



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

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## INVITATION TO COMMENT

### SPR24-26

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**Title**

Family Law: Child Custody Forms and a Standard of Judicial Administration Under Senate Bill 599

**Action Requested**

Review and submit comments by May 3, 2024

**Proposed Effective Date**

January 1, 2025

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Stds. Jud. Admin., std. 5.20; approve form FL-311-INFO; revise forms FL-311, FL-341, and FL-355

**Contact**

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**Proposed by**

Family and Juvenile Law Advisory  
Committee  
Hon. Stephanie E. Hulsey, Chair

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes implementing Senate Bill 599 by amending one standard of judicial administration relating to supervised visitation, approving a new information sheet to include the new statutory definition of virtual visitation, and revising three forms relating to child custody and visitation (parenting time) for cases involving allegations of a parent or parents' history of abuse or substance abuse under Family Code section 3011.

### Background

Effective January 1, 2024, Senate Bill 599 (Stats. 2023, ch. 493) amended Family Code sections 3011, 3100, and 3200, which relate to child custody orders and the safety of children in child custody proceedings involving allegations of a history of abuse or substance abuse (Link A).

### Family Code section 3011

SB 599 supplements amendments to Family Code section 3011 that were previously enacted by Senate Bill 654 (Stats. 2021, ch. 768) (Link B). In general, SB 654 required that the court state

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

its reasons, in writing or on the record, that the order is in the best interest of the child if the court makes an order for sole or joint custody or unsupervised visitation to a parent in the proceeding who is alleged to have a history of abuse or habitual or continual illegal use of controlled substances under section 3011(a)(2) or (a)(4). SB 654 also provided that the requirement for the court order did not apply if the parties stipulate in writing or on the record regarding custody or visitation. In response, the Judicial Council revised forms FL-311 and FL-341, effective January 1, 2023 (Link C).

Effective January 1, 2024, SB 599 requires that court orders for child custody and visitation (parenting time) involving allegations of abuse or substance abuse under Family Code section 3011 also state that the order “protects the safety of the parties and the child.” It also provides that if the parties do stipulate about child custody or visitation, the contents of the stipulations must be in the best interest of the parties and be specific as to time, place, and manner of transfer of the child. These two amendments require revisions to forms FL-311, FL-341, as well as to form FL-355.

### **Family Code sections 3100 and 3200**

SB 599 also amended section 3100, which relates to visitation rights of a parent. In pertinent part, the statute was amended to define “virtual visitation” and specify that virtual visitation may be used for either supervised or unsupervised visitation.

In addition, SB 599 amended section 3200 relating to the location and providers of supervised visitation and exchange services. The amended statute specifies that “[f]or the purposes of the development of [the] standards [for supervised visitation providers], the term ‘provider’ shall include . . . supervised visitation centers . . . housed in superior court locations.” Section 3200 was also amended to authorize superior courts to designate employees and contractors to provide supervised visitation and exchange services, or assistance with those services.

In response, the proposal includes updating definitions listed in standard 5.20 of the Standards of Judicial Administration and adding and defining the term “virtual visitation.”

## **The Proposal**

### **California Standards of Judicial Administration, standard 5.20**

To reflect the amendments to Family Code sections 3100 and 3200, the committee proposes amending standard 5.20, as follows:

- Subdivision (b)(2) would be expanded to provide that a professional provider includes those housed in superior court locations;
- Subdivision (b)(3) would be expanded to state that a provider may also include those employees designated by the superior court to provide visitation and exchange services or assist with those services;

- In subdivision (b)(4), a second sentence would be added to the definition of “supervised visitation” to specify that supervised visitation includes in-person contact, and that it also includes contact that occurs online (termed “virtual visitation,” and defined in (6));
- Subdivision (b)(6) would be added to include the term “virtual visitation” and define it as it appears in section 3100.

***Child Custody and Visitation (Parenting Time) Application Attachment (form FL-311)***

To align the content of form FL-311 with changes to section 3011, the committee proposes revising the instructions in items 1b(4) and 3b(4) relating to child custody and unsupervised visitation to:

- Remove the phrase “good for the children” and replace it with “in the best interest of the child”; and
- Expand the instructions to provide that the orders a party requests must be specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011 and 6323 require.

In addition, the committee proposes revising item 1b(3) to respond to questions raised by court professionals. Item 1b(3) is a request: “I ask that the court NOT order sole or joint custody of the minor child to the person(s) alleged to have a history of abuse or substance abuse (*specify*).” Some expressed that how to complete the item is unclear because it does not have check boxes like in items b(1) and b(2) to select the specific party. In response, the committee proposes revising item 1b(3) to add check boxes for a party to indicate that the request relates to the petitioner, respondent, or other parent or party. This change will clarify how the party should complete the item if it applies to their situation.

The committee also proposes miscellaneous technical changes to the form to improve the user’s experience and reflect proper sentence composition. The proposed changes include adding the number of the item that carries over to the next page (at the top of pages 2 and 3); correcting specific text in items 3 and 5 so that they begin with a lower-case letter; and providing an instruction in items 2.b. about the need to specify the number of pages attached to the form.

***What Are Visitation or Parenting Time Orders? (form FL-311-INFO)***

The proposed optional form incorporates SB 599’s changes to Family Code section 3100. In addition, it responds to the direction of the Ad Hoc Workgroup on Post-Pandemic Initiatives that the Judicial Council develop materials to ensure that court-ordered virtual visitation works effectively when in-person visitation is unfeasible.<sup>1</sup>

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<sup>1</sup> Judicial Council of Cal., Advisory Com. Agenda., *Family and Juvenile Law Advisory Committee Annual Agenda—2024* (Oct. 26, 2023), item 7, [www.courts.ca.gov/documents/famjuv-annual.pdf](http://www.courts.ca.gov/documents/famjuv-annual.pdf). And see footnote 2.

The proposed information sheet is intended to help educate parties and court professionals about visitation (parenting time) orders by providing examples of the four types of orders and defining *virtual visitation* and other terms.

This proposed form also includes links to current information sheets relating to child custody, *Child Custody information Sheet—Recommending Counseling* (form [FL-313-INFO](#)) and *Child Custody Information Sheet—Child Custody Mediation* (form [FL-314-INFO](#)), because the information is also essential for parties to understand to develop parenting plans or request court orders. Two additional included links are to information about supervised visits.

Finally, the proposed information sheet includes a worksheet for parents to use to help plan for virtual visits with their children, whether or not they are supervised by court order. The worksheet can support the effective use of virtual visitation in coparenting situations.<sup>2</sup>

### ***Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)***

The committee proposes revising items 7c and 9b(3) to conform to the requirements for orders in Family Code section 3011 when there are allegations of a history of abuse or substance abuse by a party in the child custody proceeding.

Item 7c would become item 7c(1), and item 7c(2) would be added, providing: “The orders for child custody are in the best interest of the child and protect the safety of the parties and the child for the reasons described below or in Attachment 7c(2).”

In addition, item 9(b)(3) would be revised to state that, “The orders for visitation (parenting time) are in the best interest of the child, protect the safety of the parties and the child for the reasons described in item 9b(2), and are specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011 and 6323(c) require.”<sup>3</sup>

### ***Stipulation and Order for Custody and/or Visitation of Children (form FL-355)***

This optional form was developed to serve as the cover sheet of the parents’ agreement about child custody and visitation (parenting time). Parties could attach the agreement that they

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<sup>2</sup> The committee, in a separate proposal, is also recommending approval of another version of this information sheet (form DV-105-INFO). The information sheet is also about visitation and would also include a section on virtual visits. The committee is recommending two slightly different versions of the INFO form because DV-105-INFO would *not* include a worksheet that a parent could use to help prepare for a virtual visit. Because virtual visits are less commonly ordered in domestic violence cases than other types of visitation (e.g., supervised in-person visitation), the committee does not recommend including the worksheet on DV-105-INFO. Instead, that form would include a link to the Self-Help Guide where the worksheet will be made available. The separate proposal, *Protective Orders: Changes to Domestic Violence Forms to Implement New Laws* (SPR24-25), is available at [www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm).

<sup>3</sup> Because the new law impacts domestic violence orders as well as family law orders, the committee is also recommending adding the same language in domestic violence (DV) forms in a separate proposal, *Protective Orders: Changes to Domestic Violence Forms to Implement New Laws* (SPR24-25), which is available at [www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm).

completed on pleading paper to form FL-355. Alternatively, instead of using pleading paper, parties may attach any of the Judicial Council order forms that are included as check boxes in the form.

The proposed changes to form FL-355 would ensure that the language in the court order complies with the amendment to Family Code section 3011(a)(5)(B), which provides that “[n]othing in this paragraph eliminates the requirement that the contents of the stipulation be in the best interest of the child and be specific as to time, day, place, and manner of transfer of the child if the parties do stipulate in writing or on the record regarding custody or visitation.”

To reflect that amendment, item 4 in the “Findings and Order” section of the form would be changed to include that the order is: in the best interest of the child or children, specific as to the time, day, place, and manner of transfer of the child or children, as Family Code sections 3011 requires; adopted as the court order; and fully incorporated herein by reference.

The committee also proposes other changes to update the form, as it has not been revised since 2004. The revisions include:

- Changing the title to *Stipulation and Order for Custody and/or Visitation of Children (Parenting Time)*;
- Updating the format of the caption;
- Expanding “Other” to “Other Parent/Party” in the caption and signature lines;
- Using “visitation (parenting time)” throughout the form; and
- Reformatting, reorganizing, and renumbering items to accommodate new content and space limitations.

## **Alternatives Considered**

### **Forms FL-311, FL-341, and FL-355**

The committee considered not taking any action to implement SB 599 but decided that taking no action would mean that court orders for child custody and visitation involving allegations of child abuse or substance abuse would be out of compliance with Family Code section 3011.

The committee considered what forms or rules of court would need to be changed to implement the amendments to Family Code section 3011. The committee concluded that forms FL-311, FL-341, and FL-355 must be revised to include the amendments to Family Code section 3011. The committee determined that no rules of court would need to be amended to implement section 3011.

### **Proposed form FL-311-INFO**

As another means of addressing the statutory definition of “virtual visitation,” the committee considered whether to include a new information sheet, in addition to amending standard 5.20. Because virtual visitation may be used for supervised and unsupervised visitation (parenting

time), proposing amendments to a standard applicable only to supervised visitation would not present complete and accurate information to the public.

The committee also considered revising *Child Custody Information Sheet—Recommending Counseling* (form FL-313-INFO) and *Child Custody Information Sheet—Child Custody Mediation* (form FL-314-INFO) to include more detailed information about visitation (parenting time). Because the current information sheets are so specific to child custody and the mediation process, the committee decided instead to propose a companion information sheet about visitation and parenting time that would reference both forms. A stand-alone form would include information about the kinds of visitation orders that the court can make and direct the parties to other resources specific to this topic.

On balance, the committee decided that it must develop an information sheet that includes information about virtual visitation to respond to SB 599, as well as the recommendations of the Judicial Council’s Ad Hoc Workgroup on Post-Pandemic Initiatives.<sup>4</sup>

### **Fiscal and Operational Impacts**

The impact to the courts would include costs to (1) make copies of the revised forms, (2) educate judicial officers about the new specific orders included in the forms, made under section 3011 (although education will be needed as the result of legislative change whether or not this proposal is approved), (3) revise Self-Help Center packets to include updated forms, and (4) revise activities in case management systems to reflect appropriate order language and changes to form titles.

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<sup>4</sup> Judicial Council of Cal., Advisory Com. Rep., *Interim Report: Remote Access to Courts: Workgroup on Post-Pandemic Initiatives* (Aug. 16, 2021), [www.courts.ca.gov/documents/P3-Workgroup-Remote-Access-Interim-Report-8162021.pdf](http://www.courts.ca.gov/documents/P3-Workgroup-Remote-Access-Interim-Report-8162021.pdf).

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## Attachments and Links

1. Cal. Stds. Jud. Admin., std. 5.20, at page 8
2. Forms FL-311, FL-311-INFO, FL-341, and FL-355, at pages 9–19
3. Link A: Sen. Bill 599,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB599](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB599)
4. Link B: Sen. Bill 654,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB654](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB654)
5. Link C: Judicial Council advisory committee report (Sept. 2, 2022),  
<https://jcc.legistar.com/View.ashx?M=F&ID=11204080&GUID=A2EE8E73-47E5-40A6-8441-C95EC7CE60D2>

Standard 5.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2025, to read:

1 **Standard 5.20. Uniform standards of practice for providers of supervised visitation**

2  
3 (a) \* \* \*

4  
5 (b) **Definition**

6  
7 For purposes of this standard, the following definitions apply:

8  
9 (1) \* \* \*

10  
11 (2) A “professional provider,” as defined in Family Code section 3200.5, is any  
12 person who is paid for providing supervised visitation services, or an  
13 independent contractor, employee, intern, or volunteer operating  
14 independently or through a supervised visitation center or agency, including  
15 those located in superior court facilities.

16  
17 (3) A “provider,” as defined in Family Code section 3200, includes any  
18 individual who functions as a visitation monitor, as well as supervised  
19 visitation centers. A provider may also include those employees and  
20 contractors designated by the superior court to provide supervised visitation  
21 and exchange services or assistance with those services.

22  
23 (4) “Supervised visitation” is contact between a noncustodial party and one or  
24 more children in the presence of a neutral third person. Supervised visitation  
25 includes in-person contact. It also includes contact that occurs online (termed  
26 “virtual visitation,” and defined in (6)).

27  
28 (5) \* \* \*

29  
30 (6) “Virtual Visitation,” as defined in Family Code section 3100(e), means use of  
31 audiovisual electronic communication tools to provide contact between a  
32 parent and their children as part of a parenting plan or custody order. Virtual  
33 visitation may be supervised or unsupervised, based on the court’s  
34 determination of what is in the best interest of the child.

35  
36 (c)–(r) \* \* \*

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

—This is not a court order—

TO  Petition  Response  Request for Order  Responsive Declaration to Request for Order  Other (specify):

1. a.  Custody. Custody of the minor children of the parties is requested as follows:  Attachment 1a.

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Legal Custody to</u> <i>(person who decides about the child's health, education, and welfare)</i>	<u>Physical Custody to</u> <i>(person the child regularly lives with)</i>
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b.  Custody with allegations of a history of abuse or substance abuse

- (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.
- (3)  I ask that the court NOT order sole or joint custody of the minor child to the  petitioner  respondent  other parent/party who is (or are) alleged to have a history of abuse or substance abuse.
- (4)  Even though there are allegations, I ask that the court make the child custody orders in item 1a. *(Write the reasons why you think it would be in the best interest of the child that the party or parties be granted custody, even though there are allegations against them of a history of abuse or substance abuse. The orders that you request must also be specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011 and 6323(c) require.)*  
 Below:  Attachment 1b.  Other (specify):

2.  Visitation (Parenting Time)

Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.

- a.  Reasonable right of parenting time (visitation) to the party without physical custody (not appropriate in cases involving domestic violence).
- b.  See the attached (specify number of pages): \_\_\_\_\_ -page document dated (specify date): \_\_\_\_\_
- 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).

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2. e.  Visitation (parenting time). (Specify start and ending date and time. If applicable, check "start of" OR "after school.")  
 **Petitioner's**  **Respondent's**  **Other Parent's/Party's** parenting time (visitation) 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  
 (day of week) (time)  after school

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

(a)  The parties will alternate the fifth weekends, with the  petitioner  respondent  other parent/party having the initial fifth weekend, starting (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  
 (day of week) (time)  after school

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

(3)  **Weekdays starting (date):**

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

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

(4)  Other visitation (parenting time) days and restrictions are  [listed in Attachment 2e\(4\)](#)  
 as follows:

3.  **Visitation (parenting time) with allegations of a history of abuse, substance abuse, or other parenting concerns**

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

(1) I ask that  petitioner  respondent  other parent/party have supervised visitation with the minor children according to the schedule in item 2 because of (specify)

(a)  domestic violence, child abuse, or neglect.

(b)  substance abuse: 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.

(c)  other parenting concerns (specify below):

(2) The reasons why the court should make the orders are (specify)

(Write the reasons why you think unsupervised visitation (parenting time) would NOT be in the best interest of the child.)

Below  [in Attachment 3a\(2\)](#)  Other (specify):

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- 3. a.** (3) I ask for the following orders about the supervised visitation provider:
- (a) Visitation (parenting time) be monitored by *(name, if known)*:
    - (i)  The person or agency is a professional provider. A professional provider must meet the requirements listed in *Declaration of Supervised Visitation Provider (Professional)* ([form FL-324\(P\)](#)) and sign the declaration.
    - (ii)  The person is a nonprofessional provider. That person must meet the requirements listed in *Declaration of Supervised Visitation Provider (Nonprofessional)* ([form FL-324\(NP\)](#)) and sign a declaration.
    - (iii) The provider's phone number is *(specify)*:
  - (b) Any costs of supervision be paid as follows: petitioner: \_\_\_\_\_ percent; respondent: \_\_\_\_\_ percent.  
 other parent/party: \_\_\_\_\_ percent.

- b.  **Unsupervised visitation (parenting time)**  
*(Complete 3b only if you want the court to order unsupervised visitation to a person alleged to have a history of abuse or substance abuse.)*
- (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.
  - (3) Even though there are allegations of a history of abuse or substance abuse, I request that the court order unsupervised visitation to *(specify)*  petitioner  respondent  other parent/party.
  - (4) The reasons why the court should make the orders are  
*(write the reasons why you think it would be in the best interest of the child that the party or parties be granted unsupervised visitation (parenting time) even though there are allegations against them of a history of abuse or substance abuse; the orders that you request must also be specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011 and 6323(c) require)*  
 below:  [in Attachment 3b.](#)  other *(specify)*:

4.  **Transportation for visitation (parenting time) and place of exchange**  
*Note: In cases of domestic violence, the court must have enough information to make orders that are specific as to the time, place, and manner of transfer (exchange) of the child for custody and visitation under Family Code section 6323(c).*
- 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 *(name)*:
  - c.  Transportation **from** the visits will be provided by *(name)*:
  - d.  The exchange point at the beginning of the visit will be *(address)*:
  - e.  The exchange point at the end of the visit will be *(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)*:

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5.  **Travel with children** The  petitioner  respondent  other parent/party **must** have written permission from the other parent or party, or a court order, to take the children out of
- a.  the state of California.
  - b.  the following counties (*specify*):
  - c.  other places (*specify*):
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. I request the orders set out on attached [form FL-312](#).
7.  **Children's holiday schedule.** I request the holiday and vacation schedule set out  below  [on form FL-341\(C\)](#)
8.  **Additional custody provisions.** I request the additional orders for custody set out  below  [on form FL-341\(D\)](#)
9.  **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out  below  [on form FL-341\(E\)](#)
10.  **Other.** I request the following additional orders (*specify*):

## FL-311-INFO What Are Visitation or Parenting Time Orders?

### What is a visitation (parenting time) order?

A visitation or parenting time order is an order for how your children will spend time with each parent that is in the best interest of your children.

For information about child custody, read:

- *Child Custody Information Sheet—Recommending Counseling* (form [FL-313-INFO](#))
- *Child Custody Information Sheet—Child Custody Mediation* (form [FL-314-INFO](#))

### Four Types of Orders

#### • Scheduled visits

These are orders with a set schedule of the dates and times that your children will be with each parent. The schedule can include holidays, special occasions, vacations, and other important dates for the family.

#### • Reasonable

These are open-ended orders that allow parents to work out a plan on their own. This type of plan can work if parents get along very well, can be flexible, and communicate well.

#### • Supervised visits

A judge makes these orders when there are safety concerns. A parent and child have a neutral third person watching and listening during the visit. The neutral third person can be nonprofessional or professional.

#### *Professional provider*

A professional provider is a person with special training that has passed a background check.

Professional providers charge a fee. They are also mandated reporters which means that they must report suspected child abuse to the local child welfare department (Child Protective Services). Your local court may have a list of local professional providers.

#### *Non-professional provider*

A nonprofessional provider is usually a friend or family member who does not have special training and is not paid. If it would be dangerous for your child to be alone with the other parent, this may not be the best option.

For more information about supervised visits, go to:

- [selfhelp.courts.ca.gov/guide-supervised-visitation](http://selfhelp.courts.ca.gov/guide-supervised-visitation)
- [courts.ca.gov/cfcc-accesstovisitation.htm](http://courts.ca.gov/cfcc-accesstovisitation.htm)

#### • No Visits

The court may make this order when children visiting with a parent, even if supervised, would be physically or emotionally harmful to the children.

### What are virtual visits?

California law defines “virtual visits” as use of audiovisual electronic communication tools to provide contact between a parent and their children as part of a parenting plan or custody order. This means that a parent and child must use some kind of electronic communication where they can see and hear each other (for example, Zoom, FaceTime, or WhatsApp). Virtual visits require access to the internet during the visit and may be supervised or unsupervised.

### Are virtual visits a good option for us?

Virtual visits may be a good option if you have safety concerns, or if the other parent lives far away from the children. They can also be a good option if the other parent hasn’t seen the children in a long time.

Some cases may not be appropriate for virtual visits, whether supervised or unsupervised. Your child’s age may be a factor. Younger children may not be able to sit through a long virtual visitation. If virtual visitation is part of the court-approved parenting plan, or part of your supervised visits, you can use the worksheet on page 2 to help you plan for the virtual visits.

### What about orders for child exchanges?

*Child exchanges* are when a parent picks up the children from (or drops them off to) the other parent.

If the other parent has unsupervised visits, then they will need to pick up the children from you, or someone else. You can ask for orders that would not require you to meet the other parent, like having the other parent pick up from school or daycare. Or you can ask for supervised exchanges. *Supervised exchanges* means that a neutral third person is involved and will help you with



transferring the children to the other parent so you don't have to meet with the other parent.

## How do I ask the court for these orders?

If you already have a family law case, you can ask the court for child custody, visitation (parenting time), and child exchange orders by completing *Request for Order* (form FL-300) and filing it in the court where your case was started. Information about how to file this and other forms is found online at [www.courts.ca.gov/documents/fl300info.pdf](http://www.courts.ca.gov/documents/fl300info.pdf).

If you need to start a case in family court to ask for these orders, information is available online to help you decide which type of case to file. Go to [selfhelp.courts.ca.gov/child-custody/filing-options](http://selfhelp.courts.ca.gov/child-custody/filing-options)

## Where can I find free legal help?

Contact the self-help center in your court. The staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Find your local court's self-help center at [www.selfhelp.courts.ca.gov/find](http://www.selfhelp.courts.ca.gov/find).

## What if I need an interpreter at a hearing?

 If you need an interpreter, use [form INT-300](#) to request an interpreter or ask the court clerk how you can request one.

## I have a disability. How can I get help?

You may use [form MC-410](#) to request assistance. Contact the disability or ADA coordinator at your local court for more information.

## Request for Accommodations

 Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing.

Contact the clerk's office or go to [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) for *Disability Accommodation Request* ( [form MC-410](#) ). (Civil Code section 54.8.)

## Plan for Your Virtual Visits

(You can use this as a worksheet)

- **Before** your visit, make sure the program, like a mobile app or web app, works on your phone or computer. Make sure you have an internet connection and know how to use the app.
- **Before** your virtual visit or virtual supervised visit, make a plan. For example, have an activity ready, like reading a book to your child. The length of your visit should be age-appropriate. Review the court order to see how long your visit will be.

Write your plan here:

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If you have virtual supervised visitation, ask the provider questions ahead of time (for example during your scheduled orientation with the provider). You can write your questions here:

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**Before** your visit, make sure you:

- Find a quiet room or space for your virtual visits or virtual supervised visits.
- Have any games, books, or other activities ready and in front of you.
- Be ready to be flexible. Technical issues may come up that affect your visit.

**During** your visit, make sure you do **not**:

- Have another person participate in the visit unless a judge gave the person permission to do so.
- Talk about your court case with your child.
- For virtual supervised visitation, whisper or communicate in other ways that would not allow the provider to see or hear your interaction with the child.

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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):**

- 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).
- 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.
- Country of habitual residence.** The country of habitual residence of the child or children in this case is  
 the United States  Other (specify):
- Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
- 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.)
- Child custody.** Custody of the minor children of the parties is awarded as follows:

		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>
<u>Child's Name</u>	<u>Birth Date</u>		

- 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 about child custody and/or visitation (parenting time), in writing or stated in court.)*
  - 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
    - 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
    - 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.
  - The court does NOT grant sole or joint custody of the minor children to  petitioner  respondent  other parent/party
  - (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 6.  
 (2) The orders for child custody are in the best interest of the child and protect the safety of the parties and the child for the reasons described  below:  in Attachment 7c(2)

**THIS IS A COURT ORDER.**

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 (*specify number of pages*): \_\_\_\_\_ -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  
 (day of week) (time)  after school

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

(a)  The parties will alternate the fifth weekends, with the  petitioner  respondent  other parent/party having the initial fifth weekend, starting (*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  
 (day of week) (time)  after school

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

(3)  **Weekdays starting (date):**

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

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

(4)  **Other visitation (parenting time) days and restrictions are**  listed in Attachment 8e(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 about 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 described in 8.
- (2) The reasons for granting unsupervised visitation to the person(s) alleged to have a history of abuse or substance abuse are  below:  [Attachment 9b.](#)
- (3) The orders for visitation (parenting time) are in the best interest of the child, protect the safety of the parties and the child for the reasons described in item 9b(2), and are specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011 and 6323(c) require.

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.**

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 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.)

14.  **Joint legal custody.** The parties 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.**

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PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b>  <b>NOT APPROVED</b> <b>BY THE</b> <b>JUDICIAL COUNCIL</b>  <b>v. 3/05/24</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
<b>STIPULATION AND ORDER FOR CUSTODY</b> <b>AND/OR VISITATION (PARENTING TIME)</b> <input type="checkbox"/> <b>MODIFICATION</b>	CASE NUMBER:

**The parties signing this stipulation agree that:**

1. The court has jurisdiction over the minor child or children because California is the child or children's home state.
2. The habitual residence of the child or children is the United States of America.
3.  the parties stipulate that the attached document, dated (specify): \_\_\_\_\_ and consisting of (number): \_\_\_\_\_ pages is their custody and/or visitation (parenting time) agreement and request that it be made an order of the court.
4.  the parties stipulate that the following attached forms are their agreement for custody and/or visitation (parenting time):  
 FL-341  FL-341(A)  FL-341(B)  FL-341(C)  FL-341(D)  FL-341(E)  
 and request that it be made an order of the court.
5. **The parties acknowledge they were advised that any violation of this order may result in civil or criminal penalties, or both.**

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 PARENT/PARTY)

Date: \_\_\_\_\_

\_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY FOR OTHER PARENT/PARTY)

**FINDINGS AND ORDER**

**THE COURT FINDS:**

1. This court has jurisdiction over the minor child or children because California is the child or children's home state.
2. The habitual residence of the child or 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:**

4. The agreement of the parties regarding custody and/or visitation (parenting time) described in the attached:
  - a.  document dated (specify): \_\_\_\_\_ and consisting of (number): \_\_\_\_\_ pages
  - b.  forms  FL-341  FL-341(A)  FL-341(B)  FL-341(C)  FL-341(D)  FL-341(E)  
 is: in the best interest of the child or children; specific as to the time, place, and manner of transfer of the child or children, as Family Code section 3011 requires; adopted as the order of the court; and fully incorporated herein by reference.

Date: \_\_\_\_\_ \_\_\_\_\_ JUDICIAL OFFICER

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