	Father from after school (3:00 p.m.)	Father	Father	Father	Father
<b>Week 1</b>							
<b>Week 2</b>							
<b>Week 3</b>							
<b>Week 4</b>							
<b>Week 5</b>							

## Holiday Worksheet

NOTE: Holiday and special days have priority over regular access periods

<b>Holiday</b>	<b>Time From when to when</b>	<b>Every Year Mother/Father</b>	<b>Even Years Mother/Father</b>	<b>Odd Years Mother/Father</b>
<b>Example Holiday</b>	8:00 a.m. to 8:00 p.m.		Mother	Father
<b>Example Holiday</b>	8:00 a.m. to 2:00 p.m. 2:00 p.m. to 8:00 p.m.		Mother Father	Father Mother
<b>New Years' Eve</b>				
<b>New Years' Day</b>				
<b>Kwanza</b>				
<b>Chinese New Year</b>				
<b>Martin Luther King, Jr's Birthday Weekend</b>				
<b>Lincoln's Birthday</b>				
<b>President's Day (weekend)</b>				
<b>Passover</b>				
<b>Easter Sunday</b>				
<b>Mother's Day</b>				
<b>Father's Day</b>				
<b>July 4<sup>th</sup></b>				
<b>Labor Day (weekend)</b>				
<b>Rosh Hashanah</b>				
<b>Yom Kippur</b>				

## Holiday Worksheet

NOTE: Holiday and special days have priority over regular access periods

<b>Holiday</b>	<b>Time From when to when</b>	<b>Every Year Mother/Father</b>	<b>Even Years Mother/Father</b>	<b>Odd Years Mother/Father</b>
Columbus Day (weekend)				
Halloween				
Veteran's Day (weekend)				
Thanksgiving Day				
Thanksgiving Day (weekend)				
Hanukkah				
Christmas Eve				
Christmas				
Child's Birthday				
Mother's Birthday				
Father's Birthday				

**Notes:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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## RESOURCES

## **Family Court Facilities**

### **Family Justice Center Courthouse**

**Street Address:**

201 N. First Street  
San Jose, CA 95113

**Mailing Address:**

191 N. First Street  
San Jose, CA 95113

**Phone:** 408 792-4200

### **Family Court Services**

**Street Address:**

201 N. First Street, Fifth Floor  
San Jose, CA 95113

**Mailing Address:**

191 N. First Street  
San Jose, CA 95113

**Phone:** 408 534-5760

**Family Justice Center Courthouse Phone Numbers: Follow this Link:**

[http://www.scscourt.org/general\\_info/contact/phones.shtml](http://www.scscourt.org/general_info/contact/phones.shtml)

**Self-Help Center/Family Law Facilitator's Office Information: Follow this Link:**

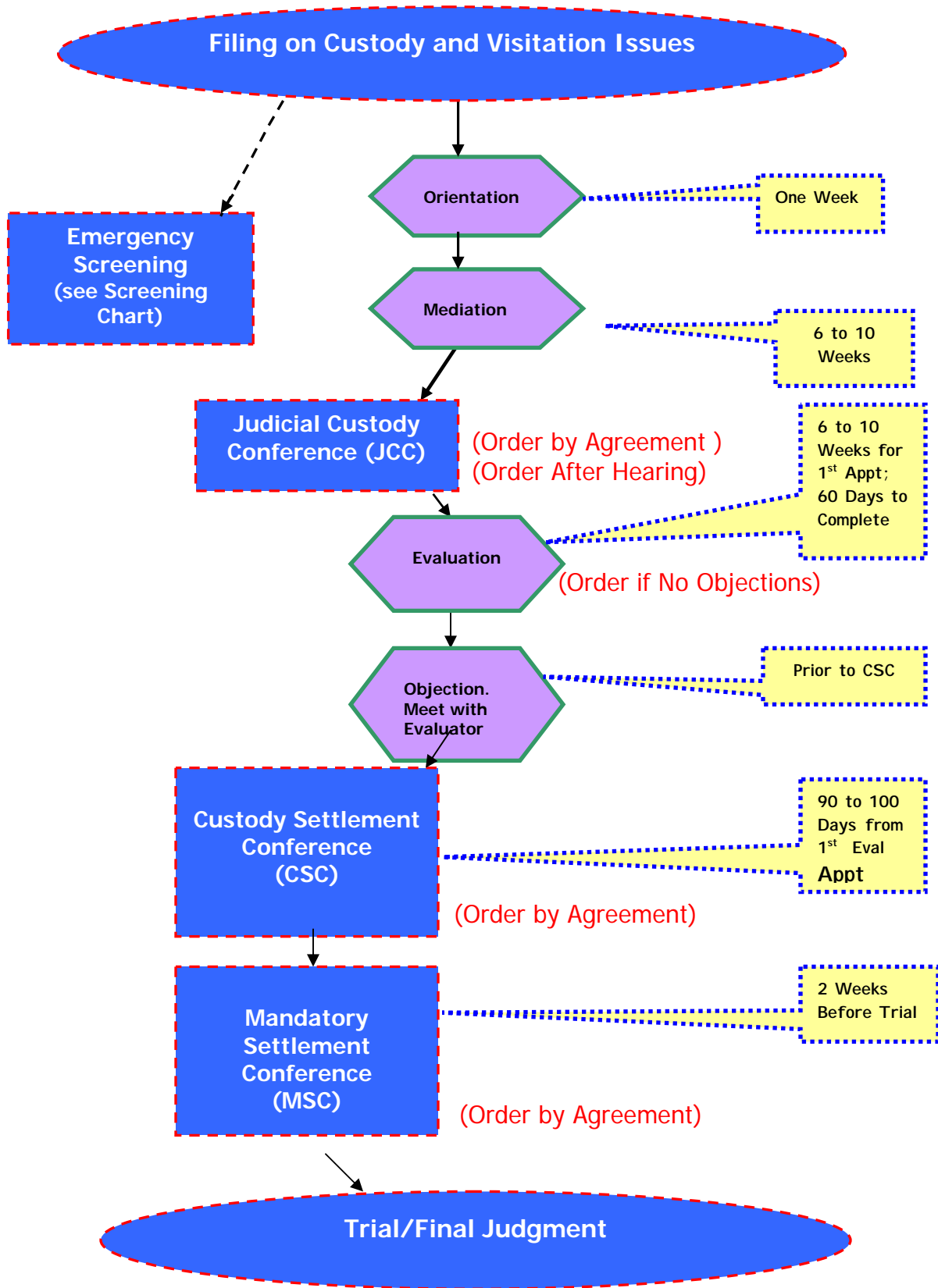
<http://www.scscourt.org/documents/shflyers/SHC-024.pdf>

**Restraining Order Help Center at Family Court: Follow this Link:**

[http://www.scscourt.org/self\\_help/restraining/dv.shtml](http://www.scscourt.org/self_help/restraining/dv.shtml)



# Custody Cases



## SANTA CLARA COUNTY FAMILY COURT REFERRAL TO TEEN ORIENTATION

**WHAT:** This 1-hour session will tell you about the Family Court custody process. You can ask questions but sorry...we can't talk about your family's case.

**WHO:** You, if you're **14 – 17 years old** and your parents have an open Family Court custody case.

**HOW:** 1st, your parents got this referral for you from the court. 2<sup>nd</sup>, sign up by emailing your name, the date you want to attend and your parents' Superior Court Case number to [teenorientation@scscourt.org](mailto:teenorientation@scscourt.org). You will receive an email confirmation.

**WHEN:** All sessions will be on Friday afternoons.

Available dates:



**WHERE:** Superior Court, Santa Clara County, 191 North First Street (corner of Market and Julian Streets in downtown San Jose), Jury Assembly Room on the 1st floor.

### IMPORTANT TO KNOW:

- You must arrive by 3:30 p.m.
- You will need to get to and from the program yourself. The Santa Clara County Light Rail (St. James stop) is very close to the courthouse. The courthouse will be locked at 5:00 p.m. so you'll need to be out before then.
- Your parents can drop you off and pick you up, but can NOT attend this session.
- When you come into the courthouse you must go through a metal detector. You and anything you bring to court will be searched. Drugs, alcohol, and weapons are not allowed in the building. These things will be taken away from you and you could be arrested or prosecuted for having them.
- You will give your name and your parents' names at the session so the court can make sure the Judge's referral was followed.
- You may be asked to complete a short anonymous questionnaire about the program, but the court will not ask for, or save, other information about you.



## Free Help

### General Help:

- Pro Bono Project (408) 998-5298
- Lawyers in the Library – San Jose (408) 808-2382
- Lawyers in the Library – Mountain View (408) 998-5298 x311
- Santa Clara County Legal Aid Society (408) 998-5200
- Bay Area Legal Aid (BALA) (408) 850-7066

### Children's Issues:

- District Attorney – Child Abduction Unit (408) 792-2921
- Child Protective Services (“CPS”) (408) 299-2071
- Department of Child Support Services (“DCSS” – Child Support) (408) 503-5200
- Legal Advocates for Children & Youth (L.A.C.Y.) (408) 293-4790

### Domestic Violence:

- Superior Court Restraining Order Help Center (408) 534-5709
- Asian Americans for Community Involvement (408) 975-2739
- Community Solutions (408) 636-7238
- Support Network for Battered Women (408) 572-2782
- Next Door (408) 501-7550
- Bay Area Legal Aid (408) 850-7066
- Pro Bono Project (408) 998-5298
- Asian Law Alliance (408) 287-9710
- Senior Adults Legal Assistance (408) 295-5991

### Elders:

- Senior Adults Legal Assistance (S.A.L.A) (408) 295-5991

### Guardianships

- Legal Advocates for Children and Youth (L.A.C.Y.) (408) 293-4790
- Catholic Charities (408) 200-0980

### Housing

- Bay Area Legal Aid (408) 850-7066
- Santa Clara County Legal Aid Society (408) 998-5200
- Mental Health Advocacy Project (408) 293-4790
- Fair Housing Law Project (408) 293-4790
- Health Legal Services (408) 293-4790
- Community Legal Services (650) 326-6440

### Consumer Law:

- Alexander Law Center (Santa Clara University) (408) 288-7030
- Mental Health Advocacy Project (408) 293-4790
- Health Legal Services (408) 293-4790

### Employment:

- Alexander Law Center (Santa Clara University) (408) 288-7030
- Employment Law Center (415) 864-8848
- Health Legal Services (408) 293-4790

### Immigration:

- Alexander Law Center (Santa Clara University) (408) 288-7030
- Asian Law Alliance Spanish 453-3003 x104 (408) 287-9710
- Catholic Charities (408) 325-5164

### Mental Health Patient's Rights:

- Mental Health Advocacy Project (408) 293-4790

### Constitutional Rights:

- American Civil Liberties Union (408) 621-2488

# Helpful internet websites...

## Free internet access is available at:

- Santa Clara County Superior Court, Notre Dame Courthouse Clerk's Office, 99 Notre Dame Avenue, San Jose, M – F, 8:30 – 4 and South County Court Clerk's Office, 301 Diana Avenue, Morgan Hill, M – F, 8:30 – 4; very limited access.
- County of Santa Clara public libraries. Contact the individual libraries. Numbers are in the phone book. Some have free how-to-use-the-internet classes!

## Government legal sites

- Free legal forms (they're fillable online) [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm)
- Santa Clara County's Self-Help website [www.scscourt.org](http://www.scscourt.org)
- Santa Clara County Superior Court general site [www.scscourt.org](http://www.scscourt.org)
- Santa Clara County – look up your case [www.sccaseinfo.org](http://www.sccaseinfo.org)
- California Courts (State) Self-Help Center [www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)
- California Code ("The Law") <http://www.leginfo.ca.gov/calaw.html>
  - Once on this site, select the code you are interested in (ex. "Family Code") and click "Search" at the bottom of the page.
- County of Santa Clara [www.sccgov.org](http://www.sccgov.org)
  - General legal information, District Attorney, Public Defender, Child Abduction, etc.; Click on "Law & Justice"
- Department of Child Support Services (DCSS) [www.childsup.cahwnet.gov](http://www.childsup.cahwnet.gov)
  - Online child support calculator; the DCSS helps collect child support

## Non-profit Legal Service Providers (Santa Clara County)

- Catholic Charities [www.ccsj.org](http://www.ccsj.org)
- Law Foundation of Silicon Valley [www.lawfoundation.org](http://www.lawfoundation.org)
  - LACY, Mental Health Advocacy Project, Health Legal Services, Fair Housing
- Legal Aid Society of Santa Clara County [www.legalaidsociety.org](http://www.legalaidsociety.org)
- Pro Bono Project [www.probonoproject.org](http://www.probonoproject.org)
- Bay Area Legal Aid (BayLegal) <http://baylegal.org/get-help/client-services/>
- Community Legal Services [www.clsepa.org](http://www.clsepa.org)

## Domestic Violence

**Important! Other people who use your computer can see what websites you have visited. For your safety you may want to use a computer in a safe place.**

- Support Network for Battered Women [www.supportnetwork.org](http://www.supportnetwork.org)
- Next Door [www.nextdoor.org](http://www.nextdoor.org)
- Community Solutions [www.communitysolutions.org](http://www.communitysolutions.org)
- Asian Americans for Community Involvement [www.aaci.org](http://www.aaci.org)
- MAITRI [www.maitri.org](http://www.maitri.org)
- California State website [www.ca.gov](http://www.ca.gov)

## State Referral and Self-Help Resources Information about Attorneys

[www.LawHelpCalifornia.org](http://www.LawHelpCalifornia.org)

- California State Bar [www.calbar.ca.gov](http://www.calbar.ca.gov)
- Santa Clara County Bar [www.sccb.com](http://www.sccb.com)
- Martindale-Hubbell attorney ratings [www.martindale.com](http://www.martindale.com)

## Small Claims/Consumer Issues

- Department of Consumer Affairs [www.dca.ca.gov](http://www.dca.ca.gov)
- Small Claims Advisor [www.scscourt.org](http://www.scscourt.org)
  - Click on Small Claims then Small Claims Advisor
  - Or call 408-882-2100, option 2 then 6 M-F 2:30-4pm
- Secretary of State (to look up agents for service of process) <http://kepler.sos.ca.gov/list.html>
- Office of Human Relations (Mediation) [www.sccdrps.org](http://www.sccdrps.org)
  - Click Core Mediation Programs, Click Small Claims

*This is only a small sampling of the resources available to you on the internet. Except for its own sites, the Superior Court, County of Santa Clara does not maintain, endorse, nor take responsibility for the accuracy of any of the information on these websites.*

South County Rape Crisis ..... 779-2115  
 Suicide Crisis Service..... 279-3312  
 Woman Inc. (Inc. Lesbian/Bi-sexual) .....(415) 864-4777  
 YWCA Rap Crisis Center ..... 287-3000  
 24-7 Line (Youth Crisis).....(888) 247-7717

**Shelters – Battered Women and Children**

Asian Women’s Home (AACI)..... 975-2730  
 Community Solutions (South County) ..... 842-3118  
 Concord-Battered Women’s  
 Alternatives .....(888) 215-5555  
 Next Door: Solutions to Domestic Violence..... 279-2962  
 Oakland – A Safe Place .....(510) 536-7233  
 Salinas – Shelter Plus .....(831) 422-2201  
 San Francisco – Asian Women’s  
 Shelter.....(415) 751-0880  
 San Francisco – Casa de  
 Las Madres .....(415) 503-0500  
 San Mateo – Center for  
 DV Prevention .....(650) 652-0800  
 Support Network .....(800) 572-2782  
 WATCH (transitional housing)..... 271-9422

**Legal Information/Restraining Orders (TRO’s)**

Asian Law Alliance ..... 287-9710  
 Community Legal Services..... 283-3700  
 Community Solutions ..... 842-3118  
 Dependency and Legal Services..... 995-0442  
 East San Jose Community Law Center..... 288-0730  
 Family Court Clinic (free forms available)..... 882-2900  
 Immigration Rights (Law Office) ..... 298-0505  
 Lawyers Referral/Modest Means..... 971-6822  
 Legal Advocates for Children and  
 Youth (LACY) ..... 280-2416/293-4790  
 Legal Aid Society ..... 998-5200  
 Next Door: Solutions to Domestic Violence..... 501-7550  
 Pro Bono Project ..... 998-5298  
 Senior Adults Legal Assistance..... 925-5991

**Law Enforcement**

Adult Probation Department ..... 435-2100  
 Booking – Santa Clara County Main Jail ..... 299-2306  
 Child Protective Services ..... 299-2071  
 Adult Protective Services .....(800) 414-2002  
 District Attorney’s ..... 299-7500  
 San Martin..... 686-3600  
 Palo Alto.....(650) 324-6400  
 California Highway Patrol ..... 467-5400  
 Campbell Police ..... 866-2101  
 Gilroy Police ..... 848-0350  
 Los Gatos/Monte Serreno Police ..... 354-8600  
 Milpitas Police ..... 942-2400  
 Morgan Hill Police ..... 586-2400  
 Mountain View Police .....(650) 903-6344

Palo Alto Police.....(800) 329-2413  
 Pretrial Services Office..... 802-2460  
 San Jose Police: Main..... 277-4000  
 Family Violence Center..... 277-3700  
 Assault Unit..... 277-4161  
 Sexual Assault Unit..... 277-4102  
 Santa Clara Police ..... 261-5300  
 Santa Clara County Sheriff Main..... 299-3233  
 South County ..... 686-3650  
 State Parole Adult Services ..... 629-5980/277-1821  
 State Parole Juvenile Services ..... 277-1221  
 California Department of Corrections  
 Victim Services.....(916) 358-2436  
 Sunnyvale Department of Public Safety..... 730-7100  
 Pacific Bell Traps and Traces .....(800) 698-7223  
 Safe at Home Confidential Address  
 Program .....(877) 322-5227  
 Sacramento.....(918) 653-1769  
 Proof of Service ..... 808-4800  
 Victim Notification System.....(800) 646-3566

**CHECKLIST – WHAT YOU NEED TO TAKE WHEN YOU LEAVE**

- Identification, driver’s license, car registration
- Court order, restraining orders
- Birth certificates for you and your children
- Police reports/documentation of previous abuse
- Money
- Bank books and/or bank account numbers
- Lease/rental agreement, house deed
- Medical, life and auto insurance papers
- House and car keys, pink slip
- Medications
- Small saleable objects
- Address book
- Pictures
- Medical records for all family members
- Social Security card
- Welfare identification
- School and immunization records
- Work permits/identification
- School and immunization records
- Work permits/identification
- Passport or “Green Card”
- Divorce papers/marriage license
- Jewelry
- Children’s clothing and small toys
- Spare eyeglasses or contact lenses
- Other: \_\_\_\_\_

*Planning  
for Safety*

*We all have the right to be safe.*

Santa Clara Count Probation Department  
 Domestic Violence Unit

## I. SAFETY BEFORE AND DURING AN ATTACK

- Defend and protect yourself.
- Call for help. Scream loudly and continuously. You have nothing to be ashamed of. The batterer does.
- When an attack has begun, escape if you can. Whenever you believe that you are in danger leave your home and take your children, no matter the time of day or night. Go to a house of a friend or relative or a domestic violence shelter.
- If an argument seems unavoidable, try to have it in a room or area that has access to an exit and not in bathroom, kitchen, or anywhere near weapons.
- Practice how to get out of your home safely. Identify which door, windows, elevator, or stairwell would be best.
- Have a packed bag ready and keep it in an undisclosed but accessible place in order to leave quickly.
- Identify a neighbor you can tell about the violence and ask that they call the police if they hear a disturbance coming from your home.
- Devise a code word to use with your children, family, friends and neighbors when you need the police.
- Decide and plan for where you will go if you have to leave home (even if you don't think you will need to).
- Use your own instincts and judgment. If the situation is very dangerous, consider giving in to the abuser to calm him/her down. You have the right to protect yourself until you are out of danger.
- Always remember, YOU DON'T DESERVE TO BE HIT OR THREATENED!

## II. SAFETY WHEN PREPARING TO LEAVE

- Open a savings account in your own name to start to establish or increase your independence.
- Leave money, an extra set of keys, copies of important documents and extra clothes with someone you trust so you can leave quickly.

- Determine who would be able to let you stay with them or lend you some money.
- Keep the shelter phone number close at hand and keep some change or a calling card on you at all times for emergency phone calls.
- Review your safety plan as often as possible in order to plan the safest way to leave your batterer. **REMEMBER – LEAVING YOUR BATTERER IS THE MOST DANGEROUS TIME.**
- If you must leave your children, recover them as soon as possible. Courts tend to give custody to a parent who physically has the children. Seek legal advice from a domestic violence agency if there are no current child custody orders.

## III. SAFETY IN YOUR OWN HOME

- Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your window.
- Create a safety plan with your children for when you are not with them.
- Inform your children's school, daycare, etc., about who has permission to pick up your children.

## IV. SAFETY WITH A PROTECTIVE ORDER

- Keep your protective order on you at all times. Call the police if your partner breaks the protective order.
- Think of alternative ways to keep safe if the police do not respond right away.
- Inform family, friends, neighbors that you have a protective order in effect.

## V. SAFETY ON THE JOB AND IN PUBLIC

- Decide who at work you will inform of your situation. This should include office or building security. (Provide a picture of your batterer if possible).
- Arrange to have someone screen your telephone calls if possible.
- Devise a safety plan for when you leave work. Have someone escort you to your car, bus or train. Use a variety of routes to a home if

possible. Think about what you would do if something happened while going home. (i.e., in your car, on the bus, etc.)

## VI. YOUR SAFETY & EMOTIONAL HEALTH

- If you are thinking of return to a potentially abusive situation, discuss an alternative plan with someone you trust.
- If you have to communicate with your partner determine the safest way to do so.
- Have positive thoughts about yourself and be assertive with others about your needs.
- Read books, articles, and poems to help you feel stronger.

## VII. IF YOU ARE A TEEN IN A VIOLENT DATING RELATIONSHIP

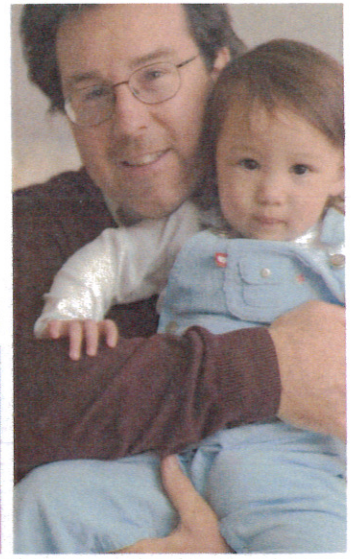
- Decide which friend, teacher, relative or police officer you can tell.
- Contact an advocate at the Court to decide how to obtain a restraining order and make a safety plan.

The lives and safety of you and your children are more important than anything else. These items are not as important as your lives.

**FOR MORE INFORMATION ABOUT YOUR LEGAL RIGHTS AND OPTIONS**, contact an advocate at one of the following numbers.

### Crisis Hotlines

Asian Women's Home (AACI).....	975-2739
Community Solutions (South County)	683-4118
CONTACT CARE	850-6125
YWCA, Rape Crisis Center	287-3000
Mid-Peninsula YWCA Rape Crisis.....	(800) 493-7273
National Domestic Violence Hotline	(800)799-SAFE
Next Door.....	779-2962
Parental Stress .....	279-8228
Support Network	(800) 572-2782
Spanish	(800)57BASTA



# Do you have a child under the age of six? Are you expecting a baby?

FIRST 5 Santa Clara County and Gardner would like to help you and your family learn about supportive services in your community.

We can assist you with the following services and much more:

- Home visiting services to support you and your child
- Support to navigate the court system
- Parent education and connection to parenting workshops
- Connection to emergency food and shelter
- Access to immigration assistance
- Access to health insurance enrollment
- Assistance with finding employment or gaining vocational skills
- Support to comply with court-ordered services
- Connection to Preschool and other Early Care and Education Services
- Linkage to community based Family Resource Centers



**FIRST 5**  
SANTA CLARA COUNTY



**GARDNER**

This service is free and voluntary! If you are interested, contact a Court Family Support Specialist by phone at (408) 534-5784 or visit [www.first5kids.org](http://www.first5kids.org) for more information.