



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
FAMILY JUSTICE CENTER**

**YOU ARE ORDERED BY THE COURT TO GO TO AN EMERGENCY SCREENING
REGARDING CUSTODY AND VISITATION OF YOUR CHILDREN**

YOU ARE ORDERED TO APPEAR:

Date:

Where:

Family Court Services, 5th Floor Lobby
Superior Court of California, Santa Clara County,
201 North First Street, San José, California 95113
At 8:15 a.m. 8:00 a.m.

1. ~~Read the Court papers behind this form. It contains court orders that you must follow.~~ Your Court date, location and time are in a box on one of the forms. The Judge may also have made other orders, such as a restraining order, custody and visitation orders and/or other orders. Upon receipt of this Order, please report directly to the Family Court Services (FCS) lobby on the 5th floor to begin the Emergency Screening intake process. *For parties appearing remotely, you will receive a courtesy call from a FCS representative to begin the intake process.
2. ~~If you have an attorney, let him or her know as soon as possible about this Emergency Screening order, since attorneys must appear at Screenings. During the intake process, you will be asked to complete both the FCS intake form and Domestic Violence Questionnaire. Both forms must be completed and returned to FCS at least two days prior to the scheduled Emergency Screening.~~
3. **What to bring to the Screening: Screening Documents/Recording Submissions:**
 - ~~The legal forms attached to this sheet~~ **Documents:** FCS will review the existing court file. For additional documents you would like the Screener to review, FCS will only accept fifteen (15) single-sided pages.
 - ~~Any filed Answer, Response or Responsive Declaration~~ **Audio/Visual Recordings:** All recordings, together, should equal no more than ten (10) minutes of total recording time and must be provided on a USB stick.
 - ~~Any Restraining order and protective orders involving the parents from Family or Criminal Court~~ All documents and recordings must be submitted to FCS **48 hours** in advance of the Screening day.
 - ~~Copies for the other parent of anything you are bringing for the Screener to read or to look at. A FCS proof of service form (Local form FM-1061) must be executed and attached to all submissions, indicating all parties to the matter have been properly served.~~
4. ~~Go directly to Family Court Services (FCS) at the address checked above. A map is on the back to help you find the building. When you arrive at FCS, please check in with the front desk at Park Avenue or the Clerk's Office in Sunnyvale. All parties and minor children MUST report **in-person** to the FCS lobby at 8:00 a.m. on the day of the Emergency Screening. All parties should plan to remain at the courthouse until 5:00 p.m. that day. *Parties may be charged additional fees for rescheduling due to tardiness or no-show cancellations.~~
5. ~~All attorneys and parties must be present and have turned in the paperwork given to them by FCS before a FCS investigator (Screener) is assigned to the case. Attorneys must remain available throughout the Screening. You must be on time.~~
6. **Children/Childcare for Screenings:** Children who are the subject(s) of the Screening need to be available within 15 minutes for possible interview and/or observation. **Parents must be prepared to have a responsible adult (other than the parents) available to provide childcare.** The Screening may be cancelled if the children are not supervised. ~~5. A neutral third-party caretaker, over the age of eighteen, must be present all day to provide childcare for the children who are the subject(s) of the Screening. Children are to remain at the courthouse until the Screener has given permission for their release.~~
7. ~~FCS will not look at any papers you give them unless you have proof that you have given a copy to the other party, their attorney and the children's attorney, if they have one. Proof is a signed declaration made under penalty of perjury or copy of a proof of service form.~~

- ~~8. Please give notice and written permission to all social workers, counselors, teachers, physicians or other people that have important information about the Screening matter to be available by telephone on the day of the Screening. Screenings may be continued if important information is not immediately available. 6. **Collateral Contacts:** Please give notice to all social workers, counselors, teachers, physicians or other people that have important information about the specific safety issues related to the Screening to be available by telephone on the day of the Screening. Screenings may be continued if important information is not immediately available. **FCS Release of Information forms will be provided to you during the intake process.*~~
- ~~9. **ALL PARTIES AND THEIR ATTORNEYS MUST RETURN TO THE COURTROOM OF THE ALL PURPOSE JUDGE ASSIGNED TO THEIR CASE WHEN THE EMERGENCY SCREENING IS FINISHED.**~~

EMERGENCY SCREENING GENERAL INFORMATION

IMPORTANT: READ BOTH SIDES OF THIS FORM AND FOLLOW THE FOR ALL INSTRUCTIONS. – EMERGENCY CUSTODY AND VISITATION INFORMATION!

WHAT IS AN EMERGENCY SCREENING? - An Emergency Screening is an investigation to help the Court make an immediate decision about child custody and visitation based on the best interests, health and safety of the child. An Emergency Screening is a focused investigation limited to urgent issues regarding the safety and well-being of children at risk of harm. Screenings are completed by mental health clinicians with expertise in child custody issues.

HOW DOES A SCREENING WORK? – An investigator (the screener) from Family Court Services (FCS) will learn about the child's living situation and other immediate safety concerns that they have been directed to investigate. issues relating to custody and timeshare. Most Screenings take a full day and are usually finished on the same day they are started. Some will take longer. Screening investigations typically conclude on the same day they are started. However, some are scheduled to return in order to thoroughly complete the investigation.

The Screener may:

- Talk with the parents and their attorneys and the children's attorney (if they have one).
- Talk to the children and watch observe how they behave interact with parents or other family members.
- Read papers related to the emergency issues (see page 1 about giving papers to the other party and the Court). Review the court file and other documents related to the emergency issues.
- Look at criminal records of anyone living in the house with the children.
- Talk with other family members or witnesses by phone or in-person. Review CPS records involving the children.
- Collect more information (i.e. from school, daycare, a doctor, Child Protective Services (CPS), the police, etc. Talk with other witnesses, professionals or family members by phone, or, in-person.

The Screener will then present written recommendations first to the parents and their attorney's. If both sides agree with the recommendations, they will become Court Orders orders of the court. If either of the parties does not agree with object to the recommendations, the recommendations will be presented to the Judge and the parties will have a hearing, with the Judge. In either case, the Judge will make immediate, temporary orders.

WHAT DOES A SCREENING COST AND WHO PAYS? - The fee for an Emergency Screening conducted by FCS is \$160 per hour, divided equally between the parties, unless ordered otherwise ordered by the Court. If the Screener has to testify in Court, the fee for testifying will be \$160 per hour. You can ask for a fee waiver if you cannot afford to pay the Screening fees. You can get the fee waiver forms from FCS. If you cannot afford to pay the Screening fees, you can ask for a fee waiver and complete the associated forms. **The fee waiver forms are available at the FCS lobby on the 5th floor.*

WHAT IF THERE IS DOMESTIC VIOLENCE? - If you are a victim of domestic violence, you have the right to have separate interviews. If there is a current criminal and/or civil restraining order you have the right to have a support person with you. You can get more information about these rights at FCS. If either party has been the victim of domestic violence, FCS will make arrangements to have the parties on separate floors throughout the entire Screening day. If there is a current criminal order and/or civil restraining order wherein you are the listed victim, you have the right to have a support person with you. Please contact FCS for more information.

HOW DO I GET AN INTERPRETER? — If your Screening is a few days in the future, please visit the Family Court Clerk's Office and fill out an Interpreter Service form or call (408) 534-5727 to ask the Court to provide an interpreter for the screening. The Court will do its best to find one for you but this is not guaranteed. 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, tell your Screener. They 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 statute (law). Any information given to FCS throughout the course of the Screening investigation is not confidential from the court. The Screener may testify about the information provided. **Please note, all Screeners are mandated reporters and are subject to mandated reporting requirements.*

WHERE DO I GET MORE INFORMATION? - More information about Screenings is on the Court's website — www.sccscourt.org (click on "Divisions", "Family" and then "Local Family Rules" for the Local Rules). For more information, please visit the FCS section of the court's website here: <https://santaclara.courts.ca.gov/divisions/family-division/family-court-services-fcs>.

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), 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/Family Law Facilitator's Office 201 North First Street, San José, (408) 882-2926). The Court's Centers also have referral information for other agencies that may be able to help.

FAMILY RULES

RULE 2 CUSTODY AND VISITATION

[A.-B. – no changes]

C. CONTESTED CASES

[(1)-(3) – no changes]

(4) CUSTODY EVALUATIONS AND BRIEF FOCUSED ASSESSMENTS (BFA)

(a)-(g) no changes]

h. FCS will charge for evaluations, unless a fee waiver is granted for a party. The parties ~~shall~~ must submit deposits or fee waiver requests to FCS within five court days of receipt of the Court's order to an evaluation. Subject to a judicial officer's discretion and consistent with current caselaw and statutory authority, the court will evaluate the allocation of private custody evaluation or BFA fees upon the request of any party.

(5) RECOMMENDED ORDERS AND OBJECTIONS

[(a)-(d) – no changes]

e. If an evaluator appointed to conduct a custody evaluation or BFA becomes aware of or develops a concern regarding a safety risk to the minor child/ren who is/are the subject of the evaluation, they will notify all counsel and/or self-represented parties that they intend to file a Request for Interim Orders with the court. If the child/ren is/are represented by Minor's Counsel, Minor's Counsel will file the Request for Interim Orders as an *ex parte* request immediately. If child/ren is/are not represented, and the parties are represented by counsel, counsel will file the Request for Interim Orders as an *ex parte* request.

(7) EMERGENCY SCREENINGS

(a) In any ~~any~~ case in which there are serious and immediate safety risks to the child/ren, the Court may order a staff member of FCS, other than the mediator, or a private screener, at the parties' expense, to conduct an "emergency screening" (a preliminary and limited investigation), to make recommendations regarding the temporary custody, visitation, and related conditions for the minor children. In

most cases, the Court will not order any emergency screening based solely on an ex parte application, but may order protective orders until the hearing date on an adequate showing that serious harm to a child may result if no order is issued. FCS, the private screener, and/or the Court will provide instructions for emergency screening to all parties and attorneys when a screening is ordered. For FCS emergency screenings, any documents or other materials submitted to FCS must be provided no later than 48 hours in advance of the screening date and copied to opposing parties, including Minor’s Counsel if applicable. If the parties wish to have a screener review audio or video files, the files must be provided on a USB or flash drive and they must comply with all the requirements detailed in FM-1080 “Emergency Screening General Information.” Parties must ~~shall~~ comply with FCS’ or the private screener’s instructions, rules, and procedures. Attorneys and parties must be available as required by FCS, or the Court may reschedule the screening. A private screening will ~~shall~~ be conducted in compliance with these Local Rules, but without the involvement of FCS. The Court will not provide reports of criminal history or CPS records to any private screener.

(Effective 1/1/2022)

[(b) – no changes]

(c) If a party objects to the FCS or private screener’s screening recommendations, a brief hearing, generally less than ~~thirty~~ 30 minutes, will be held on the day of the screening, or as soon as possible. All parties must be personally present for the hearing, except for Minor’s Counsel, who may appear remotely.

[(d) – no changes]

(e) If a private emergency screening is ordered, the hearing will be set within 21 days or as soon thereafter as possible. On the date of the hearing, the screener, the parties, and the minor child/ren must be present at the courthouse by 3 p.m. The parties must provide childcare by a neutral third-party, over the age of 18, for the children who are the subject of the screening while they are at the courthouse. The child/ren will remain at the courthouse until released by the screener. Screening recommendations are to be released to the parties at the courthouse.

[(8) – no changes]