

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

### CHILD CUSTODY MEDIATION – DOMESTIC VIOLENCE FILINGS PREPARING FOR MEDIATION WHEN DOMESTIC VIOLENCE IS AN ISSUE

***“...The perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the child...” (California Family Code, §3020)***

The goal of mediation is to assist parents in developing a parenting plan that is good for children, consistent with the terms of any existing restraining order, and provides for the safety of everyone in the family. The mediator cannot, and will not, make a determination that is binding on the Court as to whether the alleged violence actually occurred.

#### **If there is a restraining order in place:**

1. Note this when you schedule an appointment for child custody mediation.
2. Discuss this with your mediator during the mediation session.
3. Bring your restraining order papers to your mediation appointment.

#### **Mediation appointments for each party will be scheduled separately, unless:**

1. There is a **specific exception entered by the court on the restraining order document that allows the parties to have brief and peaceful contact to talk about issues related to children**; and,
2. If both parties who want to meet together when there is a restraining order in place, sign an **Agreement to Mediate Together Form** before the meeting starts.

**California law allows a party to bring a support person to the appointment if that party alleges that the other party has perpetrated domestic violence against him/her.**

1. The support person may not participate in the session.
2. The support person is only there to provide emotional support.

#### **Collect copies of documents for the mediator to review.**

1. The mediator may want to see documents that are directly relevant to the allegations of domestic violence, such as police reports, medical records, restraining orders, or letters from teachers, childcare providers or therapists.
2. Both parties must be given an opportunity to review any documents shown to the mediator.

#### **Important notes about California Family Code, Section 3044.**

1. Family Code Section 3044 spells out rules that the Court must follow in granting custody to parents when there has been a finding of domestic violence.
2. A copy of this Code section will be given to both parties before the mediation session. *Be sure to read it.* Both parties should understand their rights regarding child custody prior to the mediation session.