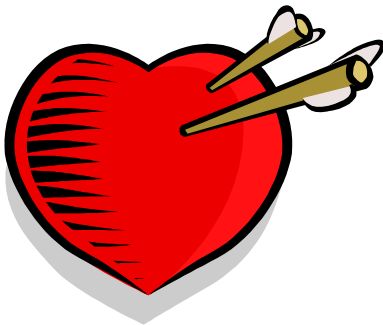


## Parent Orientation

# Kids, Court and You

- Putting Kids First
- Helping Kids Adjust



Family Court Services  
Santa Clara County

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

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

[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

# Family Court Parent Orientation Program

<b>CONTENTS</b>	<b>PAGE</b>
Table of Contents .....	1
Content of Class .....	2
Introduction to Class .....	3
Introduction to Family Court .....	4
<b>DOMESTIC VIOLENCE</b>	
What is Domestic Violence? .....	5
Dealing Effectively with Abusers .....	6
Wheels of Domestic Violence/Equality.....	7,8
<b>KIDS &amp; PARENTS PERSPECTIVE</b>	
Separation and Grieving .....	9
A Child's Needs During Divorce .....	10
Common Reactions to Separation .....	11
Common Signs of Stress in Children .....	12
Psychological Tasks for Children in Separation .....	13
Changing from Being a Partner to Being a Co-Parent .....	14
Guidelines to Help Diminish Conflict .....	15
The Rights of Children After Separation .....	16
Do's and Don'ts (From "Listen to the Children") .....	17
<b>APPROACHES TO PARENTING AFTER SEPARATION</b>	
Models of Parenting .....	18
Co-Parenting Vs. Parallel Parenting .....	19-21
<b>DEVELOPING A PARENTING PLAN</b>	
Definitions: Legal and Physical Custody .....	22
Developmental Needs of Children .....	23
Developing a Parenting Plan .....	24
<b>PRACTICAL INFORMATION ABOUT MEDIATION/COURT</b>	
How Mediation Works .....	25
Possible Results of Mediation .....	26
Domestic Violence and Mediation .....	27
New Law .....	28
Bibliography .....	29,30

# CONTENT of CLASS

- Overview; Research Findings
- Domestic Violence
- Adult/Kids Perspective: Separated Parents
- Risk for Kids Whose Parents are not Together
- Tips for Parents

## BREAK Video "Listen to the Children"

- Types of Post-Separation Parenting
- 2 Models: Co/Parallel Parenting
- Mediation
- Parenting Plan Considerations
- Court Procedures



# INTRODUCTION

The increase in divorce in the past few decades has been dramatic. It is estimated that approximately half to two thirds of all marriages in this county end in divorce and; that approximately two thirds of all divorces involve children. While these statistics are concerning, one result of the prevalence of separated and divorced families is that many families are already aware of the different parenting plans, there already exist support groups in the schools and numerous resources in the community. Research on children of separated parents suggests that children adjust better if both parents remain actively involved in the children's lives. Additionally, all of the research concluded that the ongoing parental conflict has a hugely detrimental affect on children. Children are less negatively affected by separation when their parents are able to resolve their differences and move on with their lives.

The purpose of parent education programs, like this class, is to teach parents how to remain actively involved in parenting their children after the separation, while reducing their conflict with the other parent. All of the information presented in this class is equally relevant and applicable whether the parents were married or not.

## GOALS OF THE PARENTING CLASS:

- ❖ Educate parents on the needs of children whose parents have separated.
- ❖ Develop empathy in parents for children's experience of parental separation.
- ❖ Educate parents about the emotional experience of divorce, and the relationship between how they handle those emotions and the long-term outcome for their children.
- ❖ Recognize possible signs of distress in children related to parental separation.
- ❖ Assist parents in emotionally separating themselves from their child's other parent and in leaning to reduce conflict.
- ❖ Teach parents skills for interacting with their child's other parent.
- ❖ Teach parents appropriate post-separation communication skills.
- ❖ Provide information and guidelines for developing parenting plans.
- ❖ Introduce models for co-parenting and parallel parenting
- ❖ Describe the usefulness of mediation in developing parenting plans and resolving custody disputes.

# An Introduction to Family Court

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 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 the Family Court and Family Court Services.

## Important Information:

### Orientation to the building:

**First Floor (Plaza):** Courtrooms 73 -76, Security, telephones, copy machine, meeting cubicles for clients and attorneys.

**Second Floor (Mezzanine):**  
Family Court Services  
Judges' Chambers (No public access).

**Basement (Garage):** Courtrooms 71 and 72, Family Court Clinic. Records and Calendar Office. Restrooms, water fountain, telephones.

### Important Phone Numbers:

Family Court Main No: 534-5600  
Family Court Clinic: 882-2900  
Calendar: 534-5710  
Clerks Office: 534-5711  
Document Examiners: 534-5708  
Restraining Order Help: 534-5709  
Department 72: 534-5620  
Department 73: 534-5630  
Department 74: 534-5640  
Department 75: 534-5650  
Department 76: 534-5660  
Family Law Settlement Officer: 882-2935  
Department 94: 882-2955 **Notre Dame**  
Department 95: 882-2945 **Notre Dame**

- You will have at least two files-one for the general court and a confidential file with Family Court Services. Please be sure to provide change of address and important documentation to the correct file(s).
- If you do not speak/understand English you must bring a neutral third party to provide you with translation services for all court and FCS interviews.
- Waiting Room Policy: the only persons permitted to wait in the FCS waiting room are the following individuals who have appointments with FCS:
  - Attorneys representing parents.
  - Parents representing themselves
  - Domestic Violence Support persons
  - Parents appearing for follow up appointment without their attorneys.
  - Other individual who have been given specific appointments who are appearing alone.

ALL OTHER INDIVIDUALS, INCLUDING CHILDREN, MUST WAIT ON THE MAIN FLOOR.

Additionally, in cases where there are domestic violence allegations, FCS shall ask one parent to wait in the FCS waiting room and the other to wait on the main floor

# What is Domestic Violence?

---

It is the use of physical force, restraint, or threat of force to compel one to do something against one's will, or to do bodily harm to self, a person with whom one resides, or the mother or father of one's child.

**Domestic Violence includes but is not limited to:**

**Assault, including sexual assault; unlawful entry; destruction of property; keeping someone prisoner or kidnapping; theft of personal property; infliction of physical injury or murder; psychological intimidation or control; threat; verbal, emotional and mental abuse**

There are different kinds of domestic violence. They are all destructive and/or dangerous to varying degrees and none of it is acceptable. Domestic violence may be perpetrated by men or women. Domestic violence may include a pattern of abusing power, such as is described in the Wheel of Power and Control on page 7, which can be particularly destructive to all family members.

**The Presence of Domestic Violence is ALWAYS harmful to Children, may Endanger them and is Inappropriate in All Families!**

Children who have witnessed or overheard severe or repeated incidents of violence involving their parents are likely to be traumatized. These children are at risk for developing emotional, behavioral and social problems. Even those children who do not directly witness spousal abuse are affected by the climate of violence in their homes and are likely to experience impairment of development and socialization skills.

Even very young children and infants who are not thought to be aware of the violence are negatively affected. For these reasons, children-as well as adults-need to be protected from exposure to threats of violence or actual violence by a parent, caretaker, or other adults.

**You have the right to have separate Mediation in Cases Involving Domestic Violence:**

Where there has been a history of domestic violence between the parties, the party alleging domestic violence in a ***Written Declaration under penalty of perjury, or the party who is protected by a Domestic Violence Restraining Order***, may request to meet with the mediator (or screener, assessor, or evaluator in other proceedings) separately at separate times. This request should be made in the proper section of the Family Court Services' application form, which is included in this packet. **A copy of the written declaration under penalty of perjury or the domestic violence restraining order must accompany such request.**

# Dealing Effectively With Abusers

## Do

## Don't

- ☞ **Do** emphasize (all the time) the abuser's responsibility for choices that have been made. Accountability is a key to the change process.
- ☞ **Do** remember that a lot of abusers have positive and upstanding public images, and that they are usually only a threat to their family.
- ☞ **Do** use police reports and the arrest history to confront denial, but don't expect denial to just disappear.
- ☞ **Do** recognize the abusers acceptance of violence as a way to solve problems.
- ☞ **Do** look for control issues and the need to control in the abuser's actions and responses (like jealousy).
- ☞ **Do** recognize that many abusers grew up being taught to control their feelings, environment, and family resulting in pent-up emotions that they can't identify or communicate.
- ☞ **Do** expect abusers to become more resistant and uncooperative when law enforcement, the courts, and the probation officer exert more control through restrictions and directives.
- ☞ **Do** explore the upbringing of the abuser. Specifically, assess the dynamics of the family in relation to roles, conflict resolution, control, and communication.
- ☞ **Do** expect the abusers to present themselves as the victim.

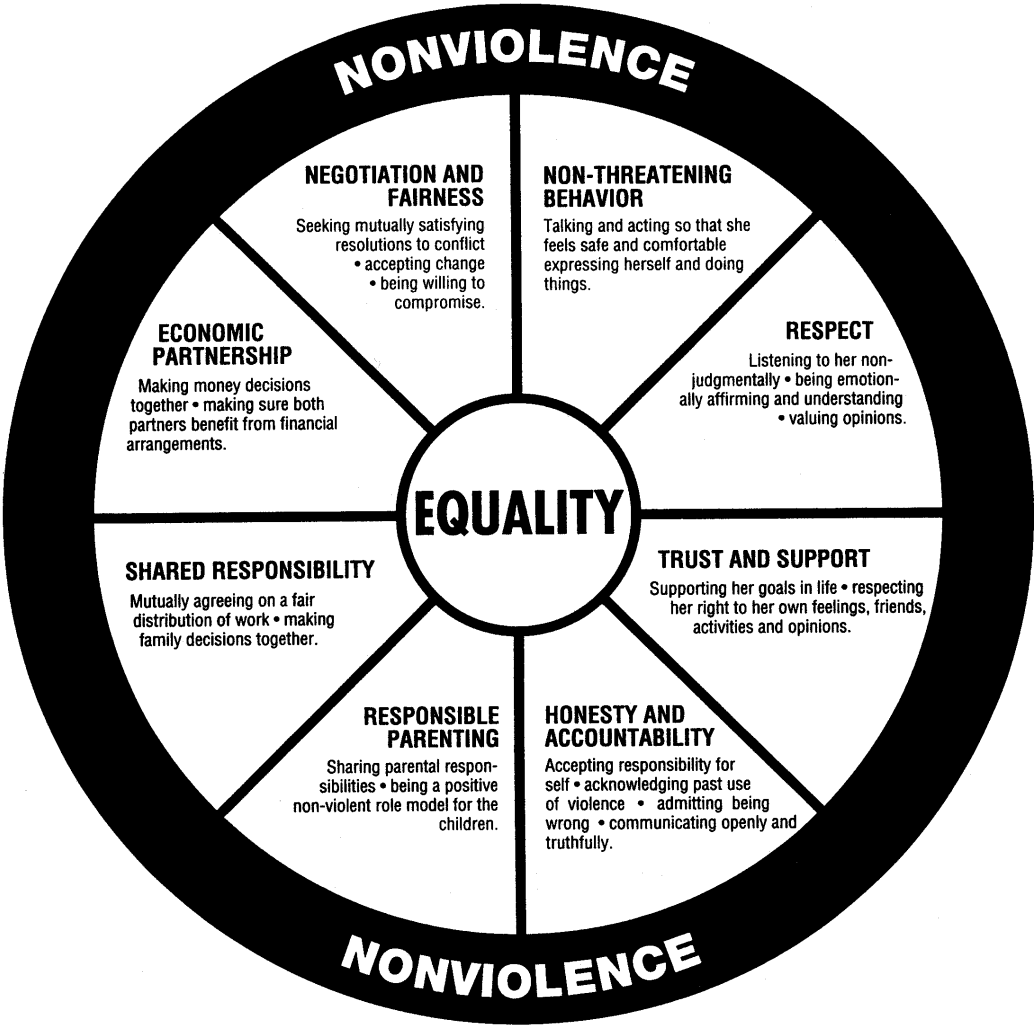
- ☞ **Don't** accept the abuser's projection of blame—especially onto the victim.
- ☞ **Don't** be fooled by an abuser's appearance, articulate style, cooperative stance, and numerous letters of support.
- ☞ **Don't** be surprised by the abuser's denial in the face of concrete facts to the contrary.
- ☞ **Don't** expect abusers to openly promote violence, but expect them to try to justify their violence.
- ☞ **Don't** expect abusers to be in touch with their feelings or able to express their emotions.
- ☞ **Don't** be intimidated by manipulative attempts to contest the control of law enforcement by using the court, attorneys, or making complaints to someone's supervisor.
- ☞ **Don't** forget to remind abusers that they are modeling behavior to their children, and that abusive behavior can be passed on to the next generation.
- ☞ **Don't** accept the abuser's claims to be the victim. Instead, make it clear that abusive behavior is not acceptable—no matter what the provocation.

# Wheel of Domestic Violence





# Wheel of Equality



# Separation & Grieving

Elizabeth Kubler-Ross outlined five universal stages in the grief process. Grief does not progress in an orderly way that follows a predictable path. It is normal to pass forward and backward among the five stages, skip a stage altogether, or become stuck for a time in one stage. The five stages are as follows:

## Shock & Denial

**Shock:** It usually takes a while for people to adjust to the reality of a significant loss. Feelings of disbelief, denial and numbness may last for minutes or months.

**Emotional Upheaval:** As shock wears off, a variety of painful and sometimes conflicting emotions may appear which make everyday coping more difficult. When the feelings seem confusing or overwhelming, it is usually best to put off taking action or making decisions for a time.

**Physical Distress:** The emotional upset of grief can cause physical responses and symptoms, which may make you more vulnerable to illnesses. In addition, existing ailments (such as headaches, ulcers, high blood pressure or asthma) may get worse for a time. Grief may cause some people to neglect healthy nourishment and exercise, or to overindulge in drinking, smoking or medications.

**Panic:** Sometimes people experience moments of panic, perhaps because of fear of the unknown or concern about "going it alone".

## Bargaining

In order to try to gain a sense of control over their lives, many people try to negotiate with their spouse to try to keep the relationship from ending. Sometimes people are suddenly ready to agree to get help or treatment, which has been resisted previously.

## Anger

**Irritability:** During the grief process, it is natural at times to feel irritable and short-tempered. You might notice yourself becoming easily frustrated or hypersensitive.

**Anger:** People often feel extreme anger and frustration when important decisions are taken out of their control. When angry feelings cannot be expressed directly to the absent partner, anger is sometimes directed toward others who aren't responsible for the loss, causing difficulties with children, relatives and friends who would otherwise provide support.

**Resentment:** Complaining endlessly about the other person may turn anger to resentment. Anger, which continues too long or is fueled and magnified by the mind, can also turn into resentment..

## Depression

**Depression:** People who are grieving nearly always experience periods of sadness, loneliness and discouragement in varying degrees. Reaching out to others is a key to lessening loneliness and overcoming depression. Therapeutic counseling or antidepressant medications provide temporary help when feeling of depression and hopelessness is too painful and difficult or persist too long.

**Self Doubt:** The painful circumstances surrounding the loss of an important relationship often leaves people doubting themselves. People often wonder about their perceptions and doubt their ability to trust decisions in the future.

**Aimlessness:** At times in the grieving process a kind of drifting occurs. You may find it difficult to return to familiar or even necessary activities.

**Questioning:** It is common to review the relationship mentally and to wonder if things were really as they seemed at the time. Eventually people develop the ability to ask themselves what can be done now to grow through what has happened in order to start moving past turmoil toward hope and acceptance.

**Guilt:** Everyone has regrets and makes mistakes in relationships. Sincere regret is a healthy response to this realization. However, relentless feelings of guilt can affect your mental health and impede your recovery from grief. Overwhelming or persistent feelings of guilt should be discussed with a counselor.

## Acceptance & Accommodation

**Acceptance:** Eventually people begin to accept the reality of separation. Over time you will begin to feel more normal in your life as you move on and create a new life with a new future.

**Hope:** In time and with effort hope grows. Confidence in your ability to make decisions and feel good about the future returns.

**Reorganization:** Eventually most people find ways to organize a new activities and life's goal. During this process you may discover new things about yourself and your strengths.



## A Child's Needs

**I need** to love whom I choose without guilt, pressure, or rejection



**I need** to love many people (stepparents, relatives, etc.) without guilt or being made to feel disloyal; the more love I give, the more I have to give-and the more love I receive.



**I need** to have a regular daily and weekly routine, one that is not filled with alternating patterns and disruption.

**I need** to spend time with both of my parents, regardless of grown-up wants and wishes regarding convenience, money, or their feelings. I own visitation; it is my right, not the right of my parents.



I may be angry, sad, and fearful and **need** to express those feelings.

**I need** to be able to like both of my parents since they are both a part of me and to be reassured that this is okay.

**I need** to not have to blame or choose sides.

**I need** to not have to make adult decisions.

**I need** to remain a child, and not to replace a parent in my duties or to be an adult companion, friend, or comforter to my parents.

**I need never** to have to choose with whom I live. This is a decision for wise adults. Having to make such a choice will always hurt someone else, and therefore, myself. I may feel this way even when I am a teenager and people wish I were able to make the decision. I can *never* choose between my parents.



# Common Post-Separation Stressors

From the video, "Listen to the Children: Divorce Education for Parents"  
© The Family Law Section of the State Bar of Michigan. Reprinted with permission.



## "I'll go live with (the other parent)!"

This is a common statement made by children when they are angry. It has nothing to do with where they want to live. What the child is saying is the s/he is angry with you and is using this way to express his/her anger. Do say "I know you are angry with me right now." Don't respond by saying, "Go live with...(the other parent) then!"—that is missing the point and saying it's not okay to be angry.

## "You're just like...(the other parent)."

This happens when the child does something negative that reminds the parent of the ex-spouse. The parent gets unreasonably angry and rejecting and is fearful that the child will grow up to be exactly like all the bad parts of the ex. ***This is not true.*** The parent is forgetting that it is okay and normal for a child to act like a child—it was ***not okay*** for the ex-spouse to act like a child.

## Over-Indulging the Child

Do set reasonable and consistent limits for your children. Over-indulging your children only adds to the confusion. You can increase your child's sense of security by making rules simple, expectations clear, and consequences clear and appropriate.

## Feeling Like A Failure

Do forgive yourself and your ex. Concentrate on rearing your children in a healthy manner. Rejecting yourself as a failure will only make life more difficult for you and for your children. All normal people make mistakes. Choose to learn from these mistakes and not be overcome by them.

## Using Your Child To Meet Companionship Needs

Do develop adult relationships to meet your need for companionship. Do not use your children to meet this need. Allowing your child to sleep with you or burdening him/her with ***your*** problems can eventually lead to emotional problems for the child.

## Feeling That Your Child Should Be Loyal To You

Do reassure your child that it is okay to love both parents. Children cannot choose one parent over another because their own identity includes aspects of both parents. Rejecting a parent means rejecting or feeling badly about part of themselves.

## Expecting the Ex-Spouse To Continue To Fill His/Her Past Role

Do be aware of changing roles. The "shoulds" and "oughts" of marriage no longer hold true after a separation. As a check, ask yourself: "Could I ask a neighbor (friend, relative) to do that?"



# COMMON SIGNS OF STRESS IN CHILDREN: DEVELOPMENTAL STAGES

From Video Tape Listen to the Children@



## **INFANTS** (0 - 6 months)

Excessive crying; eating and/or sleeping problems

## **INFANTS** (6 - 18 months)

Fear of abandonment, fear of being left/being away from a parent;  
Frightening fantasies; clinging; crying and irritability.

## **TODDLERS** (18 months to 3 years)

Irritability and anxiety; excessive fears and worries; fear of separation, clinginess; asking for the absent parent.

## **PRE SCHOOLERS** (3 to 5 year old)

Excessive fears and anxieties; regressive behaviors such as bed-wetting, lapses in toilet training, thumb sucking, need for pacifier; whining, crying, confusion, tantrums, pervasive neediness, wanting to be held and cuddled; self blame, and; transition distress and resistance to going with the other parent.

## **ELEMENTARY SCHOOL AGE** (6 to 10 year old)

Problems with school performance; increased empathy and strong reaction to parent's pain. Girls develop "acquired" kinds of problems, such as sadness, withdrawal and isolation. Boys "act out" showing their anger and displeasure, may be aggressive and get into trouble. Boys in this age group tend to have greater difficulty than girls.

## **MIDDLE SCHOOL/PRE ADOLESCENT** (11 to 12 year old)

School problems, depression, anxiety and suffer intense loyalty conflicts. Experience uncertainty related to a sense of loss of family, not having both parents at home, and fear of changes in school and friends. They are often stressed by parent=s arguments and having to care for younger siblings.

## **TEENAGERS** (13 to 18 year old)

Experience divorce as a disruption. Get angry with their parents for "messaging up". Intense loyalty conflicts may lead to alignment with one parent and rejection of the other. There may be abrupt changes in loyalties in response to conflicts, problems in school, alcohol and drug abuse, fighting, trouble with the law, accidents, sexual behavior, depression, suicide attempts.

# 6

# Psychological Tasks for Children in Separation

Based on Judith Wallerstein's book Second Chances.)

## Acknowledgement of the Reality of the Separation



Children want to deny what is happening because separation is very painful for them. They may do this by fantasizing. ***Their fantasies need to gently be turned into realities for them by helping them face their fears.***

## Disengaging From the Parental Conflict

It is difficult for children to get on with the business of living their lives and continuing to grow and develop. Children worry about their parents, and parents may rely on nurturance and support from the child. Children must keep the crisis from dominating their inner world. ***Be truthful but don't tell them the details. Don't depend on them to meet your emotional needs. Encourage them to play.***



## Resolution of Loss

Children need to work through the grief process. ***They need to mourn their losses.*** They may no longer have frequent contact with one of their parents. They may move to a new neighborhood, leaving behind their school and their friends. ***They feel rejected, abandoned, and powerless. They need to go through a grief process to overcome those feelings.***



## Resolving Anger and Blame

Children feel anger toward their parents for separating. They are angry with themselves because they blame themselves. ***They need to learn to forgive their parents and themselves. They need to know that it is not their fault.*** Their feelings need to be normalized for them.



## Achievement of Realistic Hope about Relationships

Some children, especially adolescents, wonder if they will get married and if that marriage will end in divorce. They may have lost faith that relationships can work. ***Give them a realistic vision of their capacity to give and receive love.***



## Accept the Permanence of the Separation

Most children fantasize that their parents will reconcile. ***Help them know that this will not happen. Help them find the positive side of this.***



# Changing from Being a Partner to Being a Co/Parallel-Parent

(Source: "Mom's House, Dad's House" by I solina Ricci, Ph.D.)



## Acquaintance or Business Relationship

No assumptions

Formal courtesies, public meeting

Explicit agreements, contracts, structured meetings

Little confrontation, low risk, low emotional intensity

High personal privacy, low personal disclosure

### Practice common courtesy

1. Watch your language and refer to the other parent as the child's mother/father. This places the focus where it belongs--on the parenting role.
2. Act like a guest in the other parent's home; wait to be invited in; don't wander around the house.
3. Your time with the children is just that--your own private time with the children, not "babysitting time" or "dead time."
4. Give the other person privacy and help yourself to privacy--stop asking/answering personal questions; keep personal life to yourself.
5. Don't expect praise from the other parent--it's hard to come by in the early stages of this business relationship; look to friends and family or support groups for support or appreciation.
6. Be detailed and don't assume the other parent will know when or where to pick up or return the child or what time school is. Give time, place and specifics.
7. Expect to feel strange about the new relationship at first. Control the urge to "tell her/him off". The emotion may be there but give it time to cool. There may be a mismatch between your feelings and actions; for example: "I want to tell him/her off, but I'm courteous and businesslike".

# Guidelines to Diminish Conflict

1. Your mutual concern is the rearing of your children. Be businesslike. Be polite. Do not use bad language or name call. Do not try to conduct business under the influence of alcohol or other drugs. If you feel yourself getting un-businesslike, say so and agree to resume the conversation at a later time.
2. Do not discuss any issues with the other parent in the presence of the children; limit your conversation when the children are exchanged to a simple "hello" and "good-bye".
3. Any phone calls about the children should be limited to only that topic; tell the other parent in advance whether you are calling to discuss the children or some other issue.
4. Do not send messages for the other parent through your child.
5. Be very clear with each other about your plans for time with the children, include specific dates and time. Do not change any plans without first discussing the change with the other parent in advance.
6. To be sure each parent has the same information, follow up the discussion of an arrangement or agreement in writing and send a copy to the other parent.
7. Talk together to teachers, doctors, or other involved professionals together to help resolve differences of opinion about what is best for your children.
8. Each parent is responsible for their children's daily care when they are with them. Certainly, it is important for parents to consult with each other regarding any changes in the child's educational and medical care, in advance of the change.
9. Above all, cultivate good will in the partnership of raising your children. Keep in mind the importance of your investment and the expected returns. The investment is what you are willing to do for your children's happiness and success in life. The returns are comfort and security for your children, and the knowledge their parents care enough about them to make their life free of conflict.



# The Rights of Children After Separation

## Every Child Has the Right to Maintain Independent, Healthy Relationships with Both Parents

- ...the right to spend time with each parent and to not be kept away from a parent.
- ...the right to a sense of belonging to each parent.
- ...the right to feel and express respect and love for each parent without interference from others.
- ...the right to have a personal sleeping area and a place for possessions in each parent's home.
- ...the right to expect that both parents will be informed about important medical, dental, legal, and educational matters affecting the child.

## Every Child Has The Right To Be Free From Seeing, Hearing, Or Hearing About The Conflict Between Parents

- ...the right to be free from feeling a need to choose between parents or to take sides with or against either parent.
- ...the right to be free from feeling pressure to put down or defend either parent.
- ...the right to be free from being put in the role of message-carrier between parents.
- ...the right to express feelings about the situation or a parent privately, without one parent overreacting or exaggerating, and without having these feelings disclosed or used by one parent against the other.

## Every Child Has the Right To Reliable, Consistent And Predictable Time With The Non-Residential Parent

- ...the right to expect that both parents will deal with the other parent in mature, appropriate ways regarding issues of visitation and custody.
- ...the right to expect that parents will work together to develop a Parenting Plan which clearly and fairly outlines time between the child and each parent.
- ...the right to expect that both parents will follow through by requiring the child to obey the court-ordered Parenting Plan and by expecting the child to honor the obligations and commitments of the plan.
- ...the right to participate in age-appropriate social activities, as long as these activities do not interfere with either parent's access to the child.

## Every Child Has The Right To Be Financially Supported By Both Parents

- ...the right to expect that child support will be paid, and will be paid consistently and promptly.
- ...the right to be free from hearing complaints from either parent about child support issues....the right to spend time with each parent, regardless of whether or not financial support is given.
- ...the right to expect that the parent receiving child support will use and manage this money fairly and responsibly to provide for the child's needs and to pay for necessary household expenses.

## Every Child Has The Right To Continue Or To Develop Meaningful Relationships With Significant Others

- ...the right to have relationships with other adults and children who are important to each parent.
- ...the right to be included in, not left out of, activities with relatives, friends and new family of both parents.
- ...the right to concentrate on deepening the individual relationship with each parent for a time before becoming accustomed to either parent's new partner.

## Every Child Has The Right To Be Free From Having Responsibility For Making Adult Decisions

- ...the right to be free from making decisions or choices about living arrangements and visitation.
- ...the right to be free from having adults make decisions because of what the child 'feels' or 'wants'
- ...the right to have important decisions and arrangements made by parents—not by the child.

## Tips from...

# Listen to the Children

### **DO:**

- ◆ Tell the children about the separation together, if possible.
- ◆ Answer the children's questions honestly while avoiding unnecessary details.
- ◆ Reassure the children that they are not to blame for the separation.
- ◆ Tell the children that they are loved and that they will be taken care of.
- ◆ Include the other parent in school and other activities.
- ◆ Encourage the relationship between the children and the other parent.
- ◆ Be consistent and be on time to pick up and return the children.
- ◆ Develop a workable parenting plan that gives the children access to both parents.
- ◆ Guard against canceling plans with the children.
- ◆ Establish two homes for the children with two fully involved parents.
- ◆ Give the children permission to have a loving, satisfying relationship with the other parent.

### **DON'T:**

- ...pump the children for information about the other parent.
- ...try to control the other parent.
- ...use the children to carry messages back and forth.
- ...argue in front of the children.
- ...discuss child support issues with the children.
- ...speak negatively about the other parent.
- ...put the children in the position of having to take sides.
- ...use the children as pawns to hurt the other parent.

# Models of Parenting: Approaches to Parenting After Separation

## Perfect Pals (Co-Parenting) ☺ ☺

- Decision to Separate is Mutual
- Respect each other as People and as Parents
- Remain Friends
- Make decisions about kids together
- Child-centered--flexible, compromising, accommodating
- High Compatibility in Parenting Styles
- Continuity and Consistency Between Homes

## Cooperative Colleagues (Co-parenting) † † Remain friendly; Similar Spirit

- High regard for the other as a parent
- Have disagreements sometimes, but do not escalate to power-struggle
- Know fighting is traumatic for kids. Do not involve kids
- Need specific timeshare and ground rules to prevent fights

## Angry Associates (Parallel Parenting) ☹ ☹

- One partner wants to separate; the Other feels betrayed, hurt and becomes angry to deal with hurt
- Can't Separate Parenting from Partnering
- Little Cooperating; Very different parenting Styles
- Kids put in Middle of their many fights

## \*Fiery Foes (Parallel Parenting) ☹ ☹

- All of the Characteristic of the Angry Associates
- Make a lifestyle of going to Court
- Hostility, Blame. "Enemy" view
- Noncompliance with Court Orders
- Kids highly stressed by these parents

# Co-Parenting and Parallel Parenting

(From P. Leslie Herold, Ph.D. & Christina Kanaly, B.A.)

<u>Topic</u>	<u>Cooperative</u>	<u>Parallel</u>
<b>Bedtime, Nutrition, Hygiene</b>	Both parents strive for as much consistency as possible in the two households	Parents each have separate household routines, without any obligation to work for sameness in two households.
<b>Discipline</b>	Parents have clear & Specific, reasonable and behavior-related, logical consequences for children's' misbehavior.	Parents may agree on broad guidelines (for example, no spanking), otherwise each parent discipline as he or she sees fit.
<b>Sports and Other Extracurricular Activities</b>	Parents consult before signing child up for any activity (gym., dance, soccer). Parents develop a contract with coaches, etc. concerning the max amount of time able to miss.	Parents may advise one another of enrolling a child in any activity, but one parent is NOT obligated to take child to scheduled games, practices or pay fees.
<b>Family Vacations</b>	Parents negotiate in advance so that kids can be with them in off time or special family time.	Parents alternate year by year (odd/even) in having first dibs on family vacations with obligation only to inform.
<b>Weekends, Other Scheduled Parenting Times</b>	If agreeable to both parents, weekends may be traded in whole or in part.	Except for Vacations, all weekends spent <u>exactly</u> as scheduled unless one politely requests & the other agrees.

<u>Topic</u>	<u>Cooperative</u>	<u>Parallel</u>
<b>Parent-Parent Communication and Decision-Making</b>	Parents may have regular business meetings. May have a code word for unproductive meetings to end the meeting. Parents strive to be respectful, responsive and work on win/win solutions through flexibility and compromise.	Parents communicate only in writing, fax or email about topics of extreme importance. Parents are not required to consult with each other about routine parenting decisions.
<b>Schooling</b>	Parents may agree to attend school events (conferences, teacher conferences, performances) together or negotiate on who will go. Go to private schools only if both agree.	Parents inform school of need for separate conferences with staff. Take turns attending Open House. Sit <u>apart</u> at assemblies and do not talk to each other. Private school only if agree in writing or Court orders it.
<b>Medical/Dental</b>	Parents keep each other current on all important medical events, make decisions as equals. Both parents may be present at appointments, may trade off medications and negotiate payment.	Parents promptly advise one another in writing of medical appointment.
<b>Counseling or Psychotherapy</b>	Parents consult each other before obtaining help for kids. Parents contract with the therapist to attend sessions together only	Children are NOT enrolled unless both parents agree, have access to the therapist or the Court orders it.

<u>Topic</u>	<u>Cooperative</u>	<u>Parallel</u>
<b>Religion</b>	<p>Parents consider and respect one another's belief and practices. Children are allowed to participate in religious activities without interference or negative comment. Parents negotiate age at which child may choose a religion and participate in milestone events (communion, bar/bat mitzvahs). May invite the other parent.</p>	<p>Parents are free to involve (or not involve) a child in religious practices without obligation to consult the other. Parents do not pressure or manipulate their children to choose or forfeit time so the child can attend the other's parent's religious events.</p>
<b>Extended Family</b>	<p>Flexible about permitting child to attend extended family events. Cooperate by giving Pay Back</p>	<p>A parent is not required to give up time for the other parent's extended family events. (The parents may submit a polite request which the other parent may agree with.)</p>

# Custody

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California law says that Judges must award custody according to the “best interest” of your children. California custody laws have changed a good deal in the last few years. Courts no longer automatically give custody to mothers instead of fathers, even for small children. In addition a court cannot deny custody or visiting rights simply because the parents were never married to each other or because one of them has a physical disability, unconventional lifestyle, religious belief or sexual orientation. Domestic Partners have the same rights as mothers and fathers.

In most cases, the parents are able to negotiate their own agreements as to custody and visitation. When this occurs and the parents agree to joint custody, the judge is inclined to grant this. When parents are unable to agree, the judge can award sole or joint custody.

There are two related types of custody, legal and physical. **Legal Custody** refers to decisions about the children’s health, education and welfare. These might include such things as where the children will go to school or whether they should have braces on their teeth. If the parents share joint legal custody, then they must have information about the children with each other. No matter who has custody, both parents have equal rights to information about their children from schools, doctors and other professionals.

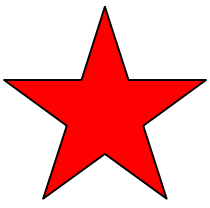
**Physical Custody** refers to the time actually spent with each parent on a regular basis. The children might spend school days with one parent and weekends, a mid-week dinner visit,

half the holidays and some vacation periods with the other. On the other hand, the children might alternate staying significant periods with each parent, from week to week or other types of plans. If the parents live near each other, the children may go back and forth between them without an exact schedule. Usually, parents who want and are able to manage a joint physical custody arrangement are those parents who are able to work out a routine on their own or with a mediator’s help.

A judge could give both parents joint legal custody but not joint physical custody. In this case, both parents would have equal responsibility for important decisions affecting the children’s lives but the children would live mostly with one parent. The parent who did not get physical custody would usually have regular contact with the children.

It may be advisable for each parent to consult with an attorney regarding the more complex issues surrounding physical and legal custody before making a final agreement.

The idea is to make a plan that is best for your children. Remember, children can have a hard time adjusting to changes in their lives. Studies of parents and children after divorce show that children cope better with the break up if both parents play active roles in the children’s lives.



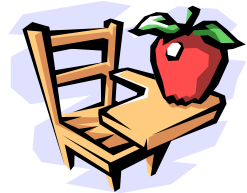
# Developmental Needs of Children

## Infants, Toddlers, Pre-School



- Do better with more frequent, shorter periods of time
- Tend to have a primary bond but can bond to several people
- Sense of time is very different (a short period of time can “last forever” in the experience of the infant)
- Cannot tolerate long separations from either parent
- Must provide consistent responses to needs, lots of nurturance
- Must provide a consistent schedule

## School Age Children



- Create a Schedule that allows kids to focus on school, learning outside of the home
- Provide the emotional foundation that permits confidence and self-worth

## Pre-Adolescents

- Permit a plan that allows kids to spend a lot of time doing organized activities and spend time with friends
- Help with solving school and peer problems



## Adolescents

- Kid's plans have priority over adult's plans
- Many prefer to have a “home base”
- Consistent rules in both households
- Flexibility of schedule important. Avoid rigid schedules
- Protect from loyalty conflicts





# Developing a Parenting Plan

Where to start: Think about what you are doing now or what has worked for you in the past. Think about any changes in your work schedule, the other parent's work schedule or in the children's activities that will require changes in what you have done in the past. This plan is not an official declaration; but rather serves as a tool to assist you gathering your thoughts in a clear and concise fashion.

1) The child(ren) will stay with their mother/father as follows:

a) Alternate weekends from Friday/Saturday at \_\_\_\_\_ until Saturday/Sunday/Monday at \_\_\_\_.

b) \_\_\_\_\_ at time: \_\_\_\_\_ until : \_\_\_\_\_ at time: \_\_\_\_\_ each week/alternate weeks.  
(DAY) (DAY)

or

or

c) The first/second/third/fourth weekends of each month from Friday/Saturday at \_\_\_\_\_ until Saturday/Sunday/Monday at \_\_\_\_\_.

or

d) Other plan: \_\_\_\_\_.

2) The children shall stay with the mother/father the remaining time.

3) Holidays will be shared as follows:

a) Christmas/Winter Break:

d) Mother's Day (weekend) Father's Day (weekend):

b) Thanksgiving:

e) Labor Day/Memorial Day weekends:

c) Easter/Spring Break:

f) Religious Holidays:

4) Transportation:

5) Vacations:

a) Each parent shall have the children for 10 days each year to be taken singly or together with 30 days written notice to the other parent including their vacation dates, destination, emergency phone contact and travel itinerary.

b) Summer: the parents shall alternate having the children for one week/two week periods, commencing with the father/mother in odd numbered years and mother/father in even numbered years.

c) Summer: the parents shall equally divide the summer school vacation with the first half falling to the mother/father and the second half falling to father/mother.

Other Concerns:

## HOW MEDIATION WORKS

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State law requires that those parents who are unable to agree on a child-sharing plan must proceed to mandatory mediation. It is the Family Court's hope that parents will be given every opportunity to decide, for themselves, what will be in the best interests of their children. Mediation is generally more successful if the parents come prepared. We suggest that you seek guidance and support from your attorney, therapist, family members and friends in developing your child-sharing proposal. Financial issues will not be addressed in court-funded mediation sessions.

### **To Schedule and attend Family Court Parenting Program:**

You must sign up for a class by calling Family Court Services at 534-5760, or you may sign-up in person. Classes are offered every Friday from 9 AM to Noon and every second and fourth Tuesday evenings [Contact Family Court Services for exact times and departments]. Contact Family Court Services for this class in Spanish.

### **To Schedule a Mediation Counseling Session:**

Both parents must complete an intake form for Family Court Services, available at Family Court Services by mail or in person. After both parents have completed the Parenting program, they may schedule a mediation session. If you have verbal contact with the other party, it is suggested that you contact them to select several agreeable dates. Mediation is offered in the morning at 8:15 a.m., 9:00 am and in the afternoon at 1:30 p.m.

### **General Information Regarding Mediation:**

- ▶ There is no charge for litigated mediation.
- ▶ There is a \$200 charge for guardianship mediations.
- ▶ There is a non-litigated mediation charge of \$200.00.

- ▶ We offer up to 3 sessions of mediation by agreement.
- ▶ Appointments last up to 2 hours.
- ▶ Written mediated agreements are sent to attorneys.
- ▶ Mediation agreements will become court orders after 20 days if there are no objections from either party.
- ▶ Mediation is confidential. (Exceptions: Child Abuse or Danger to Self or Other)
- ▶ You may not select your mediator through Family Court Services.
- ▶ Any documents submitted to FCS must be copied to the other side.
- ▶ **You shall be charged a fee of \$100 if you do not show for an appointment or provide late cancellation.**

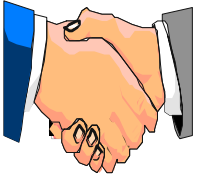
### **The Mediator Cannot:**

- ▶ Speak to your attorneys or the Judge regarding what happened in mediation unless both parents choose to sign waivers of confidentiality.
- ▶ Make recommendations to the Court.
- ▶ Require you to agree.
- ▶ Discuss issues of property or support.

### **The Mediator Will Not:**

- ❖ Interview children on the first appointment.
- ❖ Interview by phone.
- ❖ Interview you if more than 30 minutes late.
- ❖ Reschedule after two failed appointments.
- ❖ See you individually unless required to do so by law, such as, in domestic violence cases where one of the parties has a temporary restraining order a written declaration under penalty of perjury.

# POSSIBLE RESULTS OF MEDIATION



**FULL AGREEMENT REACHED:** The mediator shall prepare a copy of the agreement in a court order format and will mail a copy to the parents' attorneys or to the parties themselves if they are in pro per. The parties shall have twenty (20) days to object, in writing, to the mediated agreement. If written objections are not received before the deadline of 20 days, the mediated agreement will automatically become an order.

**PARTIAL OR NO AGREEMENT REACHED:** The mediator shall prepare a copy of the agreement in a court order format. A separate memorandum shall be prepared which outlines the issues remaining in dispute, including a referral to a Judicial Custody Conference. Copies of both forms shall be mailed to the parent's attorneys or to the parties themselves if they are self-represented.



## **FEE REQUIREMENTS FOR EVALUATION, ASSESSMENTS, SCREENINGS, GUARDIANSHIPS**

- ▶ There is a \$200 charge for guardianship mediations.
- ▶ There is a non-litigated mediation charge of \$200.
- ▶ Fees for remaining services are \$150 per hour borne equally by the parties and \$250 per hour expert witness testimony.
- ▶ Screenings are subject to a minimum fee of \$300 if over thirty minutes and \$150 per hour thereafter.

## **JUDICIAL CUSTODY CONFERENCE/ORDERS TO ASSESSMENT or EVALUATION**

1. Attorneys and parents are directed to meet and confer regarding the remaining issues and attempt resolution.
2. The attorneys and parties may then set up an appointment for a Judicial Custody Conference (JCC) with the Family Court Judge. The purposes of the Conference are to resolve as many of the remaining issues as possible, to have an Assessment or Evaluation conducted by a Family Court Services' Counselor, if needed. A fee of \$150 an hour will be charged for Assessments and Evaluations.
3. If ordered to an assessment, you must submit \$500.00 in deposit. If ordered to an evaluation, you must submit \$750.00 in deposit. Checks should be given to Family Court Services, payable to the Office of the County Clerk. Family Court Services also accepts credit cards.
4. You may request that the fee be waived. To do so, fill out a Financial Declaration. This declaration form will be submitted to the Judge who will determine the amount of money, if any, you must pay and assign you a payment plan. Both parties must have submitted a financial declaration form or paid their fee before your case can be assigned to an evaluator.

## **COMPLAINT PROCEDURES**

Clients or attorneys who wish to submit a complaint may do so either by calling Family Court Services at (408) 534-5760 or by writing to Family Court Services, 170 Park Center Plaza, San Jose, CA 95113. There are Complaint Forms with an instruction letter and FCS Complaint Procedures available in the office, mailed upon request or personally picked up at the Front Desk of Family Court Services.

# Mediation in Domestic Violence Cases

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## **You have the right to have separate Mediation in Cases Involving Domestic Violence:**

Where there has been a history of domestic violence between the parties, the party alleging domestic violence in a **Written Declaration under Penalty of perjury**, or the party who is protected by a **Domestic Violence Restraining Order**, may request to meet with the mediator (or screener, assessor, or evaluator in other proceedings) separately at separate times. This request should be made in the proper section of the Family Court Services intake/application form, which is included in this packet. **A copy of the written declaration under penalty of perjury or the domestic violence restraining order must accompany such request.**

Copies of other related documentation, such as police reports and medical reports, may also be submitted.

## **The Right to Have A Support Person Present in Mediation Cases Involving Domestic Violence:**

***If the Court has issued a restraining order***, a support person may accompany a party protected by such an order during mediation. A support person may also accompany the party protected by a restraining order during other Family Court Services' procedures, such as emergency screenings or evaluation sessions, during which the parties are interviewed together. It is intended that the support person provide moral and emotional support for a person who alleges she or he is a victim of domestic violence.

***The support person is not present as a legal advisor.*** The support person ***is present*** to assist the victim in feeling more confident that she/he will not be injured or threatened by the other party during a proceeding where the victim of domestic violence and the other party must be present in close proximity. The presence of the support person does not waive the confidentiality of the mediation and the support person shall be bound by the confidentiality of the mediation.

### **A Mediator may exclude a support person from a session if:**

- **The support person attempts to participate in the session.**
- **The support person acts as an advocate for the victim in a session.**
- **The support person's presence disrupts the process of a session.**
- **The support person's activity disrupts the session.**

### **Other Safety Considerations:**

Deputy Sheriff Security personnel are available to accompany victims of domestic violence to their cars following appearances at Family Court or Family Court Services. They are also available in the lobby and at Family Court Services if needed. The residential addresses and phone numbers of victims of domestic violence will be kept confidential by Family Court Services upon request.



There is a new Law...

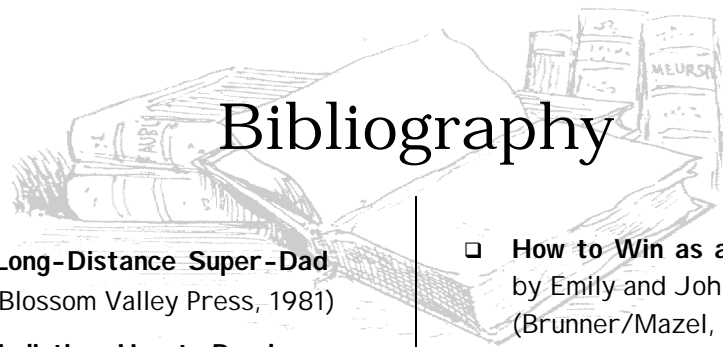
**You have the right to have a  
Hearing on child custody/visitation issues**

Every Child Custody order must include:

- A statement about the Court's "jurisdiction" (authority)
- How notice and opportunity to be heard was given
- A clear description of custody and visitation rights of each parent
- A statement that violation of the Family Court order may result in civil or criminal penalties
- The county of "habitual residence" of the child (where the child has lived)

To meet this requirement, every mediated agreement will include the following order:

"This Court has jurisdiction over the minor child/children as the parties agree that California is the child/children's home state and/or no other state has assumed jurisdiction or is the home state of the child/children. The parties also agree that the habitual residence of the child/children is the United States of America. The parties agree that they personally participate in mediation and were informed in writing by Family Court Services that they have a right to a hearing in this matter. The parties agree that they are giving up their right to the hearing on the issues included within the following custody and visitation agreement. They are aware that this waiver does not preclude them from having a hearing on other child custody and/or visitation issues that are not included in the following agreement, or from filing future motions regarding child custody or visitation or the right to have hearings on any such future motions. The parties also agree that they have been informed in writing that any violation of this order may result in civil or criminal penalties, or both."



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