

CO-PARENTING PLANNING AFTER DIVORCE OR PARTNER BREAK-UP

One of the most important parts of the transition after a divorce or other breakup is planning how to share the parenting of the children. Most parents want their children to have the best life possible, but they often have very different ideas of what is "best." This can lead to court battles that are very costly to parents and children in money, in time, and in emotional wellbeing.

There are several ways that decisions about the children can be made:

- 1) **SELF-HELP:** The parents talk it through together, perhaps with the help of templates and guides that can be found in self-help books or online resources.
- 2) **PRIVATE MEDIATION:** The parents hire a mediator that is a mental health professional such as a Marriage and Family Therapist (MFT), Licensed Clinical Social Worker (LCSW), or attorney mediator. The couple works with the mediator to determine a parenting schedule and to discuss other parenting issues such as transportation of the child and communication between the parents. Some mediators use a team model with both an attorney and a mental health professional giving support to the family.
- 3) **FAMILY COURT SERVICES:** If a case is filed in Family Court, the parents will be sent first to orientation (a class about co-parenting and about court procedures), and then to mediation with Family Court Services. The Family Court Services mediator is a MFT or LCSW, and will try to help the couple come to an agreement. If they don't agree, the next process varies by county. In Santa Clara County the mediation is confidential and no report is made. The parents are next scheduled with a judge who tries to help them come to an agreement at a Judicial Custody Conference. If there is no agreement at that stage, they are sent to a private evaluator (MFT, LCSW or psychologist), who makes a recommendation about the best interests of the children. If one or both of the parents objects to the recommendation of the evaluator, there is one more try at settling the matter at a Custody Settlement Conference. If that is not successful, there is ultimately a trial. In other counties, such as Alameda County, the mediation is not confidential. If the mediation doesn't result in an agreement the mediator will make a recommendation to the judge about the best interests of the children. The judge will use the recommendation for guidance in making a decision about arrangements for the child or children.
- 4) **COLLABORATIVE PRACTICE:** Another choice of a process for coming to a decision about parenting decisions is Collaborative Practice. Each parent has their own attorney and they work together as a team, agreeing to stay out of court. The team may also include a divorce coach or coaches for help with communication during the divorce process, and/or a parenting coach for help with creating the parenting plan.

Whichever method the parents choose, they need to keep in mind that how they model getting along in the divorce process will have a lasting impact on their children.

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