

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposed Amendments to Title 5, Division 1: Chapter 1, rule 5.75 to the Local Rules

Child custody recommending counseling

The proposed amendments to rule 5.75 to the court's Local Rules ("Rules") entitled ***Child custody recommending counseling*** is part of the court's continuing effort to review, correct, and update its Rules as needed.

The proposed amendments to rule 5.75 are summarized below.

SUMMARY

The proposed amendments are to support implementation of what is commonly referred to as the Elkins Task Force recommendations.

Below is the full text of proposed local rule 5.45 with deletions in **strikeout** and additions noted in underline.

Rule 5.75. **Mediation** Child custody recommending counseling

(a) **Complaints regarding ~~mediators~~ child custody recommending counselors**

- (1) A person having a complaint regarding the professional conduct of a ~~mediator~~ child custody recommending counselor may make the complaint orally or in writing ~~with the Child Custody Mediation Program~~ Family Court Services Program Supervisor no later than 20 days after discovering the conduct giving rise to the complaint. The program supervisor will review the matter, confer with the ~~mediator~~ child custody recommending counselor, and resolve the complaint directly with the person making the complaint.
- (2) If the person making the complaint is not satisfied with the response of the ~~Child Custody Mediation~~ Family Court Services Program Supervisor, he or she may appeal the program supervisor's action in writing to the Bureau Chief of the Families & Children's Bureau within 30 days after receipt of the program supervisor's response. The Bureau Chief will acknowledge receipt of the appeal to the person who made the complaint in writing. The Bureau Chief may refer the complaint to an internal committee for review and recommendation or respond to the appeal without such referral. The response of the Bureau Chief on appeal will be provided to the person making the complaint in writing.

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- (3) If the person making the complaint is not satisfied with the response of the Bureau Chief, he or she may appeal in writing to the Court Executive Officer within 30 days of receiving the response from the bureau chief. The action of the Court Executive Officer on the appeal will be provided to the person making the complaint in writing and will be final.

(b) Ex parte communications with ~~mediators~~ child custody recommending counselors

There must be no ex parte communications between any court appointed child custody ~~mediator~~ recommending counselor and any attorney or party involved in the case except as provided in Family Code section 216. No attorney or party to the action may provide the ~~mediator~~ child custody recommending counselor with documents about the case without first giving the other party, and minor's counsel if any, a copy of the documents.