

MADERA COUNTY SUPERIOR COURT STATE OF CALIFORNIA

STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION OF CHILDREN PACKET

This packet is to ask the Court to make your parenting plan/agreement a court order. These forms can make or change a child custody, visitation order. Please note you **MUST** already have an open family law case to file this document.

Inside this packet you will find the following forms: [FL-355 Stipulation and Order for Custody and/or Visitation of Children](#), [FL-341 Child Custody and Visitation \(Parenting Time\) Order Attachment](#) and [FL-341\(D\) Joint Legal Custody Attachment](#).

Locate your old documents for your case and follow the information as to who is listed on those forms ex: if you are listed as the Respondent then you will remain as the Respondent. The Petitioner and Respondent never change; the Petitioner is the person who started the case in the beginning and will remain as the petitioner.

1. **Fill out your forms**

Both you and the other parent will fill out and sign the [FL-355 Stipulation and Order for Custody and/or Visitation of Children](#), [FL-341 Child Custody and Visitation \(Parenting Time\) Order Attachment](#). If you need additional applicable attachment forms you can go to courts.ca.gov/forms or visit the [family law facilitator/self-help center](#) (located on the 1st Floor).

2. **Have your forms reviewed**

Ask the court's [family law facilitator/self-help center](#) (located on the 1st Floor) to review your paperwork. You can also hire your own lawyer to review your papers or to get legal advice.

3. **File your forms with the court clerk**

We are pleased to offer eFiling, a way to electronically file your court documents! You can eFile documents 24 hours a day, 7 days a week through an approved Electronic Filing Service Provider (EFSP). A list of approved EFSPs can be found on the court's website. Here is the link: https://www.madera.courts.ca.gov/system/files/general/list-approved-efsp-alpha-final_0.pdf

Or you can take your documents to the Civil Division (located on the 4th Floor).

You will have to pay a filing fee. If you cannot afford the fee, you can ask for a [fee waiver](#). Both you and the other parent must have a fee waiver if you qualify or the one who doesn't qualify will have to pay the filing fee. The clerk will send your Stipulation to the Judge for signature. The clerk will call you when the file stamped copies are ready for pick up.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	TELEPHONE NO.: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Madera STREET ADDRESS: 200 South G Street MAILING ADDRESS: Same CITY AND ZIP CODE: Madera CA 93637 BRANCH NAME: Civil Division		CASE NUMBER: _____
PETITIONER: RESPONDENT: OTHER:		
STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION OF CHILDREN <input type="checkbox"/> MODIFICATION		

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: _____	▶	_____ (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 Page 1 of 1

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO *Findings and Order After Hearing (form FL-340)* *Judgment (form FL-180)* *Judgment (form FL-250)*
 Stipulation and Order for Custody and/or Visitation of Children (form FL-355)
 Other (*specify*):

1. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code sections 3400–3465).
2. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
3. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
 the United States Other (*specify*):
4. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
5. **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Order Attachment (form FL-341(B)) is attached and must be obeyed.*)
6. **Child Custody.** Custody of the minor children of the parties is awarded as follows:

	<u>Legal custody to:</u>	<u>Physical custody to:</u>
	<i>(person who decides about the child's</i>	<i>(person the child</i>
<u>Child's Name</u>	<u>Birth Date</u>	<u>health, education, and welfare)</u>
	<u>health, education, and welfare)</u>	<u>regularly lives with)</u>

7. **Child custody orders with allegations of a history of abuse or substance abuse**
(Do not complete this section if the parties have entered, or will enter into, an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)
 - a. Allegations have been raised in form FL-311, other documents filed in the court, or in a court hearing that
 petitioner respondent other parent/party has (or have) either:
 (1) a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to; or
 (2) the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.
 - b. The court does NOT grant sole or joint custody of the minor children to petitioner respondent
 other parent/party
 - c. Even though there are allegations of a history of abuse or substance abuse, the court GRANTS sole or joint custody of the minor child as set out in item 6 for the following reasons: Attachment 7c.



PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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8. **Visitation (Parenting Time)**
- a. Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
 - b. See the attached _____ -page document
 - c. The parties will go to child custody mediation or child custody recommending counseling at (*specify date, time, and location*):
 - d. No Visitation (parenting time)
 - e. Visitation (parenting time) for the petitioner respondent other (*name*):
will be as follows:
 - (1) **Weekends starting (date):**
 (*Note: The first weekend of the month is the first weekend with a Saturday.*)
 1st 2nd 3rd 4th 5th weekend of the month
 from _____ at _____ a.m. p.m./ if applicable, specify: start of school after school
 (*day of week*) (*time*)
 to _____ at _____ a.m. p.m./ if applicable, specify: start of school after school
 (*day of week*) (*time*)
 - (a) The parties will alternate the fifth weekends, with the petitioner respondent other parent/party having the initial fifth weekend, which starts (*date*):
 - (b) The petitioner respondent other parent/party will have the fifth weekend in odd even numbered months.
 - (2) **Alternate weekends starting (date):**
 from _____ at _____ a.m. p.m./ if applicable, specify: start of school after school
 (*day of week*) (*time*)
 to _____ at _____ a.m. p.m./ if applicable, specify: start of school after school
 (*day of week*) (*time*)
 - (3) **Weekdays starting (date):**
 from _____ at _____ a.m. p.m./ if applicable, specify: start of school after school
 (*day of week*) (*time*)
 to _____ at _____ a.m. p.m./ if applicable, specify: start of school after school
 (*day of week*) (*time*)
 - (4) **Other visitation (parenting time) days and restrictions are:** listed in Attachment 7e(4) (*form MC-025 may be used for this purpose*) as follows:

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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9. **Visitation (parenting time) with allegations of a history of abuse, substance abuse, or other parenting concerns**

a. **Supervised visitation (parenting time).**

- (1) Until further order of the court other (*specify*): _____, the
 petitioner respondent other parent/party (*name*): _____
 will have supervised visitation (parenting time) with the minor children according to the schedule on page 2.
- (2) **In addition, *Supervised Visitation Order* (form FL-341(A) is attached.**

b. **Unsupervised visitation (parenting time)**

(Do not complete this section if the parties have entered or will enter into an agreement on child custody and/or visitation (parenting time), in writing or stated in court.)

- (1) Even though there are allegations of a history of abuse or substance abuse under Family Code section 3011, the
 petitioner respondent other parent/party (*name*): _____
 has (or have) unsupervised visitation (parenting time) with the minor children as set forth in 8.
- (2) The reasons for granting unsupervised visitation to the person(s) alleged to have a history of abuse or substance abuse are: as follows: Attachment 9b.

- (3) The orders for visitation (parenting time) are specific as to time, day, place, and manner of transfer of the child, as Family Code section 6323(c) requires.

10. **Transportation for visitation (parenting time) and place of exchange**

- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles, and must have child restraint devices properly installed, as required by law.
- b. Transportation **to** begin 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 party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g. Other (*specify*): _____

11. **Travel with children.** The petitioner respondent other parent/party (*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.

**CHILD CUSTODY AND VISITATION (PARENTING TIME)
 ORDER ATTACHMENT**

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	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. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.

16. **Other** (*specify*):

THIS IS A COURT ORDER.

**CHILD CUSTODY AND VISITATION (PARENTING TIME)
ORDER ATTACHMENT**