

## Proposed Changes to Local Rules

### CHAPTER 4 FAMILY LAW RULES:

#### Rule 18: Child Custody and Child/Spousal Support

##### 18.1 DISPUTES RE: CUSTODY

- ~~(a) Parties shall make a good faith effort to arrive at an agreement regarding child custody or visitation before any court hearing and shall be prepared to describe their good faith efforts to the Court.~~
- (a) Mandatory Child Custody Recommending Counseling  
Child custody recommending counseling (CCRC) is a mandatory process governed by Family Code section 3160 et seq. and California Rules of Court 5.210 and 5.215. The CCRC protocol is listed on the Court's website at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov) under Family.

Yolo Superior Court is a recommending court which means if the parties do not come to an agreement through the CCRC process, the counselor will prepare a written recommendation to the Court pursuant to Family Code section 3183. There is no confidentiality between the counselor and the parties and the minor children. Counselors may be subpoenaed by the parties to testify in court as to the reason(s) for their recommendation(s). If a counselor is called to testify he/she shall be served by the party with a subpoena and paid as an expert by that party at the hourly rate set by the counselor at the time the subpoena is served.

Attorney input letters are not favored by the court and the court does not require the CCRC to review them prior to the counseling appointment or in preparation of the recommendation.

~~(b) Parties appearing on a request for order seeking custody or visitation orders will be referred to an in-court child recommending counselor (CCRC) prior to having their case called by the judge. The CCRC will meet with the parents, and, as appropriate, with the child or other parties present in court, to facilitate an agreement. After the short time available with the CCRC (not more than 30 minutes), the CCRC will make a recommendation to the judge. The parties will appear before the court and discuss the recommendation. The court may adopt the recommendation as a stipulated order, or as a temporary order until the issue can be set for trial, or may make other orders that the court deems in the best interest of the child. Repeated requests for modifications of custody and/or visitation orders, without a significant change of circumstances, are disfavored by the court. Unless review hearings are set by the court on its own motion or unless otherwise allowed by the court for good cause shown, parties will be limited to one (1) session with the court CCRC per six-month period. If the parties need further assistance, the court may order them to long-term counseling with a private counselor at the parties' expense.~~

**(b) Voluntary Child Custody Recommending Counseling**

Voluntary child custody recommending counseling is encouraged by the Court and nothing in these rules prevents the parties from choosing a private counselor to help them with their custody and visitation dispute(s). Both parties may, at any time, stipulate to a private counselor by submitting a court approved “Stipulation to Private Child Custody Recommending Counseling” for approval by the family court judge. Private counselors shall prepare and file a recommendation with the court before the date indicated on the stipulation and order. The recommendation shall contain a brief statement of the counselor’s finding(s), agreement(s) entered into by the parties, and any recommendation(s) the counselor may have on disputed issues.

~~**Delete (e)** — If the parties cannot agree upon which party should have physical custody, the court may refer the matter for a report and recommendation to a professional who performs private custody and/or psychological evaluations, as the court deems appropriate for a report, as provided in Family Code Section 3111 and Rule 5.220 of the California Rules of Court. In the usual case, the investigation will require an eight week continuance. The cost of any report shall be advanced by the parties, in shares as ordered by the court, subject to reallocation on completion of the report.~~

~~**DELETE 18.3 CHILD CUSTODY RECOMMENDING COUNSELING**~~

~~**(a)** Child custody recommending counseling (“counseling”) is a mandatory process governed by Family Code Section 3160 et seq. by which the court refers issues of child custody and visitation to a third party for assistance in negotiating a settlement of the disputes and/or to make recommendations to resolve the issues.~~

~~**(b)** The court has child custody recommending counselors (“CCRCs”) assigned on a rotational basis to the family law department to provide in-court, mandatory counseling. Either party may object to an in-court counselor when he/she is appointed. If the court honors the objection and another counselor is not available, the case will be continued to a date when a different counselor will be present. Objections to in-court counselors may be made orally, and without cause or explanation, but must be made prior to the parties leaving the courtroom to meet with the CCRC. Once a counselor has been appointed, an objection will be accepted only after the counselor makes his/her report. At that time, a different follow-up counselor may be requested.~~

~~**(c)** Counselors will normally allow only the parents, and if appropriate, the children, to participate in the counseling process. The counselor, in his or her discretion, may request other persons to participate whose relationship to the children is germane to the counseling process.~~

~~**(a)** Where there has been a history of domestic violence between the parties or where a protective order is in effect, at the request of the protected party (or a party alleging domestic violence in a written declaration under penalty of perjury), the Court shall order~~

~~the counselor to meet separately with the parties. The protected party also has a right to a support person during the counseling.~~ *(Effective January 1, 2008; As amended, eff 01/01/11; As amended, eff 01/01/2012; As amended and renumbered, eff 01/01/2015)*

#### **Delete 18.4 — VOLUNTARY CHILD CUSTODY RECOMMENDING COUNSELING**

~~(a) Voluntary counseling is encouraged by the court and nothing in these rules prevents the parties from choosing an independent counselor to help them. Both parties may, at any time, stipulate to out of court voluntary counseling by submitting a court approved “Stipulation for Child Custody Recommending Counseling” form for approval by the family court judge, and the mandatory Judicial Council form FL 327 order.~~

~~(b) Out of court counselors shall prepare and file a report with the court before the date indicated on the order. The report shall contain a brief statement of the counselor’s findings, agreements entered into by the parties and any recommendation the counselor may have on issues not settled by agreement.~~

~~(c) Out of court counselors negotiate their fees with the parties. Their fees are paid directly by the parties in equal shares unless the court directs otherwise in the order. Out of court counselors are not required to file their written reports until they have been appropriately paid by the parties for their services.~~

*(Effective January 1, 2008; As amended, eff 01/01/2012; As amended and renumbered, eff 01/01/2015)*

#### **Delete 18.5 — RECOMMENDATIONS**

~~Counselors, both in and out of court, will offer their recommendations on any issue not settled by agreement. The judge may accept the recommendation or make a different order as appropriate. There is no confidentiality between the counselor and the parties. Counselors may be called to testify in court as to the reasons for their recommendations. If a counselor is called, he/she shall be subpoenaed and paid as an expert by the subpoenaing party before testifying.~~ *(Effective January 1, 2008; As Amended, eff 01/01/2012; As Amended and renumbered, eff 01/01/2015)*

#### **Delete 18.6 DECISIONS**

~~Only the judge shall make a decision or order on issues of custody and visitation. The agreements and/or recommendations of the counselor and the parties will be considered as well as the case file, any legally proper evidence and applicable laws available to the judge.~~ *(Effective January 1, 2008; As Amended, eff 01/01/2012; Renumbered, eff 01/01/2015)*

### **CHAPTER 5 JUVENILE RULES:**

#### **DELETE 21.12 CALENDARING REQUESTS**

All requests to place matters on calendar shall be made in writing with notice to all parties and received by the clerk at least three (3) court days before the hearing date

~~requested. Matters shall not be set by the clerk fewer than three (3) days from the requested hearing date without prior authorization from the Judge presiding over the matter. (Effective January 1, 2012)~~