



STANISLAUS COUNTY SUPERIOR COURT

Family Law - 1100 I Street, Modesto, CA 95356

209-530-3100

Self Help Center – 800 11th Street, Room 220, Modesto CA 95356

Phone – 530-3299

<http://www.stanct.org>

Revised 7/12

Stipulation and Order for Custody and/or Visitation of Children Packet

Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, and on the following Websites:

- ☛ Stanislaus County Superior Court: www.stanct.org
- ☛ Stanislaus County – Local Forms: www.stanct.org/Forms.aspx?id=3
- ☛ Judicial Council's Self Help: www.courts.ca.gov/selfhelp.htm
- ☛ Judicial Council Forms: www.courts.ca.gov/formsrules.htm
- ☛ Stanislaus County Law Library: www.stanislauslawlibrary.org
- ☛ Free Interactive Electronic Forms Program: www.icandocs.org/ca/california.html
- ☛ California's Free Website for Legal Help: www.lawhelpcalifornia.org
- ☛ Law Libraries, Websites, or Self-Help Legal Books: www.courts.ca.gov/1091.htm

NOTES:

- A stipulation is an agreement between both parties. Both parties **MUST** sign the FL-355 form.
- Submit the original Stipulation and Order (FL-355) plus 2 copies to the Court. Include a self-addressed stamped envelope and we will mail the copies back to you after they have been reviewed by the judge.
- **Both parties** must have already paid their 1st appearance fees in this case. If either party has not paid, you **MUST** submit the fee with this stipulation.

Material distributed by the Superior Court Clerk's Office or Self Help Center **IS INTENDED FOR INFORMATIONAL AND EDUCATIONAL PURPOSES ONLY**. Such material is **NOT LEGAL ADVICE** and is not intended to be legal advice as to your specific case. **IT IS NOT INTENDED TO TAKE THE PLACE OF LEGAL ADVICE FROM AN ATTORNEY**. You are strongly urged to seek the advice of a licensed attorney before starting or completing your case in order to protect valuable legal rights that you may have, of which you may be unaware of. Please contact an attorney of your choice or contact the **LAWYERS REFERRAL SERVICE** of the **Stanislaus County Bar Association** at: (209) 571-5727 for a referral. The Clerk's Office cannot give you legal advice.

Are there other ways to resolve our dispute?

Yes. You may try other alternative dispute resolution (ADR) options, including:

- 1. Meet and Confer:** Parents and their attorneys (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 parents, then the “meet and confer” can be through attorneys or a mediator in separate sessions.
- 2. Settlement Conference:** In some courts, parents may meet with a judge, neutral evaluators, or family law attorneys not involved in the case to discuss settlement. Check with the local court to find out if this is an option. If there is a protective order, the settlement discussion can be through attorneys or a mediator in separate sessions.
- 3. Private Mediation:** Parents may hire a private mediator to help them resolve their dispute.
- 4. Collaborative Law Process:** Each parent hires a lawyer and agrees to resolve the dispute without going to court. The parents may also hire other experts.

Court Hearing

When the parents 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, a parent may be able to bring a support person with him or her to the court hearing, but the support person may not speak for that person.

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 an attorney for assistance. For other information, you may want to:

1. Contact family court services.
2. Contact the family law facilitator or self-help center for information, local rules and court forms, and referrals to local legal services providers.
3. Find an attorney through your local bar association, the State Bar of California at <http://calbar.ca.gov>, or the Lawyer Referral Service at 1-866-442-2529.
4. Hire a private mediator for help with your parenting agreement. A mediator may be an attorney 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 website at www.courts.ca.gov/selfhelp.
6. For free and low-cost legal help (if you qualify), go to 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.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

Parents who come to court about child custody and parenting time (visitation) face decisions about parenting plans for their children. This information sheet provides general information about child custody and parenting time 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 parents 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, counseling and treatment services, and other details.

What are legal and physical custody?

A parenting plan usually includes:

- **Legal custody:** how parents make major decisions about the child's health, education, and welfare;
- **Physical custody:** where the child lives; and
- **Parenting time, time-share, or visitation:** when the child spends time with each parent.

Legal custody and *physical custody* may each be specified as *joint* (both parents have certain responsibilities) or *sole* (one parent 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 parents can agree on a parenting plan, the judge will probably approve it. The agreement becomes a court order after it is signed by both parents and 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 an attorney, counselor, or mediator before making a parenting plan.

For domestic violence help, call the National Domestic Violence Hotline at 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 (FCS) to try to work out a parenting plan.

What is mediation with family court services?

Family court services (FCS) provides mediation to help parents resolve disagreements about the care of their child. The mediator will meet with you and the other parent to try to help you both make a parenting plan. An orientation may be provided that offers additional information about the process.

If you are concerned about meeting with the other parent in mediation, or there is a domestic violence issue or a protective order involving the other parent, you may ask to meet alone with the mediator without the other parent. You may also request to 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 parents can't agree, the judge will decide. For legal advice, contact an attorney. For other information, ask the self-help center or family court services about how the process works in your court.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 1100 I Street MAILING ADDRESS: PO Box 1098 CITY AND ZIP CODE: Modesto, CA 95353-1098 BRANCH NAME: _____	
PETITIONER: RESPONDENT: OTHER:	
STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION OF CHILDREN <input type="checkbox"/> MODIFICATION	CASE NUMBER: _____

The parties signing this stipulation agree that:

1. This court has jurisdiction over the minor children because California is the children's home state.
2. The habitual residence of the children is the United States of America.
3. **The parties acknowledge they were advised that any violation of this order may result in civil or criminal penalties, or both.**
4. a. The parties stipulate that the attached document, dated (specify): _____ and consisting of (number): _____ pages is their custody and visitation agreement and request that it be made an order of the court, or
 - b. The parties stipulate that the attached forms
 FL-341 FL-341(A) FL-341(B) FL-341(C) FL-341(D) FL-341(E)
 are their agreement regarding custody and/or visitation of their children and request that they be made an order of the court.

Each party declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF OTHER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR OTHER)

FINDINGS AND ORDER

THE COURT FINDS:

1. This court has jurisdiction over the minor children because California is the children's home state.
2. The habitual residence of the children is the United States of America.
3. Both parties have been advised that any violation of this order may result in civil or criminal penalties, or both.

THE COURT ORDERS:

1. The agreement of the parties regarding custody and visitation as set forth in the attached document dated (specify): _____ and consisting of (number): _____ pages or set forth in the attached forms:
 FL-341 FL-341(A) FL-341(B) FL-341(C) FL-341(D) FL-341(E)
 is adopted as the order of the court and fully incorporated by reference herein.

Date: _____ _____
JUDICIAL OFFICER

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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7. e. (2) **Alternate weekends starting (date):**

The petitioner respondent other (name): _____ will have the children with him or her during the period

from _____ at _____ a.m. _____ p.m.
 (day of week) (time)

to _____ at _____ a.m. _____ p.m.
 (day of week) (time)

(3) **Weekdays starting (date):**

The petitioner respondent other (name): _____ will have the children with him or her during the period

from _____ at _____ a.m. _____ p.m.
 (day of week) (time)

to _____ at _____ a.m. _____ p.m.
 (day of week) (time)

(4) **Other (specify days and times as well as any additional restrictions):**

See Attachment 7e(4).

8. **The court acknowledges** that criminal protective orders in case number (specify): _____ in (specify court): _____ relating to the parties in this case are in effect under Penal Code section 136.2, are current, and have priority of enforcement.

9. **Supervised visitation.** Until further order of the court other (specify): _____ the petitioner respondent other (name): _____ will have supervised visitation with the minor children according to the schedule

set forth on page 1. **(You must attach Supervised Visitation Order (form FL-341(A).)**

10. **Transportation for visitation**

- a. The children must be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- b. Transportation **to** the visits will be provided by the petitioner respondent other (specify): _____
- c. Transportation **from** the visits will be provided by the petitioner respondent other (specify): _____
- d. The exchange point at the beginning of the visit will be at (address): _____
- e. The exchange point at the end of the visit will be at (address): _____
- f. During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- g. Other (specify): _____

11. **Travel with children.** The petitioner respondent other (name): _____ **must** have written permission from the other parent or a court order to take the children out of

- a. the state of California.
- b. the following counties (specify): _____
- c. other places (specify): _____

THIS IS A COURT ORDER.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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12. **Holiday schedule.** The children will spend holiday time as listed below in the attached schedule.
(Children's Holiday Schedule Attachment (form FL-341(C)) may be used for this purpose.)
13. **Additional custody provisions.** The parents will follow the additional custody provisions listed below in the attached schedule. *(Additional Provisions—Physical Custody Attachment (form FL-341(D)) may be used for this purpose.)*
14. **Joint legal custody.** The parents will share joint legal custody as listed below in the attached schedule.
(Joint Legal Custody Attachment (form FL-341(E)) may be used for this purpose.)
15. **Other (specify):**

THIS IS A COURT ORDER.

PETITIONER / PLAINTIFF:	CASE NUMBER:
RESPONDENT / DEFENDANT:	

SUPERVISED VISITATION ORDER
Attachment to Child Custody and Visitation Order Attachment (form FL-341)

1. Evidence has been presented in support of a request that the contact of Petitioner Respondent with the child(ren) be supervised based upon allegations of
 abduction of child(ren) physical abuse drug abuse neglect
 sexual abuse domestic violence alcohol abuse other (specify):

 Petitioner Respondent disputes these allegations and the court reserves the findings on these issues pending further investigation and hearing or trial.

2. The court finds, under Family Code section 3100, that the best interest of the child(ren) requires that visitation by Petitioner Respondent must, until further order of the court, be limited to contact supervised by the person(s) set forth in item 6 below pending further investigation and hearing or trial.

THE COURT MAKES THE FOLLOWING ORDERS

3. CHILD(REN) TO BE SUPERVISED

<u>Child's name</u>	<u>Birth date</u>	<u>Age</u>	<u>Sex</u>
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4. TYPE

- a. Supervised visitation b. Supervised exchange only c. Therapeutic visitation

5. SUPERVISED VISITATION PROVIDER

- a. Professional (individual provider or supervised visitation center) b. Nonprofessional

6. AUTHORIZED PROVIDER

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
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Any other mutually agreed-upon third party as arranged.

7. DURATION AND FREQUENCY OF VISITS (see form FL-341 for specifics of visitation):

8. PAYMENT RESPONSIBILITY Petitioner: ____ % Respondent: ____ %

9. Petitioner will contact professional provider or supervised visitation center no later than (date):
 Respondent will contact professional provider or supervised visitation center no later than (date):

10. THE COURT FURTHER ORDERS

Date: _____

JUDICIAL OFFICER

PETITIONER:	CASE NUMBER:
RESPONDENT:	

CHILD ABDUCTION PREVENTION ORDER ATTACHMENT

TO **Child Custody and Visitation Order Attachment (form FL-341(A))** **Other (specify):**

1. **The court finds there is a risk that (specify name of parent): _____ will take the child without permission because that parent (check all that apply):**

- a. has violated—or threatened to violate—a custody or visitation order in the past.
- b. does not have strong ties to California.
- c. has done things that make it easy for him or her to take the children away without permission, such as (check all that apply):
 - quit a job. sold his or her home.
 - closed a bank account. ended a lease.
 - sold or gotten rid of assets. hidden or destroyed documents.
 - applied for a passport, birth certificate, or school or medical records.
 - Other (specify):
- d. has a history of (check all that apply):
 - domestic violence.
 - child abuse.
 - not cooperating with the other parent in parenting.
- e. has a criminal record.
- f. has family or emotional ties to another country, state, or foreign country.

(NOTE: If item "f" is checked, at least one other factor must be checked, too.)

THE COURT ORDERS, to prevent the parent in item 1 from taking the children without permission:

- 2. **Supervised visitation.** Terms of visitation are (check one):
 - as specified on attached form FL-341(A) as follows:

- 3. **The parent in item 1 must post a bond for \$ _____.** The terms of the bond are (specify):

- 4. **The parent in item 1 must not move from the following locations with the children** without permission in writing from the other parent or a court order:
 - Current residence Current school district (specify):
 - This county Other (specify):

- 5. **The parent in item 1 must not travel with the children** out of (check all that apply):
 - this county. the United States.
 - California. other (specify):

- 6. **The parent in item 1 must register this order** in the state of (specify): _____ before the children can travel to that state for visits.

- 7. **The parent in item 1 must not apply for a passport or any other document,** such as a visa or birth certificate, that can be used for travel, and must turn in the following documents (specify):

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RESPONDENT:	

8. **The parent in item 1 must give the other parent the following *before* traveling with the children:**
- The children's travel itinerary
 - Copies of round-trip airline tickets
 - Addresses and telephone numbers where the children can be reached at all times
 - An open airline ticket for the other parent in case the children are not returned
 - Other (*specify*):
9. **The parent in item 1 must notify the embassy or consulate** of (*specify country*): _____ of this order and provide the court with proof of that notification within (*specify number*): _____ days.
10. **The parent in item 1 must get a custody and visitation order** equivalent to the most recent U.S. order before the children may travel to that country for visits. The court recognizes that foreign orders may be changed or enforced according to the laws of that country.
11. **Enforcing the order.** The court authorizes any law enforcement officer to enforce this order. In this county, contact the Child Abduction Unit of the Office of the District Attorney at (*phone number and address*):
12. **Other (*specify*):**
13. This order is valid in other states and in any country that has signed the Hague Convention on Child Abduction.

NOTICE TO AUTHORITIES IN OTHER STATES AND COUNTRIES

This court has jurisdiction to make child custody orders under California's Uniform Child Custody Jurisdiction and Enforcement Act (California Fam. Code, § 3400 et seq.) and the Hague Convention on Civil Aspects of International Child Abduction (42 U.S.C. § 11601 et seq.). If jurisdiction is based on other factors, they are listed in item 12 above.

Date: _____

JUDICIAL OFFICER

PETITIONER: RESPONDENT:	CASE NUMBER:
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ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

TO Petition or Application for Order Findings and Order After Hearing or Judgment
 Stipulation and Order for Custody and/or Visitation of Children

1. **Notification of parent's current address.** Each parent must notify the other parent of his or her current address and telephone number within *(specify number)*: _____ days of any change in his or her
 - a. address for residence mailing work.
 - b. telephone/message number at home work the children's schools.

Neither parent may use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. If a parent has an address with the State of California's Safe at Home confidential address program, no residence or work address is needed.

2. **Notification of proposed move of child.** Each parent must notify the other parent *(specify number)*: _____ days prior to any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.

3. **Child care**
 - a. The children must not be left alone without age-appropriate supervision.
 - b. The parents must let each other know the name, address, and phone number of the children's regular child-care providers.

4. **Right of first option of child care.** In the event either parent requires child care for *(specify number)*: _____ hours or more while the children are in his or her custody, the other parent must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a parent is working.

5. **Canceled parenting time**
 - a. If the noncustodial parent fails to arrive at the appointed time and fails to notify the custodial parent that he or she will be late, then the custodial parent need wait for only *(specify number)*: _____ minutes before considering the visitation canceled.
 - b. In the event a noncustodial parent is unable to exercise visitation on a given occasion, he or she must notify the custodial parent at the earliest possible opportunity.
 - c. The custodial parent must give the noncustodial parent as much notice as possible if the children are ill and unable to participate in scheduled time with the other parent. A doctor's excuse is required.

6. **Phone contact between parents and children**
 - a. The children may have telephone access to the parents and the parents may have telephone access to the children at reasonable times, for reasonable durations.
 - b. The scheduled phone contact between parents and the children is *(specify)*: _____
 - c. Neither parent nor any other third party may listen to or monitor the calls.

7. **No negative comments.** Neither parent will make or allow others to make negative comments about the other parent or the other parent's past or present relationships, family, or friends within hearing distance of the children.

8. **No use of children as messengers.** The parents will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.

9. **Alcohol or substance abuse.** The petitioner respondent may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within *(specify number)*: _____ hours prior to or during periods of time with the children and may not permit any third party to do so in the presence of the children.

10. **No exposure to cigarette smoke.** The children will not be exposed to secondhand cigarette smoke while in the home or car of either parent.

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RESPONDENT:	

11. **No interference with schedule of other parent without that parent's consent.** Neither parent will schedule activities for the children during the other parent's scheduled parenting time without the other parent's prior agreement.
12. **Third-party contact**
- a. The children will have no contact with (*specify name*):
- b. The children must not be left alone in the presence of (*specify name*):
13. **Children's clothing and belongings**
- a. Each parent will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
- b. The children will be returned to the other parent with the clothing and other belongings they had when they arrived.
14. **Log book.** The parents will maintain a "log book" and make sure that the book is sent with the children between their two homes. Using businesslike notes (no personal comments), parents will record information related to the health, education, and welfare issues that arise during the time the children are with them.
15. **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parents change. Such changes will be in writing, dated and signed by both parents; each parent will retain a copy. If the parents want a change to be a court order, it must be filed with the court in the form of a court document.
16. **Other** (*specify*):

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RESPONDENT:	

JOINT LEGAL CUSTODY ATTACHMENT

- TO **Petition or Application for Order** **Findings and Order After Hearing or Judgment**
 Stipulation and Order for Custody and/or Visitation of Children

1. The parents will have joint legal custody of the minor children.
2. In exercising joint legal custody, the parents will share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. The parents must confer in making decisions on the following matters:
 - a. Enrollment in or leaving a particular private or public school or daycare center
 - b. Participation in particular religious activities or institutions
 - c. Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
 - d. Selection of a doctor, dentist, or other health professional (except in emergency situations)
 - e. Participation in extracurricular activities
 - f. Out-of-country or out-of-state travel
 - g. Other (*specify*):

In all other matters in exercising joint legal custody, the parents may act alone, as long as the action does not conflict with any orders concerning the physical custody of the children.

3. If a parent does not obtain the required consent of the other parent to the decisions checked in item 2:
 - a. He or she may be subject to civil or criminal penalties.
 - b. The court may change the legal and physical custody of the minor children.
 - c. Other consequences (*specify*):

4. **Special decision-making designation**
 - a. The petitioner respondent will be responsible for making decisions regarding the following issues (*specify*):

 - b. Each parent will have access to the children's school, medical, and dental records and the right to consult with professionals who are providing services to the children

5. **Health-care notification**
 - a. Each parent must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (*specify number*): _____ days of the commencement of the first such treatment or examination.
 - b. Each parent is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The parent authorizing such emergency treatment must notify the other parent as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
 - c. Both parents are required to administer any prescribed medications for the children.

6. **School notification.** Each parent will be designated as a person the children's school will contact in the event of an emergency.

7. **Name.** Neither parent will change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other parent.

8. Other (*specify*):