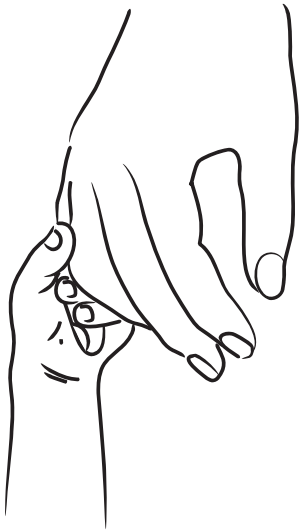
What is child custody mediation?



What is "child custody mediation"?

When parents cannot agree on who will have "custody " of their children, the judge will send them to mediation.

What is "custody"?

"Custody" means:

- who the child lives with *and*
- who makes important decisions for the child (health care, education, and other important decisions)

This is often called a "parenting plan."

Can we tell the judge what kind of custody we want?

If you and the other parent agree on what kind of custody you want, tell the judge. The judge will usually agree with your decision, but not always.

What if we don't agree on custody?

The judge may ask a "mediator" to assist you with making a parenting plan or to suggest one. A parenting plan says who the child lives with and who makes important decisions for the child.

What is a "mediator"?

Mediators work for the courts. They help parents make parenting plans that are good for the children. Mediators know how to work with separated couples, and they are trained to understand domestic violence. If you are worried about your safety or your children's safety, tell the mediator. You can ask to speak with the mediator alone.

What will the mediator do?

The mediator will try to help you make a parenting plan that:

- protects you and your children
- says how you and the other parent will make decisions about the children
- says when the child will be with each parent

Mediators can also help with a "safety plan" for you and your children. They can suggest safe ways to get the children to and from visits with the other parent.

Mediators can also tell you about getting help with housing, counseling, or financial problems.

What special words will the mediator use?

The mediator may talk to you about:

- legal custody
- physical custody
- visitation
- evaluators
- supervised visitation
- children's attorneys

If you do not understand these words, ask your mediator to explain.

Is what I say to the mediator private?

Not always. The mediator can tell the other parent what you say. Sometimes, a mediator will tell the judge what you say. The mediator may report child abuse. Ask your mediator to explain the privacy rules.

Can I bring someone to mediation with me?

Yes. If you have a restraining order, you can bring a support person to mediation. If you do not have a restraining order, you can ask your mediator if a support person can come with you.

What if I am worried about domestic violence?

- Tell your lawyer or get help from a local agency.
- Tell the judge about the violence or abuse.
- Tell the mediator as soon as you can. If you do not feel comfortable meeting with the abusive person, ask to meet with the mediator alone.
- Ask your mediator about supervised visitation.

What is "supervised visitation"?

"Supervised visitation" means the child can visit the other parent if another adult is present. Ask your mediator if there is a "supervised visitation center" where you live. If there is no center in your area, talk with your mediator about other options.

What if I don't speak English?

Ask for an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not use a child to interpret for you.

Need more information?

- Go to: www.courtinfo.ca.gov/selfhelp
- Call the National Domestic Violence Hotline (24 hours):

1-800-799-7233

TDD: 1-800-787-3224

It's free and private.

They can help you in more than 100 languages.

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