

FAMILY COURT SERVICES– DOMESTIC VIOLENCE FILINGS

Preparing for Child Custody Recommending Counseling 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 Family Court Services 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 Child Custody Recommending Counselor 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 CCRC.
2. Discuss this with your CCR Counselor during the CCRC session.
3. Bring your restraining order papers to your CCRC appointment.

CCRC 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 Meet 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 CCR Counselor to review.

1. The CCR Counselor 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 CCR Counselor.

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 CCRC session. *Be sure to read it.* Both parties should understand their rights regarding child custody prior to the CCRC session.