

<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b></p> <p>COURT ADDRESS: 191 North First Street          MAILING ADDRESS: 191 North First Street          CITY AND ZIP CODE: San José, California 95113          BRANCH NAME: Downtown Courthouse - Probate Division</p>	<p>FOR COURT USE ONLY</p>
<p><b>Guardianship of:</b></p> <p>1. _____          2. _____          3. _____          4. _____</p>	
<p><b>PROBATE ORDER FOR EMERGENCY SCREENING</b></p>	<p>CASE NUMBER: _____</p>

**The Court finds that:**

Good cause exists to order the people checked below participate in an Emergency Screening.

**The Court orders that:**

- |   |   |
|---|---|
| <input type="checkbox"/> Mother                                 | <input type="checkbox"/> Father                                 |
| <input type="checkbox"/> Maternal Grandmother (Mother's Mother) | <input type="checkbox"/> Maternal Grandfather (Mother's Father) |
| <input type="checkbox"/> Paternal Grandmother (Father's Mother) | <input type="checkbox"/> Paternal Grandfather (Father's Father) |
| <input type="checkbox"/> Other: (name) _____                    | (relationship to child) _____                                   |
| <input type="checkbox"/> Not a relative: (name) _____           |   |

**shall participate in an Emergency Screening with Family Court Services as follows:**

*Leave blank. The court will fill out –*

191 North First Street, Dept. 3 , San José, CA 95113       201 North First Street, San José, CA 95113

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**\*\*\*This form must be personally served on the people who are ordered to come to the screening before the screening occurs.\*\*\***

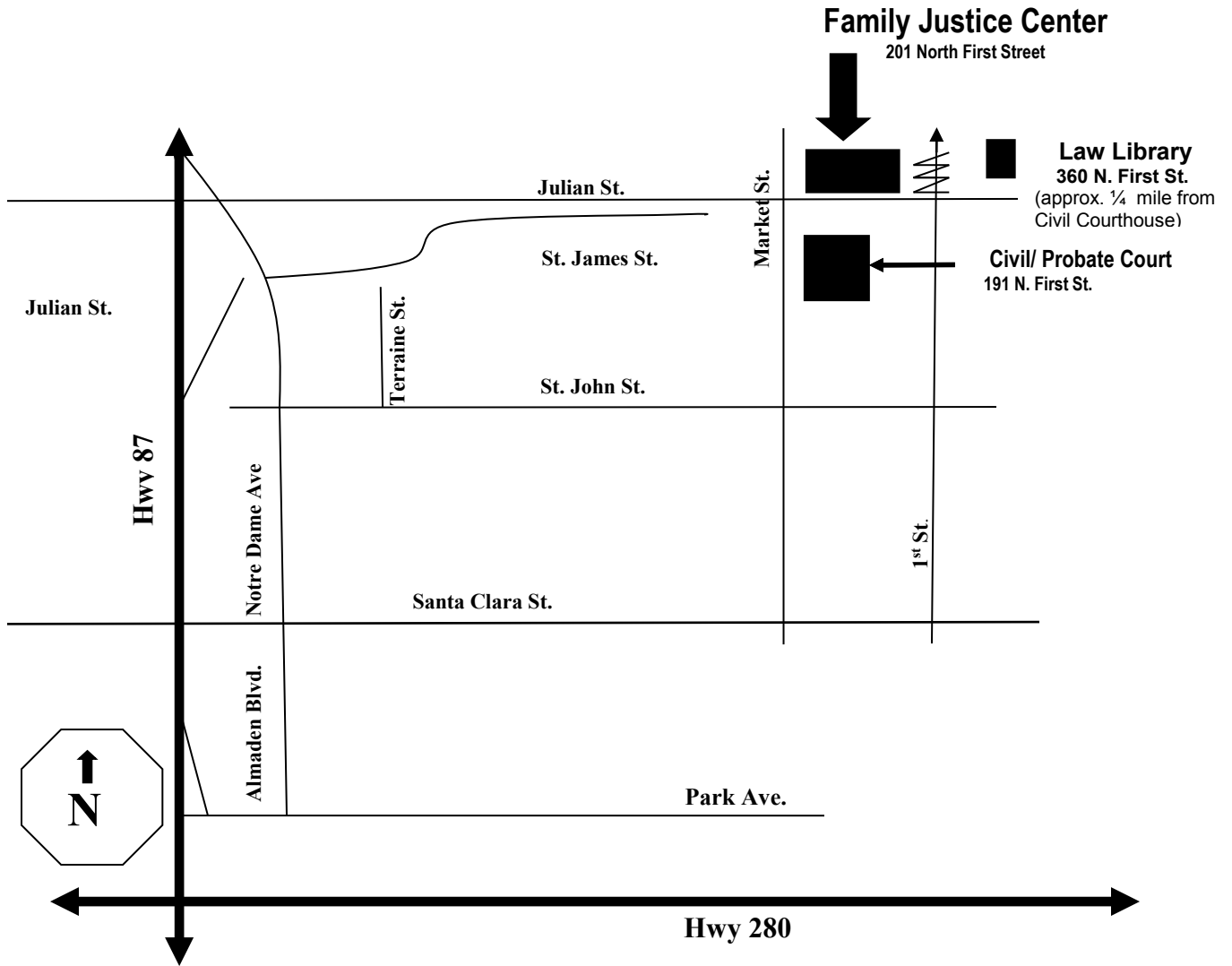
**Please read the attached Emergency Screening instructions for more information about what you need to do and what you need to bring to the screening. A map is on the back of this order to help you find the building.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer

**THIS IS A COURT ORDER**

# MAP TO COURTHOUSE BUILDINGS



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA**

**EMERGENCY SCREENING INSTRUCTIONS**

**YOU HAVE BEEN ORDERED BY THE COURT TO GO TO AN EMERGENCY  
SCREENING REGARDING GUARDIANSHIP OF A CHILD  
to take place on the day of the hearing shown on your Court papers entitled  
*Order for Emergency Screening***

**YOU HAVE BEEN ORDERED TO APPEAR AT:**

- Where:**     191 North First Street, San José, CA (Department 3)  
               201 North First Street, San José, CA (5th Floor - Family Court Services)
- When:**    **See attached Order for Emergency Screening**

1. **Read the Court papers behind this form. You must obey all court orders on those papers, as well as any earlier court orders which remain in effect.** Your court date is located in the large box on the Order for Emergency Screening. The Judge may also have made other orders, such as restraining orders, temporary custody, visitation or placement orders.
2. If you have an attorney, let him or her know as soon as possible about this Emergency Screening (“**Screening**”) order, since attorneys must appear at Emergency Screenings.
3. **What to bring to the Screening:**
  - Copies of all of the forms attached to these instructions, including the forms that say you are ordered to go to a Screening.
  - If you are the party who asked the Court for the Screening, a filed-endorsed copy of the Proof of Service form that shows that the other parties were served with the Court’s order to come to the Screening.
  - Any papers filed by another party in response to your papers, including, filed Answer, Objection, Response, Responsive Declaration, or competing Petition.
  - copies for the other parties of anything you are bringing for the screener to read or see.
4. If you are ordered to go to 191 N. First Street, please go directly to Department 3 of the Superior Court, which is on the 5<sup>th</sup> floor. When you arrive at Department 3, please check in with the Deputy. Please show the deputy your copy of the screening order. If you are ordered to go to Family Court Services, please go to 201 North First Street and check in on the 1st floor. A map is on the back of your order to help you find the buildings. Upon arrival, the screener may have you fill out or update forms required by Family Court Services (FCS). **Be sure to arrive on time for the Screening.**
5. All attorneys and parties must be present and have turned in the paperwork given to them by FCS before an FCS investigator (“**Screener**”) is assigned to the case. Attorneys must remain available throughout the Screening.
6. **Children/Childcare for Screenings:** All children (from age 0 to 18) who are the subject(s) of the screening need to be available within 15 minutes from the courthouse for possible interview or observation. **Parties must have a responsible adult (other than the parties) available to provide child care for their children.** The court may cancel the Screening if the child(ren) are not supervised.\
7. The screener will review the forms that the parties complete and interview the parties and counsel. The screener will decide the order of interviews and what additional witnesses and contacts are needed as part of the screening.
8. FCS will not look at any papers you give them unless you have proof that you have given a copy to the other parties, their attorney(s), and the child’s attorney, if there is one. Proof is a signed declaration made under penalty of perjury or a proof of service form. A Declaration of Mailing or Personal Service form is available online at [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) or at FCS.

9. Please give notice and written permission to all social workers, teachers, doctors, or other people that have important information about the screening issues, so they are available by telephone on the day of the screening. Screenings will not be finished and court hearings may be rescheduled, if important information is not immediately available.
10. **ALL PARTIES AND THEIR ATTORNEYS MUST RETURN TO THE COURTROOM WHEN THE EMERGENCY SCREENING IS FINISHED.** If your Emergency Screening took place at 191 North First Street, San José, CA, please return to Department 15. If your Emergency Screening took place at Family Court Services 201 North First Street, 5th Floor, San José, CA, please return to the courtroom designated by your screener.

**WHAT IS AN EMERGENCY SCREENING?** An Emergency Screening (“**Screening**”) is an emergency investigation which helps the Court make an immediate decision about child custody and visitation based on the best interests, health, and safety of the child.

**HOW DOES A SCREENING WORK?** – An investigator (the “**Screener**”) from Family Court Services (“**FCS**”) will learn about the child’s living situation and other issues relating to custody and visitation. Most Screenings take a few hours and are usually finished on the same day they are started. Some will take longer.

*The screener may:*

- Talk with the parties, their attorneys, and the child’s attorney, if s/he has one,
- Read papers related to the emergency issues (see page 1 about giving papers to the other parties),
- Look at criminal records of anyone living in the house with the child,
- Talk to the child(ren) and watch how the child(ren) acts with the parties or family members,
- Talk with other family members or witnesses by phone or in person,
- Collect more information (such as: from school, daycare, a doctor, Child Protective Services (CPS), or the police).

The screener will then make written recommendations first to the parties and their attorney(s). If all of the parties agree with the recommendations and the recommendations are approved by the court, the recommendations will become court Orders. If one or more of the parties does not agree with the recommendations, the screener’s recommendation will be presented to the Judge and the parties will have a brief hearing in court with the Judge. In either case, the Judge will make immediate temporary orders.

**WHAT DOES A SCREENING COST AND WHO PAYS?** – An Emergency Screening costs \$160 per hour with a deposit of \$250 due from each party. Fees are generally shared between the parties unless a judge decides otherwise. You can ask for a fee waiver if you cannot afford to pay the screening fees. The application form number is FW-001 and the order form number is FW-003. You can get the fee waiver forms from [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm), the Probate Clerk’s Office, Room 107, at 191 North First Street, or at FCS.

**WHAT IF THERE IS DOMESTIC VIOLENCE?** – If you are a victim of domestic violence, you have the right to have separate interviews and to have a support person with you. You can get more information about these rights at FCS.

**HOW DO I GET AN INTERPRETER?** – If your screening is a few days in the future, you can call 408-534-5705 to ask the court to get an interpreter for the screening. The court will do its best to find one for you. You may also bring your own interpreter with you. It should be an adult who is not related to the case. The children involved in the case cannot act as interpreters in the case. If you need an interpreter, be sure to tell your screener. FCS will try to get one for you, if possible.

**IS A SCREENING CONFIDENTIAL?** - Information given to FCS during a screening is not confidential from the court (the Judge). This information may be included in reports or the screener may testify about it in court. FCS may not release information about the case to any other person except as authorized by the court or by law.

**WHERE DO I GET MORE INFORMATION?** - More information about screenings is on the court’s website - [www.sccourt.org](http://www.sccourt.org)

**WHAT IF I WANT HELP IN PERSON?** – You can contact a private attorney (Santa Clara County Bar Association, 408-971-6822 for a low-cost attorney consultation), Pro Bono Project, 408-998-5298, the Court’s Restraining Order Help Center (if there is a restraining order, 201 North First Street, San José, 408-534-5709), or the Court’s Self-Help Center and/or Family Law Facilitator’s office 201 North First Street, San José, 408-882-2900 x-2926).