

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF IMPERIAL

**Mediation Process**

**1. DISPUTED CHILD CUSTODY OR VISITATION**

If you and the other party cannot agree upon the amount of time that the child will spend with each of you, California law requires you and the other party to participate in *mediation* concerning the disputed issues. Mediation is an informal process during which parties meet separately and together with a mediator trained to resolve custody and visitation disputes.

**2. BEST INTERESTS OF THE CHILD**

The Mediator is required to use his or her best efforts to help the parties reach an agreement that is in the *best interests of the child*. The *best interests of the child* are based on factors including the health, safety, and welfare of the child, the nature and amount of contact with each party, and history of abuse, habitual use of alcohol, or illegal drugs by either party.

**3. HISTORY OF DOMESTIC VIOLENCE**

Whenever there is a *history of domestic violence* between the parties, the mediator is required to meet with the parties separately.

**4. SCHEDULING MEDIATION/ISSUES TO BE DISCUSSED**

Mediation scheduling may be made by a judge, or stipulated by the parties to advance mediation. Issues mediated will be *strictly limited* to custody and visitation issues.

**5. IF YOU REACH AN AGREEMENT**

If the parties reach an agreement, the agreement will be put in writing and may be signed by the parties before they leave the meeting. The agreement can be made a court order at the next hearing before a judge.

**6. LEGAL TERMS YOU WILL NEED TO UNDERSTAND**

- *Joint Legal Custody*: Both parties share the right and the responsibility to make the decisions relating to the health, education, and welfare of the child.
- *Sole Legal Custody*: One party has the right and responsibility to make decisions relating to the health, education, and welfare of the child.
- *Joint Physical Custody*: Each of the parties has significant periods of physical custody, and the child is assured of frequent and continuing contact with both parties.
- *Sole Physical Custody*: A child resides with and is under the supervision of one party, subject to the power of the Court to order visitation.

**Possible Custody Arrangements**

	<b>JOINT LEGAL CUSTODY:</b> Parties share right/responsibility to make decisions relating to health, education and welfare of child	<b>AND</b>	<b>JOINT PHYSICAL CUSTODY:</b> Parties have significant periods of physical custody; child has frequent and continuing contact with both parties
<b>OR</b>	<b>JOINT LEGAL CUSTODY:</b> Parties share right/responsibility to make decisions relating to health, education and welfare of child	<b>AND</b>	<b>SOLE PHYSICAL CUSTODY TO ONE PARTY:</b> Child resides with and is under supervision of one party, subject to other's visits.
<b>OR</b>	<b>SOLE LEGAL CUSTODY TO ONE PARTY:</b> One party has right/responsibility to make decisions	<b>AND</b>	<b>SOLE PHYSICAL CUSTODY TO ONE PARTY:</b> Child resides with and is under supervision of one party, subject to other's visits.