

SANTA CLARA COUNTY FAMILY COURT AND FAMILY COURT SERVICES

A Comprehensive Program of Interventions For Families in the Family Court and Probate Court Systems

A mission of Santa Clara County Family Court and Family Court Services (FCS) is to provide a range of services that empowers parents to resolve their disputes and offer alternatives to adversarial litigation in the court system. The development of this comprehensive program of diverse services for families of divorce and separation in Santa Clara County has evolved through the collaboration of Family Court Services counselors, Superior Court judges, Family Law attorneys, Mental Health professionals and private non-profit agencies. The focus of these services is to provide education, assistance, and alternative dispute interventions that are specific to individual family situations.

Family Court Services:

The services at FCS are designed to meet each family at their individual level of need and to reinforce their existing strengths. Families presenting at Family Court for disputes related to custody and visitation typically begin by receiving a minimally intrusive level of orientation and education which supports the parents in making more informed decisions in mediation and in increasing their awareness about the emotional needs of their children. A majority of parents (60–70%) who attend Orientation and proceed to participate in mediation are successful in working out a full agreement regarding custody and visitation and require no additional services. These first levels of service are readily accessible for all families (including self-represented and low-income persons); and effectively divert a majority from further court proceedings. Those parents who remain at impasse, or whose cases involve serious and/or complex issues related to their disputes usually require the more intensive involvement and intervention of the courts and related support services.

The following services provided by Family Court and Family Court Services within the Superior Court system are multi-tiered with a focus on primary interventions that promote parental decision-making and meet the diverse needs and issues of families. FCS also attempts to offer these services in Spanish, Vietnamese, and Cantonese with bilingual staff whenever possible and domestic violence cases with current Restraining Orders, a Court interpreter may be provided.

- **Orientation:** All parents filing a custody/visitation dispute are required to attend this three hour educational class as the first part of the mediation process. The class is taught by FCS counselors and introduces parents to the court process, to preparation for mediation and decision-making as well as parenting information, child development, the impact of conflict and domestic violence with an emphasis on the emotional needs of children when parents are separated.
- **Mediation:** (Confidential/Non-recommending): Sessions are conducted by FCS mediators and interns; written agreements are sent to the parents and their attorneys and become court orders after a review period, if there are no objections. Specific procedures and policies are used for families of Domestic Violence in accordance with state law.
- **Judicial Custody Conferences and FCS Assessments:** Judicial Custody Conferences are held with the judge for those parents who have unresolved disputes after completion of mediation; the Court will make every attempt to resolve the issues (in some cases with the assistance of an FCS mediator at the request of the Court). If the case is not settled at JCC, the Court orders an assessment/evaluation to be performed by FCS or a private evaluator. FCS performs an investigation of the issues designated by the Court and submits recommendations. Settlement meetings may follow if there is no resolution. A trial is the last stage of the process.
- **Evaluation Reports and Recommendations** are ordered by the Court in the most difficult cases and are concluded with a series of conferences which settle a majority of the remaining issues as an alternative to a trial.

- **Emergency Screenings** are conducted by FCS counselors at the direction of the Court to deal with urgent issues that require immediate temporary custody and visitation orders with protective measures for children at risk of harm.
- **Attorneys for Children, Supervised Visitation, Parent Education, Domestic Violence Interventions, Family Treatment Court, New Skills and Choices (one of the following classes as determined by the Center for Healthy Development: Parents in Conflict program, Safe Families, Co/parallel parenting Counseling, Counseling for Children)** as well as other specialized programs are resources collaboratively developed and utilized by FCS counselors and the court to provide support and treatment for parents and children and to divert them from inappropriate use of the court process.

Public/Private Resources Serving Families in the Court System:

The highly conflictual, multi-problem cases presented at the Family Court for custody and visitation disputes, take a disproportionate amount of court and Family Court Services time and energy. A range of interventions designed to protect the needs of the children, enhance parenting skills, ameliorate conflict, and reduce the need for counterproductive adversarial litigation has been developed to assist these more complex families. These resources are the result of a collaborative effort by public and private groups already working with the courts and serving families of divorce and parenting disputes.

The following services are available to families in Santa Clara County as community and court resources. These services are utilized by families on a volunteer basis and by court order. Often the services are recommended after the completion of an Assessment, an Evaluation, or an Emergency Screening.

1. **First 5 Program Specialists** - Secures access to programs and services for families who have a child under the age of 6 in the household of either parent. Program Specialists meet with referred families to help them to access other FIRST 5 programs in the community and to connect clients with Court-ordered services.
2. **Supervised Visitation Paid by FIRST 5** – The Court can order payment for supervised visitation for a limited amount of money per family per fiscal year for Court-ordered supervised visitation.
3. **Court-Ordered Supervised Visitation** - A public/private collaboration of courts with non-profit agencies and private providers provide supervised visitation and child exchanges. Sliding scale fees are required by nonprofits.
4. **New Skills and Choices (Parents in Conflict, Safe Families, and Co/Parallel Parent Counseling)** - A group program offered by Center for Healthy Development and designed to provide support for children and to increase their parents' awareness of children's needs in divorce/separation. Fees are determined by available funding and/or a sliding fee scale.
5. **Attorneys Representing Children** - A program developed and supported by private Family Law attorneys, the courts, FCS and the County. The court appoints lawyers trained to represent children in difficult custody cases. The county pays attorney fees for court-identified parents in need.
6. **Psychological Testing** - Can be ordered when there is a specific diagnostic question. Psychological testing does not address ability to parent and does not address the parent/child relationship that is typically the focus of assessments by FCS or by Private providers. Testing is provided by private practice psychologists as ordered by the Court, with some limited court financing for parents in need, upon court review.
7. **Parenting Education** - Private and non-profit agencies provide parenting classes for families in custody conflict, as well as support groups for step-parents, single fathers and single mothers. Parenting Without

Violence can be ordered. FIRST 5 will pay for this class if the parents elect to use one of the providers on the list located at the Family Court Services website at www.scsselfservice.org.

8. **Domestic Violence Protocol** - Family Court Services utilizes local court and state standard guidelines which include differential assessments, education, safety planning and other specific procedures for all cases of families who have experienced domestic violence.
9. **Dependency Mediation** - A funded project authorized by the state legislature whereby mediation services are provided to the Juvenile Court in child abuse/neglect cases by FCS mediators; some of the families served are also involved in Family Court. The project also provides training to other counties and states interested in developing similar programs, including site visits sponsored by the National Council of Juvenile and Family Court Judges.
10. **Family Court Clinic** - An innovative and highly used service for self-represented [pro per] clients in Family Court; referrals are made by the court, FCS, and walk-ins for assistance in accessing the court system and in resolving immediate child support issues as well as assisting self represented persons with restraining order and other legal procedures. These services are provided without cost to clients.
11. **Family Law [Drug and Alcohol] Treatment Court [FLTC]** – One of three Family Law Treatment Courts in the nation, serving clients with a substance abuse problem of sufficient severity to affect parenting. The affected parents often have intermittent or supervised contact with their children. Regular court appearances, drug testing, counseling, regular attendance at self-help groups and a minimum of one year of participation in the Drug Court is required to graduate. The goal of FLTC is to increase safe parent/child access and to normalize contact.
12. **Don Sagatun Edwards Child Services Fund/Referrals to Victim Witness Assistance Program** - The Don Sagatun Edwards Child Services Fund was established by FCS and the Family Law Bar to assist parents in need with the payment of court ordered counseling for their children. The fund is sustained primarily by contributions from members of the Family Law Section of the Santa Clara Bar Association. In appropriate cases, families are also referred to the Victim Witness Assistance Program to apply for grants which may pay for all counseling services for adult and child victims of crime, including children exposed to domestic violence. Funding is not guaranteed, however, as the Fund is subject to donations and is used up from time to time.
13. **Collaborative Training Programs** - Family Court and FCS collaborate with members of the mental health community, the Family Bar and other professionals to regularly provide training to Family Court and FCS Staff, private sector mediators, evaluators and therapists, members of the Family Bar including attorneys appointed to represent children, and to community organizations and agencies on subjects related to child custody and visitation.