

Parties who come to court about child custody and visitation face decisions about parenting plans for their children. This information sheet provides general information about child custody and visitation matters, how to get help resolving a custody dispute or making a parenting plan, where to find an attorney, and where to find other resources.

### What is a parenting plan?

A parenting plan describes how the parties will divide their responsibilities for taking care of their child.

The plan may include a general or specific schedule of days, times, weekends, holidays, vacations, transportation, pick-up/drop-off, limits on travel, and other details.

### What are legal and physical custody?

A parenting plan usually includes:

- **Legal custody:** who makes major decisions about the child's health, education, and welfare;
- **Physical custody:** who the child lives with;
- **Time-share or visitation:** when the child spends time with each party.

*Legal custody* and *physical custody* may each be specified as *joint* (both parties have certain responsibilities) or *sole* (one party has the responsibility alone).

### Can we make our own parenting plan?

Yes. You have a right to make a parenting plan agreement on your own. This agreement may be called a *stipulation*, *time-share plan*, or *parenting plan*.

If both parties can agree on a parenting plan, the judge will probably approve it. The agreement becomes a court order after it is signed by both parties, signed by the judge, and filed with the court.

### What if there is domestic violence or a protective order?

If there is domestic violence or a protective order, talk with a lawyer, counselor, or mediator before making a parenting plan.

For domestic violence help, call the National Domestic Violence Hotline:  
1-800-799-7233, TDD:1-800-787-3224, or call 211 (if available in your area).

### What if we don't have a parenting plan?

If you can't reach an agreement, the court will refer you to mediation with family court services to try to work out a parenting plan.

### What is mediation with family court services?

Family court services (FCS) provides mediation to help parties resolve disagreements about the care of their child. The mediator will meet with you and the other party to try to help you make a parenting plan. This is a free service provided by the court.

If you are concerned about meeting with the other party in mediation, or there is domestic violence or a protective order involving the other party, you may ask to meet alone with the mediator without the other party. You may also have a support person with you at mediation. The support person may not speak for you.

### Do we have to agree to a parenting plan in mediation?

No. You do not have to come to an agreement in mediation. When the parties can't agree, the judge will decide.

In some courts, the judge will consider the mediator's recommendations about the parenting plan. Ask family court services about how the process works in your court.



## Are there other ways to resolve our dispute?

Yes. There are other Alternative Dispute Resolution (ADR) options you may try, including:

- 1. Meet and Confer:** Parties and their lawyers (if any) may meet at any time and as often as necessary to work out a parenting plan without a court hearing. If there is a protective order limiting the contact between the parties, then the “meet and confer” can be through lawyers or a mediator in separate sessions.
- 2. Settlement Conference:** In some courts, parties may meet with a judge, neutral evaluators, or family law lawyers not involved in your case to discuss settlement. Check with your local court to find out if this is an option. If there is a protective order, the settlement discussion can be through lawyers or a mediator in separate sessions.
- 3. Private Mediation:** Parties may hire a private mediator to help them resolve their dispute.
- 4. Collaborative Law Process:** Each party hires a lawyer and agrees to resolve the dispute without going to court. The parties may also hire other experts.

## Court Hearing

When the parties cannot agree to a parenting plan on their own, in mediation, or in any other ADR process, the judge will decide.

If there is domestic violence or a protective order, you may bring a support person with you to the court hearing, but the support person may not speak for you.

## Where can I get help?

This information sheet gives only basic information on the child custody process and is not legal advice. If you want legal advice, ask a lawyer for assistance. You may also:

1. Contact family court services.
2. Contact the family law facilitator or self-help center for information, court forms, and referrals to local legal services providers.
3. Find a lawyer through your local bar association, the State Bar of California at <http://calbar.ca.gov>, or call the Lawyer Referral Service at 1-866-442-2529 or 415-538-2250.
4. Hire a private mediator for help with your parenting agreement. A mediator may be a lawyer or counselor. Contact your local bar association, court ADR program, or family court services for a referral to local resources.
5. Find information on the Online Self-Help Center Web site: [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp).
6. For free and low-cost legal help (if you qualify), go to: [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org).
7. Find information at your local law library or ask at your public library.
8. Ask for a court hearing and let the judge decide what is best for your child.



### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)