

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN

JUDICIAL OFFICER	COURT DATE	DEPARTMENT	FOR COURT USE ONLY
TITLE OF CASE  Petitioner/Plaintiff:  Respondent/Defendant:			CASE NO.
<input type="checkbox"/> <b>CHILD CUSTODY AGREEMENT AND ORDER</b> <input type="checkbox"/> <b>INTERIM CHILD CUSTODY AGREEMENT AND ORDER</b>			

The minor children of the parents are:

Name:	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**THIS IS A SUPPLEMENT TO PREVIOUS ORDERS MADE, SUCH PREVIOUS ORDERS CONCERNING CUSTODY OF, AND CONTACTS WITH, THESE MINOR CHILDREN, WHICH ARE NOT INCONSISTENT WITH THESE ORDERS, SHALL REMAIN IN FULL FORCE AND EFFECT.**

**1. LEGAL CUSTODY**

- A. **JOINT LEGAL CUSTODY** of the minor child/ren shall be shared by both parents. In exercising joint legal custody, the parents shall share in the responsibility and confer in good faith on major decisions concerning the health, education and welfare of the minor child/ren.
- B. **SOLE LEGAL CUSTODY:** The mother/father(circle one) shall make major decisions concerning the health, education and welfare of the minor child.
- C. The specifics of legal custody shall be as follows:
  - 1) All schools, health care providers, day care providers, and counselors shall be selected by the parents jointly. In the event that the parents cannot agree to the selection of a school, the child shall continue to attend the school of record pending

## **SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN**

Child Custody Recommending Counseling (CCRC)/Mediation and/or further order of the court.

- 2) Each parent shall be responsible for keeping themselves advised of school, athletic, and social events in which the child participates. It is agreed that both parents may participate in school activities for the child such as open house, attendance at an athletic event, etc.
- 3) Limited to emergency situations, each parent shall be authorized to take any and all actions necessary to protect the health and welfare of the child/ren, including, but not limited to consent to EMERGENCY surgical procedures or treatment. The parent authorizing such emergency treatment shall notify the other parent as soon as possible of such emergency situation and of all procedures or treatment administered to the child/ren.
- 4) Each parent shall notify the other of the name and address of each health practitioner who examines or treats the minor child/ren, such notification to be made within \_\_\_\_ days of the commencement of the first such treatment or examination.
- 5) Each parent shall have access to the child/ren's school, medical and dental records.
- 6) Each parent shall be designated as a person the child/ren's school is to contact in the event of an emergency.
- 7) Each parent shall keep the other advised at all times of his/her current residence/ mailing address, telephone/ message numbers (home and work) the child/ren's school and the location of any place where the child/ren will be spending any extended period of time of one day or more. Neither parent shall use such information for the purpose of harassing or annoying the other in any way, and each shall be specifically restrained and enjoined from disturbing the other's peace or invading the other's privacy by any means whatsoever.
- 8) Each parent is to provide the other parent with a travel itinerary and, whenever reasonably possible, telephone numbers at which the child/ren can be reached, whenever the child/ren will be away from the parent's home for a period of seven (7) days or more.
- 9) Each parent shall have open telephonic access to the minor child/ren at reasonable times and for reasonable durations, without any third party interfering or eavesdropping. Phone contact with the child shall be made between the hours of \_\_\_\_\_ and \_\_\_\_\_ on Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, and/or Saturday (circle days).
- 10) The child/ren shall have an unhampered right to initiate phone calls to the other parent for which the expense shall be born by the receiving party.
- 11) Either parent shall have the first option to provide child care for the minor child/ren when the other parent is away from the minor child/ren for more than \_\_\_\_ hours.
  - This does not include childcare needed while the other parent is at work.
  - This does include child care when a parent is working.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN**

- 2. **PHYSICAL CUSTODY**
  - A. \_\_\_\_\_ shall have the **SOLE PHYSICAL CUSTODY**, care and control of the minor child/ren.
  - B. **JOINT PHYSICAL CUSTODY:** Both parents shall share the physical care custody and control of the minor child/ren reasonably between to insure that the minor child/ren maintains continuing contact with both parents.
  - C. \_\_\_\_\_ shall be considered the residential parent.
  - D. \_\_\_\_\_ shall have SUPERVISED visits with the minor child/ren. Refer to Section 3F – Supervised Visitation.
  - E. Other: \_\_\_\_\_

**PARENTING PLAN:**

- 3. **THE MINOR CHILD/REN SHALL RESIDE WITH \_\_\_\_\_ AT THE FOLLOWING TIMES:**
  - A. Regular Periods**
    - 1) \_\_\_\_\_
    - 2) The minor child/ren shall be with \_\_\_\_\_ at the times not specifically reserved for the \_\_\_\_\_ above.
  - B. Holidays, School Breaks and Special Days:**
    - 1) Holidays, school breaks and special days shall be arranged by mutual agreement of the parents with the intent being that they shall be shared equally to the extent possible.
    - 2) Thanksgiving Holiday/Fall School Break shall be defined as:  
\_\_\_\_\_  
The children shall reside with the mother/father in even/odd-numbered years and with the mother/father in even/odd numbered years or as follows:  
\_\_\_\_\_
    - 3) Christmas Holiday/Winter School Break shall be defined as:  
\_\_\_\_\_. The children shall reside with the mother/father in even/odd-numbered years and with the mother/father in even/odd numbered years or as follows:  
\_\_\_\_\_
    - 4) Easter Holiday/Spring School Break shall be defined as:  
\_\_\_\_\_

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN**

The children shall reside with the mother/father in even/odd-numbered years and with the mother/father in even/odd numbered years or as follows:

\_\_\_\_\_

- 5) Fourth of July shall be defined as:

\_\_\_\_\_.  
The children shall reside with the mother/father in even/odd-numbered years and with the mother/father in even/odd numbered years or as follows:

\_\_\_\_\_

- 6) Summer School Break shall be as follows:

\_\_\_\_\_

- 7) The child shall reside with the mother on Mother’s Day and with the Father on Father’s Day as follows:\_\_\_\_\_

- 8) Other holidays and/or special days:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 9) Holidays, school breaks and special days shall take precedence over regular parenting periods.

**C. Other**

- 1) One day holidays celebrated on Friday or Monday shall be viewed as including the following or preceding weekend.
- 2) All other holidays shall be according to the parenting plan unless otherwise mutually agreed upon by the parents.
- 3) Holidays shall be arranged by mutual agreement of the parents with the intent being that they shall be shared equally to the extent possible.
- 4) Holidays, school breaks and special day contacts shall take precedence over regular custodial periods.

**D. SUPERVISED VISITATION**

- All contacts between the \_\_\_\_\_ and the minor child/ren shall occur at Pathways to Child & Family Excellence, 2005 Main Street, Susanville, CA 96130 – 530-251-2997.

- Other: \_\_\_\_\_

- For up to \_\_\_\_\_ hours per week, as available by the provider(s) listed above.

- The \_\_\_\_\_ shall contact \_\_\_\_\_ to initiate supervised visitation.

- The cost of supervised visitation shall be paid as follows:\_\_\_\_\_

- The \_\_\_\_\_ shall ensure that the child attends all supervised visitations.

- Other:\_\_\_\_\_

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN

Pursuant to Penal Code section 11165.7(a)(3), child visitation monitors are mandated reporters. As a requirement of Penal Code section 11166.5, \_\_\_\_\_, will complete a statement of Supervised Visitation Monitor signed by the assigned visitation monitor acknowledging that (1) He/she is a mandated reporter and has knowledge of the provisions of California Penal Code section 1166 and (2) He/she has received training in child abuse identification and reporting. This Statement shall be provided to \_\_\_\_\_ at the time of referral from Family Court Services. The Statement shall be filed with the Court and an endorsed-filed copy submitted to Family Court Services prior to engaging in monitoring the first visit in the case.

## 4. ADVANCE NOTICE AND TRANSPORTATION

- A. The non-custodial parent will give the custodial parent \_\_\_\_\_ hours notice in the event he/she is unable to exercise visitation.
- B. In the event that either parent is running late for an exchange, the other parent shall be notified immediately.
- C. As much advance notice will be given to the other parent, as is practicable, in the event that a custodial period must be canceled or modified.
- D. If the non-custodial parent fails to arrive at the appointed time, and fails to notify the custodial parent by telephone within \_\_\_\_\_ minutes, the custodial parent need only wait \_\_\_\_\_ before considering the exchange to have been canceled.
- E. The children shall be transported by: \_\_\_\_\_.
- F. Transportation for visitation shall be arranged by mutual agreement of the parents.
- G. The child/ren shall be exchanged for visitation at \_\_\_\_\_.
- H. The parents and/or any third party shall stay in their vehicles at the time of the exchanges of the minor child/ren.
- I. The parents or any third parties shall not disturb the peace in any way at the exchange of the minor child/ren.
- J. Father/ Mother / Both parents shall not bring any third parties to the exchange of the minor child/ren.
- K. In the event that either parent is running late for an exchange, the other parent shall be notified Immediately.

## 5. ADDITIONAL

- A. The parents shall communicate directly with each other in matters concerning the minor children and shall not use the children as messengers between them.
- B. Each parent is enjoined and restrained from making disparaging remarks about the absent parent, or allowing any third party to do so in the presence of the minor child/ren.
- C. The parents are restrained from unreasonably interfering with the right of the child to transport clothing and possessions freely between parental homes.
- D. Neither parent shall be intoxicated or under the influence of any mood altering substances 24 hours prior to or during their custodial period.
- E. Both parents shall not consume any narcotics or restricted drugs (except upon prescription) \_\_\_\_\_ hours prior to or during periods of time with the minor child/ren, nor allow any third person to do so in the presence of the minor child/ren.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN**

- F. \_\_\_\_\_ shall not use any alcohol within \_\_\_\_ hours prior to or during times with the minor child/ren.
- G. Both parents/Father/Mother/Any third party are enjoined and restrained from inflicting corporal punishment or physical discipline of any kind on the minor child/ren or permitting any third person to do so.
- H. The mother/father shall enter and complete the following:

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- I. The mother/father shall enter and complete the following:

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- J. The minor child/ren shall be entered into:

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- K. The parents shall equally pay the uncovered costs of the child/ren's:

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To the extent not covered by insurance, including all deductibles.

- L. The parents shall participate in a psychological evaluation to be performed by: \_\_\_\_\_ . The cost of the evaluation shall be paid as follows: \_\_\_\_\_

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- M. Father/Mother/Both (circle one) parents shall present for alcohol/drug testing at:

\_\_\_\_\_ within \_\_\_\_ hours upon request of the other parent. All drug screens must be witnessed, follow chain of custody protocols and be sent to the lab for a full spectrum analysis, specialized alcohol test and creatine level. The testing shall be performed in conformance with procedures and standards established by the United States Department of Health and Human Services for drug testing of federal employees. Any failure to void, dilute or adulterated sample will be considered a positive drug screen. Should the aforementioned testing facility be closed at the time of the request to drug test, the other party shall present for drug testing within one hour of the testing facilities next business day. The requesting party shall pay for the drug screen. The parents shall not request the other to drug test during hours that they are required to work. The request to test must be preceded by payment for the test and followed by a phone call to the testing facility informing them of the date and time they requested to drug test. A positive test result, by itself, will not constitute grounds for an adverse custody decision.

- N. Both parents shall sign a Release of Information for all treatment and/or service providers authorizing them to communicate and exchange information with the Lassen County Family Court Child Custody Recommending Counselor (CCR Counselor)/Mediator. This shall include, but shall not be limited to, attendance, participation, test results, assessments and/or evaluations, drug test results and any other information that may relate to either parent's capacity as a parent.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN**

- O. Both parents shall submit proof of completion of the aforementioned treatment and/or services to Family Court Services.
- P. The children shall not be left alone in the presence of \_\_\_\_\_.
- Q. The children shall not be left alone without age appropriate supervision.
- R. The minor child/ren shall not be exposed to second hand smoke while in the presence of either parent.
- S. During any visitation or custodial period, the parent will be expected to spend as much time as possible with the child/ren.
- T. Each parent shall avoid the scheduling or arranging of activities for the child which are likely to conflict with any visitation or period of custody allocated to the other parent.
- U. No one shall discuss custody and court related issues around the child unless directed to do so by the court.
- V. The parents shall not remove the minor child/ren for the purpose of changing the child/ren's residence without the prior notarized written consent of the other parent or prior order of the court, from:
  - Lassen County       the State of California
  - Other: \_\_\_\_\_
- W. The matter shall be set for a review in CCRC/Mediation:
  - On \_\_\_\_\_. Each party shall contact Family Court Services at 530-251-8205 ten (10) days prior to their scheduled appointment to confirm the appointment date and complete any necessary paperwork. Any mutually agreed upon modifications shall be made at that time. If the parents are unable to reach agreement in CCRC/Mediation, or if circumstances arise that warrant Court intervention, the CCR Counselor shall notify the Court so that this matter may be placed back on calendar for the Court to make appropriate orders.
  - The parents shall contact Family Court Services in \_\_\_\_\_ to schedule CCRC/Mediation for \_\_\_\_\_,
- X. OTHER ORDERS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE OF PARTIES**

The Court retains jurisdiction to modify child custody and visitation orders based upon a change in circumstances that affect the best interests of the child. With that exception, this agreement is a final/interim adjudication of custody and visitation orders. The terms and conditions of this custody arrangement may be supplemented or revised as the needs of the child change. In the event that controversy arises, the existing order of the Court shall remain in full force and effect, and the parents are to seek CCRC/Mediation prior to further hearings.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LASSEN**

Pursuant to the requirements of Family Code section 3048, the parties agree to the following: Each party participated and had the opportunity to be heard. By stipulation of the parties, the Superior Court of the State of California, County of Lassen, has jurisdiction to make orders regarding custody and visitation. The country of habitual residence of the children is the United States of America. The custody and visitation rights of each party are set forth in this order and in any other orders of the Court that may remaining force and effect. Both parties acknowledge that they understand that a violation of the order may subject the party in violation to civil or criminal penalties, or both. Appropriate law enforcement agencies are directed to assist as needed to secure compliance with these orders. We have read the entire agreement. We understand it fully and request the Court to make our agreement the Court's order. We understand and agree that this will become the order of the Court, will have the same force and effect, and will be enforced in the same manner as any other court order upon signature of the Judge of the Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

Dated: \_\_\_\_\_

\_\_\_\_\_  
Respondent

**IT IS SO ORDERED:**

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court