

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-efsps-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.

The parties signing this stipulation agree that:

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Signature of Attorney for Respondent

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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Date: _____ Type or Print Name	 Signature of Other Parent/Party
Date: _____ Type or Print Name	 Signature of Attorney for Other Parent/Party

FINDINGS AND ORDERS

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. The parties have been advised that any violation of this order may result in civil or criminal penalties, or both.
4. The court finds that this order is in the best interests of the child or children listed in the parties' agreement.
5. ☐ Even though there are allegations in this case of a history of abuse or substance abuse by a party or parties, the court orders sole custody, joint custody, or unsupervised visitation (parenting time) to a party or parties with an alleged history of abuse or substance abuse, as provided in the parties' stipulation.
 - a. As required by Family Code section 3011(a)(5)(A), the court's reasons for making the orders (*check all that apply*):
 - (1) ☐ Are in writing and filed separately. (Form [FL-351](#) may be used for this purpose.)
 - (2) ☐ Were recorded as follows (*specify*):

☐ In a minute order ☐ By a court reporter
☐ Other (*specify*):
 - b. The court finds that the order is in the best interests of the child and is specific as to time, day, place, and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.
6. The court adopts the parties' agreement regarding child custody and/or visitation (parenting time) as the order of the court, as specified in the attached:

☐ Document dated (*specify*): _____ and consisting of (*number*): _____ pages or ☐ forms:
☐ Form FL-341 ☐ Form FL-341(A) ☐ Form FL-341(B) ☐ Form FL-341(C) ☐ Form FL-341(D) ☐ Form FL-341(E)
7. ☐ Other orders:

Date: _____	_____ Judicial Officer
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Stipulations and Family Code section 3044

Where past abuse has been found or alleged, the court must not sign a stipulation in which the parties state that Family Code section 3044 does not apply. When there has been a finding of domestic violence in the last five years, the court must not sign a stipulation in which the parties agree that the presumptions have been rebutted. The court must independently determine the best interest of the child in these cases.

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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 (Parenting Time)** (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 (Fam. Code, §§ 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. ☐ The court refers the parties to child custody mediation or child custody recommending counseling as follows:

7. ☐ **Child custody.** Custody of the minor children of the parties is awarded as follows:

a. <u>Child's Name</u>	<u>Birth Date</u>	Legal custody to: (<i>person who decides about the child's health, education, and welfare</i>)	Physical custody to: (<i>person the child regularly lives with</i>)
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- b. ☐ Joint legal custody of the child or children will be exercised as specified in the following order:
 - ☐ [Attachment 7b](#) (form [MC-025](#) may be used for this purpose)
 - ☐ *Joint Legal Custody Attachment* (form FL-341(E))
8. ☐ **Child custody and visitation (parenting time) involving allegations of a history of abuse or substance abuse**
 - a. Allegations have been raised in form FL-311, other documents filed in the court, or in a court hearing that
 - (1) ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have 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.
 - (2) ☐ Petitioner ☐ Respondent ☐ Other parent/party is (or are) alleged to have 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. ☐
 - (1) 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 7.
 - (2) As required by Family Code section 3011(a)(5)(A), the court's reasons for making the orders:
 - (A) ☐ Are in writing and filed separately (form [FL-351](#) may be used for this purpose).
 - (B) ☐ Were recorded as follows: ☐ In a minute order ☐ By a court reporter
 - ☐ Other (specify):
 - (3) The court finds that the order is in the best interests of the child, protects the safety of the parties and the child, and is specific as to time, day, place, and manner of transfer (exchange) of the child as Family Code sections 3011(a)(5)(A) and 6323(c) require.

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9. ☐ **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. ☐ No visitation (parenting time)
- d. ☐ The visitation (parenting time) will be supervised as specified in the attached *Supervised Visitation (Parenting Time) and Exchanges Order* ([FL-341\(A\)](#)).
- e. ☐ Visitation (parenting time) for the ☐ petitioner ☐ respondent ☐ other (name):
 will be in person, by virtual visitation (not in person), and/or other ways as specified below:

(1) ☐ **In person**, as follows

(a) ☐ **Weekends starting** (date):

(Note: The first weekend of the month is the first weekend with a Saturday.)

Weekend	Day(s)	Times	Start of (or After) School (if applicable)
☐ 1st	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 2nd	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 3rd	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 4th	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
☐ 5th	from _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after
	to _____ at _____	☐ a.m. ☐ p.m.	☐ start of ☐ after

- (i) ☐ The parties will alternate the fifth weekends, with the ☐ petitioner ☐ respondent ☐ other parent/party having the initial fifth weekend, starting (date):

- (ii) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the fifth weekend in ☐ odd ☐ even numbered months.

(b) ☐ **Alternate weekends starting** (date):

from _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after

to _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after

(c) ☐ **Weekdays starting** (date):

from _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after

to _____ at _____ ☐ a.m. ☐ p.m. ☐ start of ☐ after

- (d) ☐ **Other visitation (parenting time) days and restrictions are** ☐ listed in [Attachment 9e\(1\)\(d\)](#)
 (form [MC-025](#) may be used for this purpose) ☐ as follows:

(2) ☐ **Virtual visitation**, as follows:

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9. e. (3) ☐ **Other ways visitation can happen** that are in the best interests of the child are as follows:

10. ☐ **Supervised visitation (parenting time)**

Until ☐ further order of the court ☐ other (*specify*):

☐ petitioner ☐ respondent ☐ other parent/party (*name*):

will have supervised visitation (parenting time) with the minor children according to the attached *Supervised Visitation (Parenting Time) and Exchanges Order* (form [FL-341\(A\)](#)).

11. ☐ **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*):

12. ☐ **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*):

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13. ☐ **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.)

14. ☐ **Additional custody provisions.** The parties 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.)*

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):**

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