

# How Ancillary Professionals Can Help Reduce Conflict in Custody Cases

## **PRESENTERS:**

- **David Donner:**  
Attorney, Parent Coordination,  
Custody Consultation, Mediation,  
and Minor's Counsel
- **Stacey Shuster:**  
Psychologist-Mediator, Co-Parent  
Counselor, Custody Consultation
- **Paula Lawhon:**  
Attorney-Mediator, CFLS

**MARIN COUNTY  
BAR ASSOCIATION MCLE FAIR:  
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# Marin Court Options for Custody Cases

## Child Custody Recommending (CCR) Counseling

- Scheduled upon filing of Custody RFO; managed by FCS.
- Goal to create Co-Parenting Agreement with court-based custody mediators and resulting court order.
- Non-agreement results in recommendation to Judicial Officer by CCR Counselor and hearing on the RFO.
- At RFO hearing, Judicial Officer sets for Judicial Settlement Conference or custody trial.
- Bay Area recommending counties: Alameda, Marin, San Mateo, Solano.
- Bay Area non-recommending: Napa, San Francisco, Santa Clara.
- Hybrid counties: Contra Costa, Sonoma (<https://www.courts.ca.gov/documents/Mapmodelofmediation.pdf>).

## Interdisciplinary Settlement Conferences (ISC)

- Upon filing of Custody RFO, either party may request ISC.
- ISC includes a volunteer mental health professional and a volunteer family law attorney working together with a judicial officer to help higher conflict parents resolve custody disputes.
- Goal to create Co-Parenting Agreement and resulting court order.

## Custody Trial

- Scheduled if no agreements reached through CCR Counseling or ISC.
- Judicial officer considers CCR Counselor's recommendation and each party's arguments on custody issues.
- Results in court order on custody.

# Minor's Counsel

Role of minor's counsel

Scope of issues

When to bring into a case

Appointed by court or stipulated

Neutrality

# Mental Healthcare Providers in Custody Cases

Therapeutic services (Family Code Section §3190)

Co-parent counseling and creation of Parenting Plans

Child therapy

Child/parent therapy

Reunification therapy

Parenting coach

Mediation and co-mediation with attorney-mediators

Consulting for attorneys; examples mental health issues, addiction

Custody evaluations (stipulated or ordered)

Confidentiality depends on role and can be case-specific

# Parenting Coordinators & Private Judges in Custody Cases

## Distinction in Roles

- Parenting Coordinator
- Private Judge
- Scope
- Limitations
- Duration

## Appointment by Stipulation Only

- Can only be appointed by stipulation of parties
- Can be recommended by: Court, counsel, 730 evaluator, FCS, or mental health provider

# Private Mediation in Custody Cases

## Role of Private Mediator

## Scope and Duration

## Confidentiality

- California Evidence Code §1115 – 1128 (and §703.5 and CRC 3.854)
- Until agreements reached and memorialized/signed
- Confidential unless stipulated and ordered recommending (See local forms in Sonoma, Contra Costa, Sacramento)

## How and When to Bring in Private Mediator

## Professionals

- Attorney-Mediators including retired Judges
- Therapist-Mediators
- Financial Mediators

# Co-Mediation/Interdisciplinary Mediation

## Legal+Mental Health Collaboration May Be Beneficial:

- Presenting issues of mental health, substance abuse, or similar challenges
- Cross-over issues with parenting, finances, sale of the house, etc.
- Custody issues with resist/refuse, DV, or abuse allegations
- Parenting agreements with babies and small children
- Move-away situations
- Parenting agreements that require court order

## Co-Mediation Structures:

- Legal+mental health, mental health+financial, legal+financial

# What Can the Court Order?

## Court Can Order the Following Without Stipulation of Parties:

- Minor's counsel (Stipulation insufficient; court order required)
- Custody evaluations (or BFA - Brief Focused Assessment)
- Court custody mediation (SF: Tier II)
- Interdisciplinary Settlement Conference (Marin; other counties?)
- Bench Bar Settlement Conference (Marin) (SF: Mandatory Settlement Conference)
- Therapeutic interventions Family Code §3190; (e.g., anger management, parenting classes, co-parenting, psychotherapy for minor)
- Family Code §3041.5: For substance use disorder related issues

## Court Orders for the Following Require Stipulation:

- Parent Coordinator
- Private Mediation
- Private Judge

# Contact Information



**David Donner**

dd@davidadonnerlaw.com



**Paula Lawhon**

paula@lawhonlaw.com



**Stacey Shuster**

stacey@staceyshusterphd.com