

Child Custody Recommending Counseling (CCRC) Orientation Class

Family Court Services
Superior Court of California,
County of Sonoma

Family Court Services CCRC

Do I have to attend?	Attending a child custody recommending counseling session is mandatory.
How long does the session last?	Up to two (2) hours; both parents must attend. If only one party shows up, that party is interviewed and a brief report is issued.
Is it confidential?	Yes and No. The session is confidential; the report may disclose information discussed in session. Child custody recommending counselors will report child abuse, elder abuse, and harm to self or others to the Court and other appropriate entities.
What if we can't agree?	The child custody recommending counselor will make a recommendation to the Court on the issues at hand.
Recommending Counselor Qualifications?	Graduate degree (counseling, psychology, social work, or related field) and two years post-graduate experience

Goals Of Child Custody Recommending Counseling

- “Best interest of the child” standard: Primary concern is to ensure the children’s health, safety and welfare.
- To ensure that children have “frequent and continuing contact” with both parents after the parents have separated (absent any risk factors).
- Empower Parents: Help the parents come up with their own parenting plan.
- Improve communication between parents.
- Reduce anger and resentment between parents.



Topics Addressed In A Recommending Counseling Session

- Legal and Physical Custody
- Parenting plan/Time sharing schedule
- Holiday and vacation schedule
- Transportation arrangements
- Any other issues that may affect the child's emotional, physical and overall wellbeing

Types Of Child Custody Arrangements

Legal Custody Orders:

- **Joint Legal Custody:** This means that both parents share the right and responsibility to make decisions regarding the child's health, education and welfare. [Family Code § 3003]
- **Sole Legal Custody:** This means one parent has the right and responsibility to make decisions related to the child's health, education and welfare. [Family Code §3006]

Types Of Child Custody Arrangements Continued

Physical Custody Orders:

- **Joint Physical Custody:** This means each parent has "significant periods" of physical custody. Physical custody must be shared in such a way as to assure the child "frequent and continuing contact with both parents," but that does not mean the child's time must be equally divided with each parent [Family Code § 3004]
- **Sole Physical Custody:** This means the child resides with and is supervised by one parent, subject to the other parent's visitation rights. [Family Code § 3007]

Topics NOT Addressed In Recommending Counseling

- Child support
- Spousal support
- Division of property
- What school a child should attend
- Move-Away recommendations will not be made

NOTE: A recommending counselor does not give legal advice or enforce, modify, or interpret court orders

Factors To Consider When Creating A Parenting Plan

- Ages, developmental stages and needs of the children
- Children's schedule (school, extracurricular, and social activities) or existing special needs
- Child's relationship with siblings and parents
- Previous parenting arrangements
- Existing safety concerns (i.e. domestic violence, child abuse, mental health and substance abuse issues)

continued...

Creating A Parenting Plan Continued

- Transportation needs
- The distance between the two households
- Both parents' work schedules
- The ability of the parents to communicate and cooperate *

* General vs. specific parenting plans: General plans are suitable for parents with a low level of conflict, while plans that are more specific work best for parents experiencing high conflict in their relationship.

What Must You Share At The Time Of The Recommending Counseling Session

- Any positive attributes regarding the other parent or about the child's relationship with the other parent.
- Any safety concerns (at the beginning of the session):
 - Domestic violence/Intimate Partner Battering
 - Child abuse/neglect (FCS is not CPS)
 - Illicit/Controlled substance abuse
 - Any other issues affecting the child's welfare

Communication

- Use “I” statements
- Don’t engage in conflict, especially in presence of children
- Never use your child as a messenger
- Business-like manner
- When to communicate (exchanges?)
- What to communicate about:
 - Medical-health issues
 - Child’s development
 - Academic-school issues
 - Social activities

Communication Patterns

	Adversary System	Recommending Counseling
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Goal	To Win	To Create Workable Solutions
Style	Debate	Learn
Talk	To Convince	To Explain
Listen	To Find Flaws & Develop Counter Arguments	To Understand

What About Asking Your Child Where He/She Wants To Live?

"When can our child decide where he wants to live?"

"When does the Court consider our child's wishes?"

- *It isn't the child's job to choose, it is your job to decide*
- The court must "consider" and give "due weight" to the wishes of children who are of "sufficient age and capacity to reason so as to form an intelligent preference as to custody." [Family Code § 3042(a)]. A child 14 years and older and/or his/her parents may request that the child offer direct testimony to the Court or be interviewed by a recommending counselor.

Video

Please click here to view the

“Family Ties & Knots”

Video

Research Findings

- Children and parents do best when:
 - There is no violence or conflict between parents
 - Both parents remain actively involved
 - Parents are able to co-parent together
 - Children have input, if appropriate, about the parenting plan but are not burdened with making a choice
 - Parents are more likely to follow their own agreement, rather than living with a plan that is ordered by the Court (they also report greater satisfaction and commitment to the arrangements)



A Child's Experience Of Separation Is Different Than An Adult's

Adults

- Function from a point of loss, hurt, anger, resentment
- Fail to keep children's best interest in mind

Children

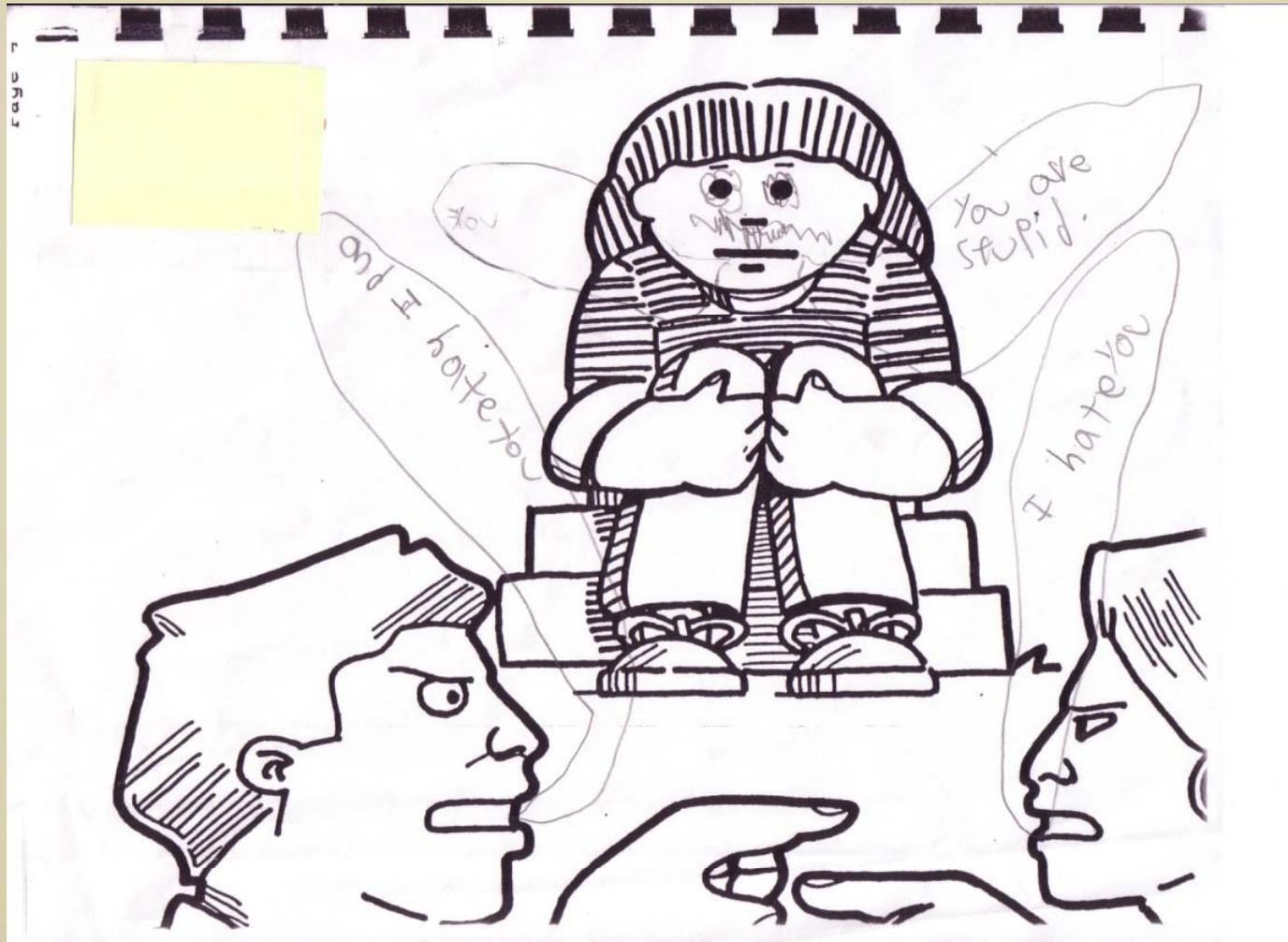
- Don't have the tools to find relief
- Worry about their parents
- Blame themselves
- Want the parents to reconcile



DON'T INVOLVE YOUR CHILDREN

Criticism of the other parent is criticism of your child.

“When I put down the other parent, I am hurting my child.”



Helping Your Child Through The Separation

How to respond to children's questions:

- Acknowledge the children's feelings
- Be reassuring (It's not their fault)
- Provide age-appropriate information
- Avoid too much detail
- Get professional help
- Do not disparage (talk poorly) the other parent, new partner, or family members

Counseling

- You are encouraged to seek therapeutic assistance during this difficult time to address the various emotions that may be affecting you, your children and/or ex-partner (individual and/or family therapy)
- Consider counseling for children if problems are severe and don't go away (shutting down, not talking, acting out)
- If communication is poor to non-existent, seek professional help (co-parent counseling)

Types of Violence

- Physical abuse (punching, choking, slapping)
- Sexual abuse (rape, other non-consensual sex acts)
- Verbal, emotional & mental abuse (yelling, cursing)
- Stalking
- Threats & coercion, intimidation (written or verbal)
- Harassment
- Isolation (preventing from leaving the home or making phone calls)
- Economic abuse (limiting access to funds and accounts)
- Power & control (making someone afraid)

Domestic Violence/ Intimate Partner Battering

- If the Court finds that one parent has perpetrated domestic violence against the other parent, physical and legal custody, as well as time with your children may be affected (Family Code Section 3044)
- If a party, under penalty of perjury, states that he/she has been a victim of domestic violence, that parent has the right to:
 - A separate recommending counseling session (please indicate this on the appropriate intake form)
 - A support person to be present during the recommending counseling session (to provide moral and emotional support only, and not to participate in the session)

Effects Of Domestic Violence (Intimate Partner Battering) On Children

- Out-of-control emotions:
 - Anxiety and depression
 - Helplessness and fear
- High-risk behaviors
 - Alcohol and drug abuse
 - Aggressive behavior
- Might become a “victim” or a “perpetrator”



If You Are A Victim of Domestic Violence/Intimate Partner Battering

- You may be able to get a restraining order
- Make a safety plan
 - Protect you and your children; talk with them about safety concerns
- Remember that any type of violence or abuse hurts children – even if it is “only” seen or heard
- Get help – for children and for both partners

Video

Please click here to view the

“First Impressions...

Exposure to Violence and A Child’s

Developing Brain” Video

Drugs & Alcohol

- What is a drug? A drug is a *pleasure* producing chemical. Drugs activate or imitate chemical pathways in the brain associated with feelings of wellbeing, pleasure and euphoria.
- Two types of drugs:
- Legal- prescription medications, alcohol, tobacco
- Illegal- meth, speed, cocaine, heroin, etc.

What about medical marijuana?

Drugs: Legal Context

Family Code Section 3011(d) requires consideration of parent's "habitual or continual" use of illegal drugs in determining the best interest of the children.

Optimum Parenting And The Effects Of Drugs

- Psychological Factors: Food, clothing, shelter is adequate; development encouraged; consistent school attendance while promoting success; age appropriate activities available; play/read/attend meal times together; focus on structure regarding regular time for bed, meals, exercise, rest and play.
- Parent is physically and emotionally responsive to child (cuddling, expression of love, *consistent manner of responses*). Provision of safe living space and supervision; avoidance of frequent moves; access to social network and family support.

(All aforementioned are factors significantly affected when a parent is under the influence and unavailable to the children)

Parenting Models (After Separation)

- Parallel parenting
- Cooperative parenting



Parallel Parenting

- Each parent raises the children independently of the other parent
- Parents talk only in an emergency
- Little consistency between homes
- Less flexibility for children and parents
- Advantages (in some cases) -
 - Children are not exposed to extreme negativity between parents in conflict
 - Reduces conflict between high-conflict parents
- Disadvantage -
 - Children need to act as if the other parent does not exist
 - Children may learn to “play” the parents against each other

Cooperative Parenting



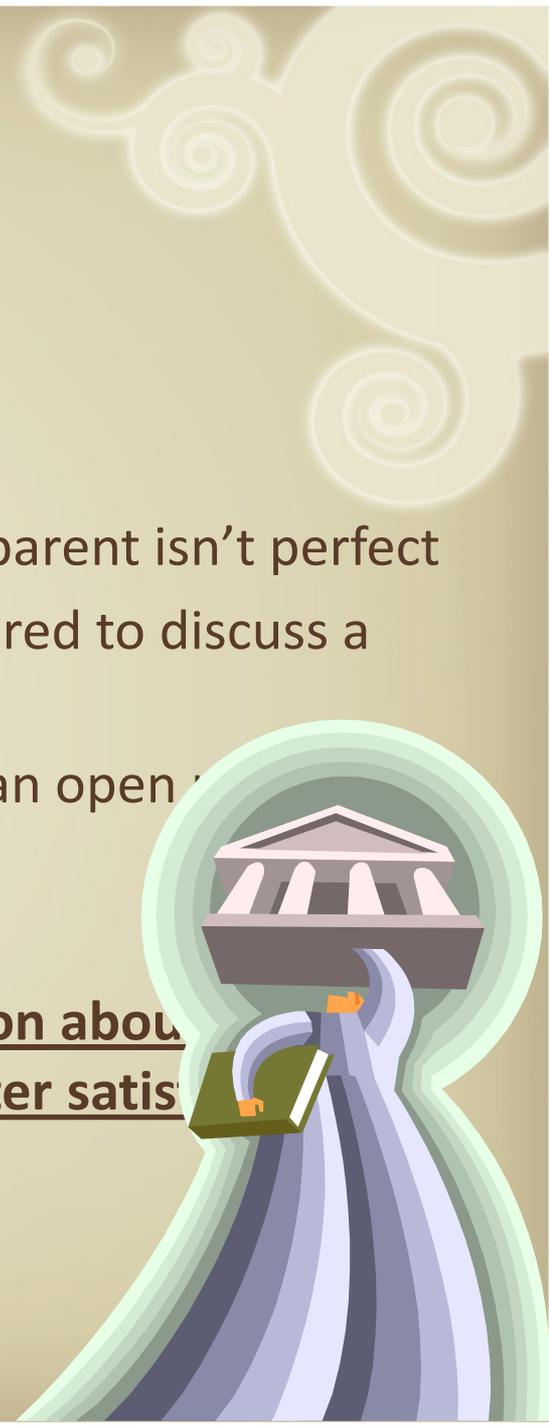
- Parents work together in raising their children in two homes
- Parents speak with each other regularly
- More consistency between homes
- Major decisions are made together
- More flexibility for children and parents
- Transitions are usually smoother for children

****Advantages - all the above****

Please Remember

- Put aside your differences for your children's sake
- Not about “winning” or “losing”
- Your children need you both — even if the other parent isn't perfect
- Come to recommending counseling session prepared to discuss a parenting plan
- Come to recommending counseling session with an open mind and be flexible

**** Remember: Parents who make their own decision about parent/child time-sharing schedules report greater satisfaction and commitment to the arrangements**



Documentation

- Only documents showing compliance with a previous court order may be presented at Family Court Services at the time of the recommending counseling appointment without being previously filed and served. The recommending counselor will permit these documents to be reviewed by the opposing party.
- Any other documents that you wish the recommending counselor to review needs to be filed with the Court in a timely manner.



The wife... you have... the way...
available to the... number of... with
for... to... the... opportunity...
may... to... along... the... and... from...
... of... the... against... all... their...
... all... you... think... proper... to... not...
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Third Parties In Recommending Counseling Sessions

- Minor children are not to attend recommending counseling sessions; please secure your own child care.
- Any third party accompanying you to Family Court Services must be neutral and may not cause a disruption to the recommending counseling process. If at any point such a party is determined to be disruptive and/or inappropriate, that person will be asked to leave.

After The Recommending Counseling Session

The recommending counselor will prepare a written report, which often includes a narrative about what transpired in session and/or offers rationale for any recommendation that is made.

The report is sent to the Court and the parties or their attorneys via e-mail or by US Mail (absent an e-mail address).

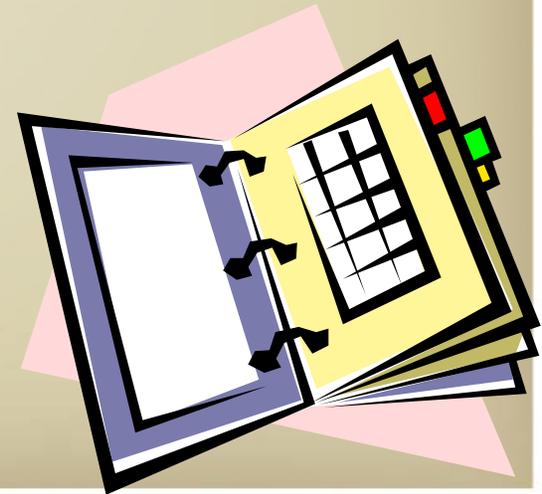
Please note: The recommending counselor is prohibited from having contact with parties prior to or after the recommending counseling session has concluded.



Orientation Handbook

- Contains important information about:
 - Community resources
 - Practical information about the separation and divorce process
 - Do's and don'ts of mediation
 - Much of what was discussed during the presentation
- May be found here: [Orientation Handbook](#)

(Divisions, Family Law, Family Court Services)



Conclusion

- Process from beginning to end (Filing, orientation, child custody recommending counseling, hearing/DV Court, recommending counseling, hearing).
- Be prepared: Have intake form completed, be on time.
- Write down notes (bullet points), so as not to forget important topics to be discussed during the recommending counseling session.
- Further questions about the recommending counseling process: Contact 707-521-6800 (8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 3:30 p.m.)
- For further assistance: Contact the Family Law Facilitator at (707) 521-6545 to make an appointment.

Exam

You will now need to complete the following exam with a score of 80% or better to receive a certificate of completion. Once you have printed your certificate of completion, please submit a copy to the child custody recommending counselor at your appointment or file with the Court.

[Click here to take the test.](#)

