

Choices for Solving Legal Problems without a Court Hearing

Family Division
Superior Court of California, County of Santa Clara

Alternate Dispute Resolution is a CHOICE in Family Law Cases

“Alternative Dispute Resolution” (ADR) is a term used for ways you can solve legal issues by agreement instead of going to a formal Court hearing with a Judge. ADR may save you time *and* money. Except for custody and visitation mediation, ADR services are voluntary and can only be a part of your case resolution plan if both parties agree.

All Court-connected ADR providers that are a part of your case resolution plan have been trained to assess and handle cases that may have domestic violence issues. Ask about separate sessions if meeting separately from the other party will make you feel safer.

The following ADR processes are available through the Court at no cost to you:

Parenting Plan (Custody/Visitation) Mediation

In California, if parents do not agree about custody and visitation issues, the law requires that they try to settle the issues by going to mediation. A skilled and trained Mediator can encourage parents to focus on and understand the needs of their children and assist them in developing a parenting plan that considers the best interest of the child and the needs of each family member. A parenting plan is an agreement between the parents that spells out the specific details of custody and visitation arrangements for their children. Mediation can be done through the Court with Family Court Services at no cost, or, through a private mediator you can hire on your own.

Mediations conducted by Family Court Services are completely confidential. What is discussed between the parents and the Mediator is not shared with anyone, including the Court. If you file a Request for Order asking the Court to make custody and visitation orders you will be ordered to mediation by the Court. But, you may also stipulate to attend custody mediation without filing a motion with the Court by submitting Local Form FM-1195. If you agree or are ordered to participate in mediation through Family Court Services, orientation and mediation may be scheduled by calling (408) 534-5760. Both parents will be required to attend online orientation schedule an in-person orientation appointment, prior to mediation. The link for the orientation may be found on the Court’s website.

Family Court Settlement Officer Conference (SOC)

The Court has a full-time Settlement Officer, whose job is to help parties settle their family law cases for free. The Family Court Settlement Officer also recruits experienced family law attorneys as volunteer settlement attorneys and volunteer certified judges to help parties reach agreement. The Settlement Office and experienced family law volunteer attorneys are neutrals and do not represent either party in this process. The SOC focuses on resolving property and financial issues such as real estate, retirement accounts, spousal and/or child support, bank accounts, and debts. The SOC works best when parties have given each other information in advance about their finances and how they

think things should be settled. An SOC can be scheduled set at any time after the parties have exchanged Preliminary Declarations of Disclosure by sending an email to SOC@scscourt.org. Available dates and times are posted at on the Court's website.

Judicially Supervised Settlement Conference (JSSC)

A JSSC is another type of settlement conference but it is heard by a Judicial Officer (a Judge or Court Commissioner). There are certain eligibility requirements which may be found in the Family Local Rules. The parties must both be represented. If a case is eligible for a JSSC, the parties' attorneys may apply using Local Family Form FM-1119 which can be found on the Court's website.

Family Court Property Division Hearings (PDH)

A volunteer attorney will act as Temporary Judge/arbitrator and will decide how to divide your personal property, such as cars and furniture. Both parties must agree to the arbitration in writing and the arbitrator's decision is binding and cannot be appealed. The arbitrator will issue a decision after each side presents his or her case. These arbitrations may be scheduled by sending an email to SOC@scscourt.org. Available dates and times are posted at on the Court's website at

https://www.scscourt.org/court_divisions/family/adr/family_adr_home.shtml.

~~Young Children's Settlement Team~~

~~If you have a child aged 5 or under and have custody or visitation disputes, you may ask the judicial officer assigned to your case to participate in the Young Children's Settlement Team Project. This confidential process brings together a team of volunteer mental health professionals and volunteer attorneys who work with the parties at the courthouse to attempt to resolve any custody or visitation issues. If agreements are reached, they are reviewed by the parties and counsel, as well as the Court.~~

Agreement Appointment at Self Help Center (SHC)

If both parties to an existing family law case are self represented, they can make an appointment at the SHC to discuss agreement options on the issues in their case. Both parties must be willing to go through this process. Staff at SHC cannot help parties with property division issues nor child support issues if the Department of Child Support Services (DCSS) is enforcing support in the case. To ask for an agreement appointment with SHC, the parties may call 408-882-2926, or send an email to shcappointments@scscourt.org.