



Instructions for Petition for Private Child Custody Recommending Counseling (Private Mediation)

General Information:	<p>Family Code Section 3170 requires that Child Custody Recommending Counseling (mediation) take place whenever issues of custody or visitation are in dispute. This applies whenever a party to the case wants to obtain or change a custody or visitation order by filing a Request for Order with the Court. In lieu of mediation conducted by the Court's Office of Family Court Services, one or both parties may seek a Court order to go to a private mediator. Private mediators are independent practitioners who are not affiliated with the Court, and private mediation is paid for by one or both parties.</p> <p><u>Note:</u> Until the Court approves a request to go to private mediation, parties must attend any mediation appointment scheduled in the Court's Office of Family Court Services.</p>
If parties agree to go to private mediation:	<p>If parties agree that they would like to go to private mediation and there is an upcoming hearing on a Request for Order regarding custody or visitation, the following may be submitted to the Court:</p> <ol style="list-style-type: none">1) Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-601) stipulating to private mediation;2) Order for Private Child Custody Recommending Counseling (local form FL/E/LP-603); and3) Declaration of Private Child Custody Recommending Counselor Regarding Qualifications (local form FL/E-FR-411) prepared by the mediator that the parties agree to be appointed. <p>The Petition will be returned to the party that submitted the request. If granted, any mediation appointment scheduled in the Office of Family Court Services will be vacated.</p>
If one party wants to go to private mediation:	<p>If one party wants to go to private mediation and there is an upcoming hearing on a Request for Order regarding custody or visitation, the party wanting private mediation may submit the following to the Court:</p> <ol style="list-style-type: none">1) Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-601);2) Order for Private Child Custody Recommending Counseling (local form FL/E/LP-603);



	<p>3) Declarations of Private Child Custody Recommending Counselor Regarding Qualifications (local form FL/E-FR-411) prepared by mediators to be appointed; and</p> <p>4) Proof of Personal Service (Judicial Council form FL-330) that documents 1 through 3 listed above have been served, along with these Instructions for Petition for Private Child Custody Recommending Counseling and a blank Response to Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-602).</p> <p>The party filing the Petition must offer to pay for private mediation.</p> <p>The other party has 10 calendar days from the date they were served to file a response. Once the Court rules on the Petition, a copy of the Order must be served on the other party within 5 calendar days of receipt.</p>
<p>If you were served with a Petition for Private Child Custody Recommending Counseling:</p>	<p>If you were personally served with a Petition for Private Child Custody Recommending Counseling and other documents as set forth above, and you agree to have your case go to private mediation and to the mediators requested, you do not need to file a Response. The Court will rule on the Petition and you will be served with a copy of the Order by the party that filed the Petition.</p> <p>If you do not agree to go to private mediation or you do not agree with the private mediators requested by the other party, you should object by filing a Response to Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-602) within 10 calendar days of being served, with a completed Proof of Service that the other parties were served with your Response.</p> <p>If you do not file a Response and there is a Proof of Personal Service that you were personally served with the Petition, Order, and Declaration, and the 10 calendar days to respond have passed, the Court will rule on the Petition. If granted, a private mediator will be appointed and your mediation appointment scheduled in the Office of Family Court Services will be vacated.</p>