

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Rita G. Mah, Senior Attorney, 415-865-7670, rita.mah@jud.ca.gov

DATE: September 17, 2007

SUBJECT: Family Law: Child Custody Information Sheet
(approve form FL-314-INFO) (Action Required)

Issue Statement

Assembly Bill 402 (Stats. 2006, ch. 496, effective January 1, 2007) enacted Family Code section 3022.3(a), which mandates that the Judicial Council adopt a new form on or before January 1, 2008, as a statewide information sheet that informs parties involved in child custody and visitation disputes of the child custody court process and alternative dispute resolution options. This form also must provide information and resources to help litigants resolve custody disputes, develop agreements, find an attorney, learn of alternative dispute resolution options and available court-based self-help services, and must provide other legal resources. Further, the Judicial Council must take reasonable steps to ensure that it is distributed statewide and made available to litigants in custody matters.

Recommendation

The Family and Juvenile Law Advisory committee recommends that the Judicial Council, effective January 1, 2008, approve optional form FL-314-INFO, *Child Custody Information Sheet* as a statewide information sheet to inform litigants of the child custody court process and alternative dispute resolution options.

The proposed form FL-314-INFO is attached at pages 7–8. The comments are attached at pages 9–16. AB 402 (Fam. Code §§2013 and 3022.3) is attached for reference at pages 17–18.

Rationale for Recommendation

Assembly Bill 402 (Stats. 2006, ch. 496, effective January 1, 2007) enacted Family Code section 3022.3(a) mandating that the Judicial Council create an information sheet as a statewide form for parties involved in child custody and visitation matters. This proposed

form will inform parties of the following: (1) their right to agree to a custody or visitation arrangement; (2) the requirement that they participate in child custody mediation if they cannot reach an agreement on their own; (3) the requirement that the court determine custody issues if mediation does not produce an agreement; (4) how to obtain assistance in resolving their custody case; (5) how to find an attorney; (6) how to access available court-based self-help services; (7) how to find other sources of assistance in developing a custodial agreement; and (8) other alternative dispute resolution options. The legislation requires the Judicial Council to create an information sheet as a statewide form on or before January 1, 2008, and take reasonable steps to ensure that it is distributed statewide and made available to litigants in custody matters.

Currently, there is no uniform statewide information sheet that provides basic information on the child custody court process. This proposed new optional form uses plain language to explain the basics about child custody, parenting plans, mediation with family court services, the court hearing, and alternative dispute resolution (ADR) options, and provides practical tips on where to get help. This form will enhance access to the courts for self-represented litigants and promote the use of ADR options in child custody cases that are currently underutilized. Informing the parties at the outset of conflict that they may make their own parenting plans and that there are available resources where they can get help in making these plans will reduce the numbers of cases filed for hearings, as well as the cases that are referred to family court services for mediation, and will encourage the parties to attempt to work out custody and visitation conflicts in the future.

In addition, the information sheet includes precautionary remarks about the special process available for cases where there is a history of domestic violence or a protective order, such as separate mediation sessions with family court services and the right to bring a support person to mediation and the hearing. Information on requesting accommodations for individuals who are deaf or hard of hearing individuals is also included on this new form consistent with the recommendation of the Judicial Council's Access and Fairness Advisory Committee.

The Family and Juvenile Law Advisory committee recommends that Judicial Council approve this information sheet as a statewide form effective January 1, 2008, and take reasonable steps to ensure that it is distributed statewide and made available to litigants in child custody matters. This form will be made readily available through all venues that currently distribute or provide access to family law court forms, including courthouses, court clerk offices, family law facilitator offices, self-help centers, law libraries, the California Courts Web site, and other providers of court forms. This form will also be translated into Spanish and other select languages subject to available resources and community needs. This form will support the goals of standard 5.30¹ (Family court matters) to promote, develop, coordinate, and increase access to information, community resources, and available services to assist families and children in the family court system.

¹ http://www.courtinfo.ca.gov/rules/index.cfm?title=standards&linkid=standard5_30

Alternative Actions Considered

Given the legislative mandate that the Judicial Council adopt a form as a statewide information sheet on or before January 1, 2008, the committee did not consider other alternatives. Adopting a statewide form will ensure that it is distributed statewide and made available to litigants in all venues where court forms are available.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 27, 2007, through June 20, 2007, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. This distribution includes appellate justices, trial court judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals.

The comments are summarized in the chart attached at pages 9–16. There were a total of 21 commentators. Eleven agreed with the proposal in its entirety; nine agreed with the proposal if modifications were made; and one did not agree.

General comments

The State Bar of California Standing Committee on the Delivery of Legal Services supported this proposal because it is simple, informative, and provides information on the ADR options, which would be a better venue for resolving child custody issues.

One commentator suggested using a larger font and expanding the form to two pages due to the amount of information packed into one page. Another commentator suggested providing translations in Spanish and other languages that are common to the local courthouses. The committee addressed these concerns by reorganizing and reformatting the form, using a larger font, and making this a two-page form to improve readability. This form will also be translated into Spanish and other languages after the form is approved, subject to available resources.

Another commentator suggested that the form indicate that this information sheet provides a basic summary and is not all inclusive, which was added as suggested. She also suggested that domestic violence precautionary remarks be moved to the first paragraph of the form. These remarks were moved toward the beginning of the form and repeated in other sections of the form.

Parenting plan

One commentator suggested adding language that the parenting plan has to be filed with the court to have a legal effect since self-represented litigants often think a notarized “kitchen table” agreement is enforceable. The committee revised, reorganized, and added: “The agreement becomes a court order after it is signed by both parties, signed by the judge, and filed with the court.”

The committee revised, and reorganized the first section and deleted the language stating that parents “must” decide on the parenting responsibilities when they separate.

One court suggested adding this sentence: “If the parents cannot agree, a judge will decide how parenting responsibility will be shared.” The committee added the language: “When the parties can’t agree, the judge will decide.”

The Bay Area Family Court Services Directors suggested shorter definitions of “joint” (shared between the parents) or “sole” (one parent has responsibility alone), which the committee modified to: “‘Legal custody’ and ‘physical custody’ may each be specified as ‘joint’ (both parties have certain responsibilities) or ‘sole’ (one party has the responsibility alone).” The directors also suggested that the definition of “physical custody” be changed to “who is responsible for the care of the child.” The committee amended the definition of “physical custody” to “who your child lives with” consistent with the terms used on the Judicial Council forms, (e.g., FL-310, FL-341, DV-105, and DV-140).

Mediation with family court services

Two commentators suggested adding the precautionary language that if there is domestic violence, a history of domestic violence, or a protective order, then a request may be made for separate mediation sessions and the party may bring a support person. The committee added: “If you are concerned about meeting with the other party in mediation, or there is domestic violence or a protective order involving the other party, you may ask to meet alone with the mediator without the other party. You may also have a support person with you at mediation. The support person may not speak for you.”

One commentator suggested adding the language that parties do not have to agree on a parenting plan in mediation. The committee reorganized this section and added: “Parties do not have to come to an agreement in mediation. When the parties can’t agree, the judge will decide.”

One commentator suggested adding information on evaluators and appointing lawyers for children. This proposed information sheet provides basic child custody information that typically applies in most cases. Since evaluators and appointed counsel apply to only a small percentage of cases, it may confuse the average court user and may encourage custody litigation. Further, the final version of proposed rule pertaining to appointed counsel is not yet available since it was only recently circulated for comment. The committee decided that information on evaluators and appointed counsel will not be added at this time. Additional information is available on the California Courts Online Self-Help Center Web site.

Other alternative dispute resolution (ADR) options:

This sole dissenter indicated that he represented the voice of other attorneys who opposed the inclusion of “collaborative law” because it promotes the marketing of select groups.

The collaborative law process provision is intended to educate the court user of another ADR option, which is authorized by Family Code section 2013 (AB 402 (Stats. 2006, ch. 496)). Since this proposed collaborative law process provision does not promote the marketing of any group or individual, favor any certain group or individual, or identify or favor any particular collaborative law entity or individual, the committee did not adopt this suggestion.

Under “Collaborative Law Process,” another commentator suggested adding: “The parties may also have personal coaches and a child specialist on their collaborative team.” The committee reworded this to: “Each party hires a lawyer and agrees to resolve the dispute without going to court. The parties may also hire other experts.”

Another commentator suggested deleting “Meet and Confer” from the ADR section. Although there is no statewide requirement in family law to meet and confer, many parties and their attorneys voluntarily and informally meet and confer to resolve their issues. This is a common practice particularly at the courthouse before the matter is heard on the contested court calendar. The committee, therefore, did not adopt this suggestion. Another commentator suggested adding language that if there is a restraining order limiting the contact between the parties, then the “Meet and Confer” requirement could be through counsel or a mediator in separate sessions or other similar wording, which the committee added as suggested. The provision that mentions the “stressful court process,” is deleted to simplify the ADR section.

Court hearing

One commentator suggested adding: “If you have a restraining order you can bring a support person with you.” The committee added: “If there is domestic violence or a protective order, you may have a support person with you to the court hearing but the support person may not speak for you.”

Where to get help:

One commentator suggested adding: “Free and low-cost legal help may be available to you if you qualify. Get more information at www.lawhelpcalifornia.org or ask the self-help center at your local court for referrals to legal services providers.” The committee added the information to the “Where can I get help?” section as suggested. One commentator suggested deleting “private” from “private mediator.” To avoid confusion with the free mediator available through family court services, it is necessary to indicate that parties may hire a “private” mediator to help them resolve their dispute.

Implementation Requirements and Costs

Implementation of this proposal will create additional costs for court operations, reproduction, posting on the Web site, language translation, and other costs in disseminating this form statewide. However, these costs would be offset by the potential savings in court operations by providing uniform statewide information to educate

litigants about the child custody court process, resources, and alternative dispute resolution options.

Attachments

Parties who come to court about child custody and visitation face decisions about parenting plans for their children. This information sheet provides general information about child custody and visitation matters, how to get help resolving a custody dispute or making a parenting plan, where to find an attorney, and where to find other resources.

What is a parenting plan?

A parenting plan describes how the parties will divide their responsibilities for taking care of their child.

The plan may include a general or specific schedule of days, times, weekends, holidays, vacations, transportation, pick-up/drop-off, limits on travel, and other details.

What are legal and physical custody?

A parenting plan usually includes:

- **Legal custody:** who makes major decisions about the child's health, education, and welfare;
- **Physical custody:** who the child lives with; and
- **Time-share or visitation:** when the child spends time with each party.

Legal custody and *physical custody* may each be specified as *joint* (both parties have certain responsibilities) or *sole* (one party has the responsibility alone).

Can we make our own parenting plan?

Yes. You have a right to make a parenting plan agreement on your own. This agreement may be called a *stipulation*, *time-share plan*, or *parenting plan*.

If both parties can agree on a parenting plan, the judge will probably approve it. The agreement becomes a court order after it is signed by both parties, signed by the judge, and filed with the court.

What if there is domestic violence or a protective order?

If there is domestic violence or a protective order, talk with a lawyer, counselor, or mediator before making a parenting plan.

For domestic violence help, call the National Domestic Violence Hotline:
1-800-799-7233, TDD:1-800-787-3224, or call 211 (if available in your area).

What if we don't have a parenting plan?

If you can't reach an agreement, the court will refer you to mediation with family court services to try to work out a parenting plan.

What is mediation with family court services?

Family court services (FCS) provides mediation to help parties resolve disagreements about the care of their child. The mediator will meet with you and the other party to try to help you make a parenting plan. This is a free service provided by the court.

If you are concerned about meeting with the other party in mediation, or there is domestic violence or a protective order involving the other party, you may ask to meet alone with the mediator without the other party. You may also have a support person with you at mediation. The support person may not speak for you.

Do we have to agree to a parenting plan in mediation?

No. You do not have to come to an agreement in mediation. When the parties can't agree, the judge will decide.

In some courts, the judge will consider the mediator's recommendations about the parenting plan. Ask family court services about how the process works in your court.

Are there other ways to resolve our dispute?

Yes. There are other Alternative Dispute Resolution (ADR) options you may try, including:

1. Meet and Confer: Parties and their lawyers (if any) may meet at any time and as often as necessary to work out a parenting plan without a court hearing. If there is a protective order limiting the contact between the parties, then the “meet and confer” can be through lawyers or a mediator in separate sessions.

2. Settlement Conference: In some courts, parties may meet with a judge, neutral evaluators, or family law lawyers not involved in your case to discuss settlement. Check with your local court to find out if this is an option. If there is a protective order, the settlement discussion can be through lawyers or a mediator in separate sessions.

3. Private Mediation: Parties may hire a private mediator to help them resolve their dispute.

4. Collaborative Law Process: Each party hires a lawyer and agrees to resolve the dispute without going to court. The parties may also hire other experts.

Court Hearing

When the parties cannot agree to a parenting plan on their own, in mediation, or in any other ADR process, the judge will decide.

If there is domestic violence or a protective order, you may bring a support person with you to the court hearing, but the support person may not speak for you.

Where can I get help?

This information sheet gives only basic information on the child custody process and is not legal advice. If you want legal advice, ask a lawyer for assistance. You may also:

1. Contact family court services.
2. Contact the family law facilitator or self-help center for information, court forms, and referrals to local legal services providers.
3. Find a lawyer through your local bar association, the State Bar of California at <http://calbar.ca.gov>, or call the Lawyer Referral Service at 1-866-442-2529 or 415-538-2250.
4. Hire a private mediator for help with your parenting agreement. A mediator may be a lawyer or counselor. Contact your local bar association, court ADR program, or family court services for a referral to local resources.
5. Find information on the Online Self-Help Center Web site: www.courtinfo.ca.gov/selfhelp/.
6. For free and low-cost legal help (if you qualify), go to: www.lawhelpcalifornia.org.
7. Find information at your local law library or ask at your public library.
8. Ask for a court hearing and let the judge decide what is best for your child.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)

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GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Comment Excerpt or Summary	Committee Response
1	Pleshette Adkins Business Owner/ Escrow Officer	A	N	No narrative comment.	No response required.
2	Sandy Almansa Supervising Legal Clerk II, Family Law, Probate and IV-D Division Superior Court of Stanislaus County	A	Y	No narrative comment.	No response required.
3	Grace Andres Program Manager, Superior Court of Solano County	A	N	Font is small; a lot of information is packed on one form. Consider making it double-sided and use a larger font.	Reformatted with a larger font and expanded the one-page form to two pages.
4	Joseph Chairez President, Orange County Bar Association	A	Y	No narrative comment.	No response required.
5	Christine Copeland Staff Attorney, Self-Service Center Superior Court of Santa Clara County	AM	N	Parenting Plan: Include language that the parenting plan has to be filed with the courts to have a legal effect. SRLs often think a notarized “kitchen table” agreement is enforceable.	Modified as suggested.
6	Rolanda Pierre Dixon Assistant District Attorney, Santa Clara County District Attorney’s Office	A	Y	No narrative comment.	No response required.
7	D. Eldridge Attorney Eldridge and Eldridge Sacramento	N	N	Alternative Dispute Resolution (ADR): A number of attorneys propose deleting ADR #4. “Collaborative law process “section since this may promote the marketing of certain private groups and put money in its pocket.	This proposed collaborative law process provision is intended to educate the court user of another ADR option, which is authorized by Family Code section 2013 (AB 402). This provision does not promote the marketing of any

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					group or individual, favor any certain group or individual, or identify or favor any particular collaborative law entity or individual.
8	Paula Forthun-Baldwin, Esq. Administrative Analyst on behalf of Inland Regional Center San Bernardino	A	Y	No narrative comment.	No response required.
9	Theresa Gary Family Law Facilitator Superior Court of Kern County	A	N	No narrative comment.	No response required.
10	Hon. Mary Ann Grilli Judge Superior Court of Santa Clara County	AM	N	a. <u>Alternative Dispute Resolution (ADR):</u> ADR #1 (and other sections) should clearly state that if there is a restraining order limiting the contact between the parties, then the meet and confer requirement could be through counsel or a mediator in separate sessions or other similar wording. b. Add language that if there is a restraining order limiting the contact between the parties, then the meet and confer requirement could be through counsel or a mediator in separate sessions or other similar wording.	a. Modified as suggested. Added: If there is a protective order limiting the contact between the parties, then the “meet and confer” can be through lawyers or a mediator in separate sessions. b. Modified as suggested.
11	Hon. Irwin Joseph Commissioner Superior Court of Santa Clara County	A	Y	No narrative comment.	No response required.

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12	Superior Court of Los Angeles County	AM	Y	<u>Parenting Plan:</u> Change “must” to “may” in the first sentence. Add: If the parents cannot agree, a judge will decide how parenting responsibility will be shared.	“Must” provision deleted. Section revised and reorganized.
13	Robert E. Marmor Certified Family Law Specialist Santa Rosa	AM	N	<u>Where to Get Help:</u> Recommend rewording: “Get help from a private mediator. Mediators may be lawyers or counselors. They can help you work out a parenting agreement. Contact family court services or your local bar association.”	Provision reworded to include suggestions.
14	Andrea Nelson Director of Operations Superior Court of Butte County	A	N	No narrative comment.	No response required.
15	Sharon Ngim, Esq. Staff Liaison, State Bar of California Standing Committee on the Delivery of Legal Services (SCDLS)	A	Y	SCDLS supports this proposal because the new form is simple and informative and provides options including alternative dispute resolution, which in many custody cases may be a better venue for resolving child custody issues.	No response needed.
16	Isolina Ricci Director, New Family Center Tiburon	AM	N	<u>Alternative Dispute Resolution:</u> Recommend rewording of #4 Collaborative Law Process: “Each parent has an attorney and all agree to resolve disputes without going to court using a collaborative process. The parties may also have personal coaches and a child specialist on their collaborative team.”	Reworded to: “Each party hires a lawyer and agrees to resolve the dispute without going to court. The parties may also hire other experts.”

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17	Mike Roddy, Executive Officer Superior Court of San Diego County	AM	Y	<u>Alternative Dispute Resolution (ADR):</u> Add: “potentially” before “stressful court process.”	This provision was deleted to simply the language regarding ADR options.
18	Ms. Rachel Kronick Rothbart, Esq. Director of Legal Services Harriet Buhai Center Los Angeles	AM	Y	a. Add a Spanish language version at all court locations, and provide for other languages that are common to local courthouses. b. <u>Mediation with Family Court Services:</u> Add: Parents do not have to agree on a parenting plan in mediation. c. Add: If you experience domestic violence in your relationship with the other parent, you can ask to meet in a separate room with the mediator.	a. Once the English version is approved, a Spanish version will be made available. Translated versions in other languages will be considered subject to available resources. b. Reorganized and added: “Parties do not have to come to an agreement in mediation. When the parties can’t agree, the judge will decide.” c. Added domestic violence precautionary remarks: “If you are concerned about meeting with the other party in mediation, or there is domestic violence or a protective order involving the other party, you may ask to meet alone with the mediator without the other party. You may also have a support person with you at mediation and orientation. The support person may not speak for you.”

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				d. <u>Where to Get Help:</u> Add: Free and low-cost legal help may be available to you if you qualify. Get more information at www.lawhelpcalifornia.org or ask the self-help center at your local court for referrals to legal services providers.	d. Provision reworded to include suggestions.
19	Leo Terbieten Manager, Family Court Services Superior Court of Marin County on behalf of the Bay Area Family Court Services Directors	AM	Y	a. <u>Parenting Plan:</u> Under the definition of “physical custody,” delete “your child lives with or who takes” and replace with “Physical custody” means who is responsible for the care of the child. b. Reword: “Legal custody” and “physical custody” may each be designated as “joint” (shared between the parents) or “sole” (one parent has responsibility alone).	a. The committee amended the definition of “physical custody” to: “who your child lives with” consistent with the terms used on other Judicial Council forms (e.g., FL-310, FL-341, DV-105, and DV-140). The remaining section, “who takes care of the child” is deleted. b. Reworded: “Legal custody” and “physical custody” may each be designated as “joint” (both parties have certain responsibilities) or “sole” (one parent has responsibility alone). This is simple way of explaining joint v. sole. [see Fam. Code §§ 3003 – 3006].

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			<p>c. <u>Alternative Dispute Resolution (ADR)</u>: Delete #1 on Meet and Confer.</p> <p>d. <u>Where to Get Help</u>: Delete “alternative dispute resolution (ADR)” options: and delete # 1 regarding family court services and renumber.</p> <p>e. Delete “private” from “private mediator.”</p>	<p>c. Although there is no statewide requirement in family law to meet and confer, many parties and their attorneys voluntarily and informally meet and confer to resolve their issues. This is a common practice particularly at the courthouse before the matter is heard on the contested court calendar.</p> <p>d. Reworded, deleted ADR options. and left #1 family court services on the listing as the one of the many places under “Where to Get Help.”</p> <p>e. To avoid confusion between the free mediator available through family court services, it is necessary to indicate “private” mediator that a party will need to hire.</p>

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20	Jennifer Wyllie-Pletcher, Attorney Castro Valley	AM	N	<p>a. Emphasize that this information sheet provides a basic summary and isn't all inclusive.</p> <p>b. Reorganize the order to: what is custody; what is a parenting plan; what happens if parents agree, what happens if parents don't agree; and then where to get help.</p> <p>c. Move the DV information up under the first paragraph.</p> <p>d. <u>Mediation with Family Court Services</u>: Add: If you have a restraining order you can bring a support person with you or request separate mediation. If you don't have a restraining order, but have a history of domestic violence you can still request separate mediation or ask if you can bring a support person.</p> <p>e. Mention something about evaluators and</p>	<p>a. Added: "This information sheet gives only basic information on the child custody process and is not legal advice. If you want legal advice, ask a lawyer for assistance."</p> <p>b. The sections are reorganized.</p> <p>c. DV information is moved towards the beginning section of the information sheet with additional precautionary remarks throughout the form.</p> <p>d. Added domestic violence precautionary remarks as mentioned above.</p> <p>e. This proposed information sheet</p>

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				<p>appointing lawyers for children, similar to the information on the self-help website.</p> <p>f. <u>Court Hearing</u>: Add: If you have a restraining order you can bring a support person with you.</p>	<p>provides basic child custody information that typically applies in most cases. Since evaluators and appointed counsel apply to a small percentage of cases, this suggestion may confuse the average court user and encourage custody litigation instead of resolution. Also, the final version of proposed rule pertaining to appointed counsel is not yet available since it was recently circulated for comment. Additional information is available on the California Courts Online Self-Help Center Web site.</p> <p>f. Added: If there is domestic violence or a protective order, you may bring a support person with you to the court hearing but the support person may not speak for you.</p>
21	Hon. Alice Vilardi Judge Superior Court of Alameda County	A	N	No narrative comment.	No response required.

Assembly Bill No. 402

CHAPTER 496

An act to add Sections 2013 and 3022.3 to, the Family Code, relating to family law.

[Approved by Governor September 27, 2006. Filed with Secretary of State September 27, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 402, Dymally. Family law court: marriage.

Existing law establishes procedures related to proceedings for dissolution of marriage, nullity of marriage, and legal separation, as specified.

This bill would enact the Collaborative Family Law Act, which would allow the parties to those proceedings, by written agreement, to utilize a collaborative law process, as specified, rather than an adversarial judicial proceeding to resolve those disputes.

The bill would also require a court to issue a statement explaining the factual and legal basis for its custody decision upon the trial of a question of fact in a proceeding to determine the custody of a minor, upon the request of either party.

The bill would also require the Judicial Council to create an information sheet for parties involved in child custody and visitation matters, as specified, on or before January 1, 2008.

The bill would also request the Committees on the Judiciary of the Senate and Assembly to study and make recommendations for a comprehensive statute governing the practice of collaborative law, as specified.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Collaborative Family Law Act.

SEC. 2. Section 2013 is added to the Family Code, to read:

2013. (a) If a written agreement is entered into by the parties, the parties may utilize a collaborative law process to resolve any matter governed by this code over which the court is granted jurisdiction pursuant to Section 2000.

(b) "Collaborative law process" means the process in which the parties and any professionals engaged by the parties to assist them agree in writing to use their best efforts and to make a good faith attempt to resolve

disputes related to the family law matters as referenced in subdivision (a) on an agreed basis without resorting to adversary judicial intervention.

SEC. 3. Section 3022.3 is added to the Family Code, to read:

3022.3. Upon the trial of a question of fact in a proceeding to determine the custody of a minor child, the court shall, upon the request of either party, issue a statement of the decision explaining the factual and legal basis for its decision pursuant to Section 632 of the Code of Civil Procedure.

SEC. 4. (a) The Judicial Council shall create an information sheet for parties involved in child custody and visitation matters that informs the parties that they have the right to agree to a custody or visitation arrangement, that if they do not agree, they will be required to participate in child custody mediation, and that if mediation does not result in an agreement, the court will be required to make a determination on the custody issues. The sheet shall also provide information on how to obtain assistance in resolving a custody case, including, but not limited to, information on finding an attorney, information on accessing court based self-help services if they are available, and information regarding other sources of assistance in developing a custodial agreement. The Judicial Council shall adopt this sheet as a statewide form on or before January 1, 2008, and take reasonable steps to ensure that it is distributed statewide and made available to litigants in custody matters.

(b) Funding for creating the notice described in this section shall be derived from existing resources.

SEC. 5. (a) It is the intent of the Legislature that legislation be enacted during the 2007–08 legislative session to provide a procedural framework for the practice of collaborative law, as described in Section 2 of this act. Towards that end, the Committees on the Judiciary of the Senate and Assembly are requested to convene a working group to study and make recommendations for a comprehensive statute governing the practice of collaborative law.

(b) Members of the working group shall include the following:

(1) Family law attorneys, including members of the Executive Committee of the Family Law Section of the State Bar.

(2) Representatives from the judicial, executive, and legislative branches.

(3) Members of the public.

(c) The working group is requested to complete its deliberations by January 1, 2007.