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* and FL-341(D) *Joint Legal Custody 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. **You will need copies**
   You will need at least 2 copies of the signed FL-355 *Stipulation and Order for Custody and/or Visitation of Children* and any attachments you are including. One copy will be for you; another copy will be for your child's other parent. The original is for the court.

4. **File your forms with the court clerk**
   Take your completed forms with copies 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 copies are ready for pick up.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	TELEPHONE NO.:	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO.*(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*: **In Pro Per**		
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**		
PETITIONER: RESPONDENT: OTHER:		
STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION OF CHILDREN ☐ **MODIFICATION**		CASE NUMBER:

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:

(TYPE OR PRINT NAME)	(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)
(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

Form Approved for Optional Use
Judicial Council of California
FL-355 [New January 1, 2004]

STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION OF CHILDREN

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PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

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 (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 Custody.** Custody of the minor children of the parties is awarded as follows:

Child's Name	Birth Date	Legal custody to: (person who makes *decisions about health, education, etc.)*	Physical custody to: *(person with whom child lives)*

6. ☐ **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 Orders Attachment* (form FL-341(B)) must be attached and must be obeyed.)
7. ☐ **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 *(day of week)* at *(time)* ☐ a.m. ☐ p.m./ if applicable, specify: ☐ start of school ☐ after school
      to *(day of week)* at *(time)* ☐ a.m. ☐ p.m./ if applicable, specify: ☐ start of school ☐ after school
      (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.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

7. **Visitation (Parenting Time)** (continued)

e. (2) ☐ **Alternate weekends starting** *(date):*

from *(day of week)* at *(time)* ☐ a.m. ☐ p.m./ if applicable, specify: ☐ start of school ☐ after school

to *(day of week)* at *(time)* ☐ a.m. ☐ p.m./ if applicable, specify: ☐ start of school ☐ after school

(3) ☐ **Weekdays starting** *(date):*

from *(day of week)* at *(time)* ☐ a.m. ☐ p.m./ if applicable, specify: ☐ start of school ☐ after school

to *(day of week)* at *(time)* ☐ a.m. ☐ p.m./ if applicable, specify: ☐ start of school ☐ after school

(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:

8. ☐ **Supervised visitation (parenting time).** Until ☐ further order of the court ☐ other *(specify):*
the ☐ petitioner ☐ respondent ☐ other *(name):*
will have supervised visitation (parenting time) with the minor children according to the schedule set forth on page 1.
(You must attach *Supervised Visitation Order* (form FL-341(A)).)

9. ☐ **Transportation for visitation (parenting time)**
   a. The children must be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
   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 his or her home (or exchange location) while the children go between the car and the home (or exchange location).
   g. ☐ Other *(specify):*

10. ☐ **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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PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

11. ☐ **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.)

12. ☐ **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.)

13. ☐ **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.)

14. ☐ **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.
15. ☐ **Other** *(specify):*

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PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:

ADDITIONAL PROVISIONS—PHYSICAL CUSTODY ATTACHMENT

TO ☐ **Petition** ☐ **Response** ☐ **Request for Order** ☐ **Responsive Declaration to Request for Order**
☐ **Stipulation and Order for Custody and/or Visitation of Children** ☐ **Findings and Order After Hearing or Judgment**
☐ **Custody Order—Juvenile —Final Judgment** ☐ **Other *(specify):***

The additional provisions to physical custody apply to *(specify parties):* ☐ Petitioner ☐ Respondent ☐ Other Parent/Party

1. ☐ **Notification of parties' current address.** ☐ Petitioner ☐ Respondent ☐ Other Parent/Party must notify all parties within *(specify number)*: days of any change in his or her
   a. address for ☐ residence ☐ mailing ☐ work. ☐ e-mail
   b. telephone/message number at ☐ home ☐ cell phone ☐ work ☐ the children's schools
   The parties may not use such information for the purpose of harassing, annoying, or disturbing the peace of the other or invading the other's privacy. No residence or work address is needed if a party has an address with the State of California's Safe at Home confidential address program.

2. ☐ **Notification of proposed move of child.** Each party must notify the other *(specify number):* days before any planned change in residence of the children. The notification must state, to the extent known, the planned address of the children, including the county and state of the new residence. The notification must be sent by certified mail, return receipt requested.

3. ☐ **Child care.**
   a. ☐ The children must not be left alone without age-appropriate supervision.
   b. ☐ The parties must let each other know the name, address, and phone number of the children's regular child-care providers.

4. ☐ **Right of first option of child care.** In the event any party requires child care for *(specify number):* hours or more while the children are in his or her custody, the other party or parties must be given first opportunity, with as much prior notice as possible, to care for the children before other arrangements are made. Unless specifically agreed or ordered by the court, this order does not include regular child care needed when a party is working.

5. ☐ **Canceled visitation (parenting time).**
   a. ☐ If the noncustodial party fails to arrive at the appointed time and fails to notify the custodial party that he or she will be late, then the custodial party need wait for only *(specify number):* minutes before considering the visitation (parenting time) canceled.
   b. ☐ If the noncustodial party is unable to exercise visitation (parenting time) on a given occasion, he or she must notify the custodial party *(specify):*
      ☐ at the earliest possible opportunity.
      ☐ Other *(specify):*
   c. ☐ If the children are ill and unable to participate in the scheduled visitation (parenting time), the custodial party must give the noncustodial party *(specify):*
      ☐ as much notice as possible.
      ☐ A doctor's excuse.
      ☐ Other *(specify):*

6. ☐ **Phone contact between parents and children.**
   a. ☐ The children may have telephone access to the parties ☐ and the parties may have telephone access to the children at reasonable times, for reasonable durations.
   b. ☐ The custodial parent must make the child available for the following scheduled telephone contact *(specify child's telephone contact with each party):*

   c. ☐ No party or any other third party may listen to, monitor, or interfere with the calls.

Form Approved for Optional Use
Judicial Council of California
FL-341(D) [Rev. July 1, 2016]

Family Code, §§ 3003, 3024, 3083
www.courts.ca.gov

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7. ☐ **No negative comments.** The parties will not make or allow others to make negative comments about each other or about their past or present relationships, family, or friends within hearing distance of the children.

8. ☐ **Discussion of court proceedings with children.** Other than age-appropriate discussion of the parenting plan and the children's role in mediation or other court proceedings, the parties will not discuss with the children any court proceedings relating to custody or visitation (parenting time).

9. ☐ **No use of children as messengers.** The parties will communicate directly with each other on matters concerning the children and may not use the children as messengers between them.

10. ☐ **Alcohol or substance abuse.** The ☐ petitioner ☐ respondent ☐ other parent/party may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within *(specify number):* hours before or during periods of time with the children ☐ and may not permit any third party to do so in the presence of the children.

11. ☐ **No exposure to cigarette or medical marijuana smoke.** The parties will not expose the children to secondhand cigarette or medical marijuana smoke.

12. ☐ **No interference with schedule of any party without that party's consent.** The parties will not schedule activities for the children during the other party's scheduled visitation (parenting time) without the other party's prior agreement.

13. ☐ **Third-party contact.**
    a. ☐ The children will have no contact with *(specify name):*
    b. ☐ The children must not be left alone in the presence of *(specify name):*

14. ☐ **Children's clothing and belongings.**
    a. ☐ Each party will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
    b. ☐ The children will be returned to the other party with the clothing and other belongings they had when they arrived.

15. ☐ **Log book.** The parties will maintain a "log book" and make sure that the book is sent with the children between their homes. Using businesslike notes (no personal comments), parties will record information related to the health, education, and welfare issues that arise during the time the children are with them.

16. ☐ **Terms and conditions of order may be changed.** The terms and conditions of this order may be added to or changed as the needs of the children and parties change. Such changes will be in writing, dated and signed by the parties; each party will retain a copy. If the parties want a change to be a court order, it must be filed with the court in the form of a court document.

17. ☐ **Other *(specify):***

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