

Mediation Orientation Program

Family Court Services
Tehama County Superior Court

Purpose of Mediation

An attempt to resolve disputes and to draw up a shared-parenting plan that is agreeable to both parties that is *in the best interest of the child*(ren).



Three Points to Remember

1. Children do best when parents get along
2. Put aside your differences for your children's sake
3. Come to mediation prepared to discuss a parenting plan



Legal Custody

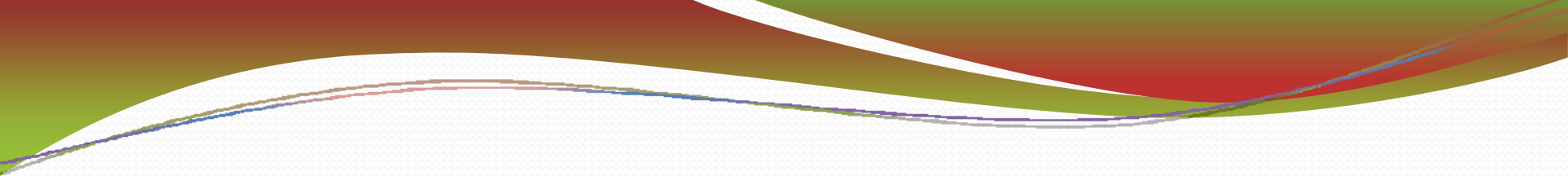
- Who makes decisions about the health, education and welfare of a child?
 - Joint legal custody = both parents
 - Sole legal custody = one parent only

Physical Custody

- Who do the children live with?
 - Joint physical custody = children spend a significant amount of time with both parents (not necessarily equal)
 - Sole physical custody = children live primarily with one parent

Where You Are in this Process?

- You have already filed your petition for separation or divorce, paternity, or a restraining order
- You have served the other party
- Judge has ordered you to attend mediation to determine what is best for your children
- You need to create a parenting plan



It is California State policy to assure that children have frequent and continuing contact with both parents after the parents have ended their relationship.

Family Code Section 3020 (b)

Domestic Violence

- If the Court finds that one parent has perpetrated domestic violence against the other parent physical and/or legal custody of the children can be affected (see Family Code Section 3044 in your handout)

RESTRAINING ORDERS

- separate mediation (to meet with the mediator without the other parent present)
- a support person in mediation (to follow guidelines, from Alternatives to Violence)
- address and phone number kept confidential

Goals of Mediation

- Help the parents come up with their own parenting plan
- Improve communication between parents
- Reduce anger and resentment between parents





The parenting plan needs to be
in the best interest of the child.

Family Code Sections 3011 and 3020



Research Findings - Children

- Children do best when:
 - there is no violence or conflict between parents
 - both parents remain actively involved
 - parents co-parent together (unless there has been domestic violence or high conflict)
 - they are protected from the negative impact of poverty
 - they have input, if appropriate, about the parenting plan but are not burdened with making a choice



Research Findings - Parents

- Parents do best when:
 - they come up with their own parenting plan, rather than living with a plan that is ordered by the Court
 - and, parents are more likely to follow their own agreement!
 - they work through their feelings about the other parent, rather than using the children to hurt the other parent



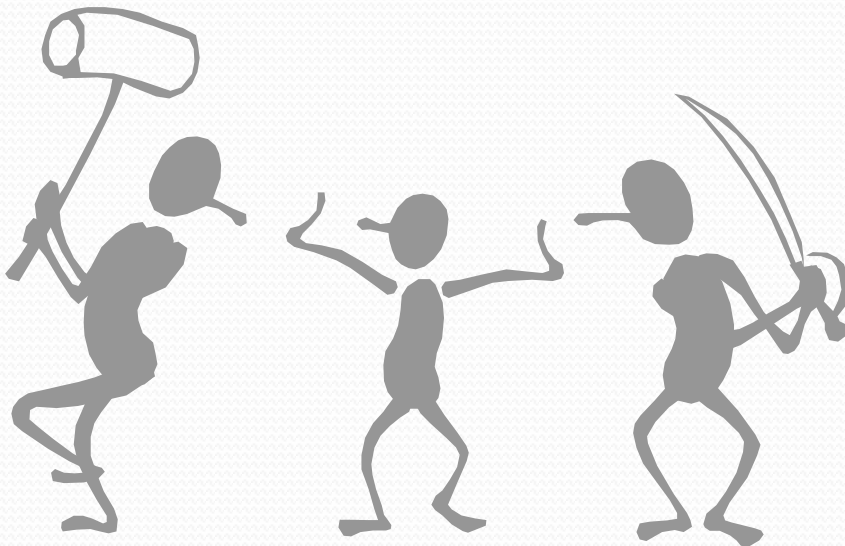
A Child's Experience of Separation is Different than an Adult's

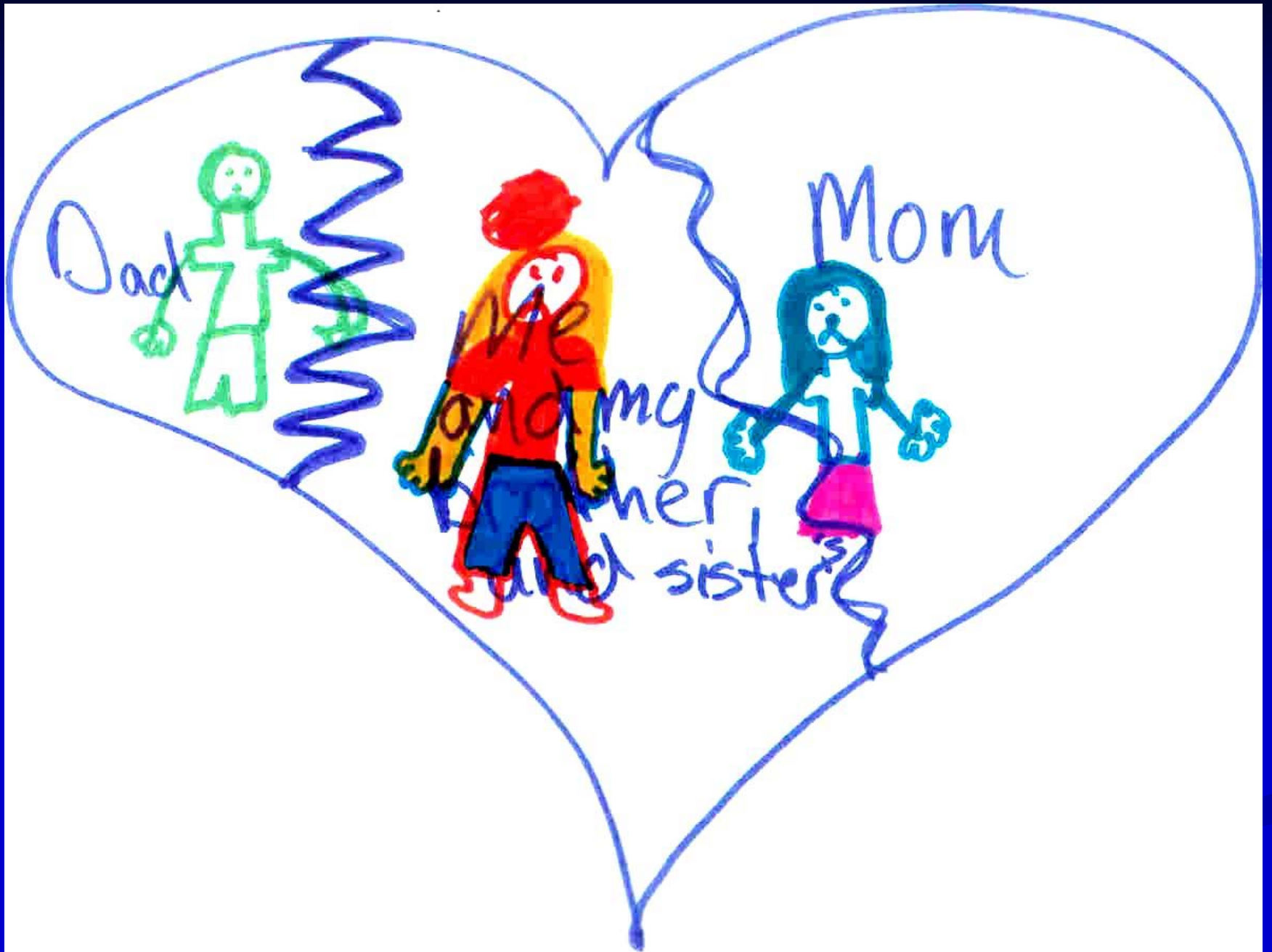
Adults

- Seek relief from unhappiness

Children

- Don't have the tools to find relief
- Worry about their parents
- Blame themselves







"I hate my
Mom. She
always makes
me turn off
my computer
games right
in the
middle."

Courtesy: Lyn R. Greenberg, Ph.D.

Considerations When Developing a Parenting Plan

- Ages, developmental stages and needs of the children
- Existence of any safety concerns (for example, domestic violence, child abuse, substance abuse)
- Children's attachment/bond with both parents and siblings
- Previous parenting arrangements
- Children's schedule (school, extracurricular, and social activities)

Parenting Plan Considerations (Cont'd.)

- Providing a consistent, simple, and predictable schedule with smooth transitions between the parents' homes
- Ensuring that the children have “frequent and continuing” contact with both parents
- Where the parents live and their work schedule
- Level of conflict between the parents

**What About Asking The Children Where
They Want To Live?**

**It isn't their job to choose;
It is your responsibility to
decide**

Parallel Parenting

- Each parent raises the children independently of the other parent
- Parents talk only in an emergency
- Little consistency between homes
- Less flexibility for children and parents



Parallel Parenting (Cont'd.)

- Advantages -
 - Children are not exposed to extreme negativity between parents in conflict
 - Reduces conflict between high-conflict parents
- Disadvantages -
 - Children need to act as if the other parent does not exist
 - Children may learn to “play” the parents against each other

Cooperative Parenting

- Parents work together in raising their children in 2 homes
- Parents talk regularly
- More consistency between homes
- Major decisions are made together
- More flexibility for children and parents
- Transitions are usually smoother for children

- *Advantages - all the above!*

Family Court Services Mediation

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|---|--|
| Do I have to do it? | Mediation is mandatory |
| How do I sign up? | Go to Room 13 with Intake Forms after you have been referred by the court |
| How long does it last? | 1-2 hours – both parents attend together Do not bring the children, unless advised |
| How much does it cost? | It is free |
| Is there anything I can do to prepare? | Yes. Attend the Orientation to Mediation, offered on Mondays at the courthouse from 3:30 p.m. to 4:30 p.m. |
| What if we don't agree? | The mediator will make a recommendation and the judge will make the decision |

Things to Consider

- This isn't about "winning" or "losing"
- If you're trying to "right" an emotional "wrong," Family Court is not the place
- Get counseling for emotional support

The Mediator Cannot...

- Talk about financial issues (child support, spousal support, property issues)
- Keep information confidential
- Give legal advice
- Enforce, modify, or interpret Court orders

After Mediation

If the parents reach an agreement in mediation

- The mediator writes it up and sends a copy to both parents, any attorneys involved, and the judge



If the parents do not reach an agreement in mediation

- The mediator will make recommendations about the issues in dispute
- The judge will make the decision



Best Outcome!

- Your decisions and behavior have a positive impact on your children's adjustment and future!
- Your children are the focus of your ongoing involvement, love, and commitment, rather than the conflict with the other parent!
- You raise healthy, happy, capable children!

Tehama County Family Court Services
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