

Telephone Triage Checklist ~ Family Law

Incoming Call: *“I want custody of my child(ren)?”*

Example # 1 - Current custody order in place

Staff: Do you have a court order for custody and visitation?

Caller: Yes.

Staff: Was that a Butte County Court Case?

Caller: Yes. (If “No”, staff will need to find out what court issued the orders)

Staff: Do you want to modify your current court orders?

Caller: Yes.

Staff: Has there been a change in circumstances since that order was made?

Caller: Yes. (They will usually start to explain in great detail) (If “No”, staff will explain what is required to change a custody order, and the caller will be given possible alternatives)

Staff: Do you know your case number? (staff will do a CMS check to make sure there is one) You will need to bring a copy of your current court order with you to the workshop.

Workshop: Order to Show Cause – to modify child custody/visitation

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Example #2- No current order, no open case

Staff: Do you have a court order for custody and visitation?

Caller: No.

Staff: Do you have an open child support case with the Department of Child Support Services?

Caller: No.

Staff: Are you married to the other parent?

Caller: Yes.

Staff: Do you want to file for a legal separation/divorce?

Caller: Yes.

Staff: Are their children in this relationship?

Caller: Yes.

Staff: Do you believe that the other party is going to contest what you are requesting in your petition?

Caller: Yes.

Workshop: Dissolution with Children I and Order to Show Cause – to file for dissolution and to establish custody and visitation orders.

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Example #3- No current order, parents were never married

Staff: Do you have a court order for custody and visitation?

Caller: No.

Staff: Do you have an open child support case with the Department of Child Support Services?

Caller: No.

Staff: Are you married to the other parent?

Caller: No.

Staff: Did the father sign a Voluntary Declaration of Paternity?

Caller: No. (If yes, the litigant may file a Petition for Custody and Support in lieu of a Petition to Establish Parental Relationship.)

Workshop: Parentage – to establish parental relationship, custody and visitation orders.

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Example #4- Parents never married, a post-1997 judgment of paternity and child support has been entered.

Staff: Do you have a court order for custody and visitation?

Caller: No.

Staff: Do you have an open child support case with the Department of Child Support Services?

Caller: Yes.

Staff: Is there a judgment in the child support case? (Check CMS to see if the DCSS case was filed after 1997 and there is a judgment. If so, paternity has been established in this case.)

Caller: Yes.

Staff: Do you know your case number? Staff will verify status of the case using CMS access. If the caller does not know the case number, Staff will give it to them, and record the case number on the appointment sheet.

Workshop: for Butte and Glenn County only Order to Show Cause – to establish or modify child custody/visitation in the DCSS case.

If Tehama County, Petitioner must first file a new parentage action. The self help center does not have access to case information in Tehama County.