



Tolowa Dee-ni' Nation Tribal Court
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Parents who come to court about child custody and parenting time (visitation) face decisions about parenting plans for their children. This information sheet provides general information about child custody and parenting time matters, how to get help resolving a custody dispute or making a parenting plan, where to find an attorney, and where to find other resources.

What is a parenting plan?

A parenting plan describes how the parents will divide their responsibilities for taking care of their child.

The plan may include a general or specific schedule of days, times, weekends, holidays, vacations, transportation, pick-up/drop-off, limits on travel, counseling and treatment services, and other details.

What are legal and physical custody?

A parenting plan usually includes:

- **Legal custody:** how parents make major decisions about the child’s health, education, and welfare;
- **Physical custody:** where the child lives; and
- **Parenting time, time-share, or visitation:** when the child spends time with each parent.

Legal custody and *physical custody* may each be specified as *joint* (both parents have certain responsibilities) or *sole* (one parent has the responsibility alone).

Can we make our own parenting plan?

Yes. You have a right to make a parenting plan agreement on your own. This agreement may be called a *stipulation, time-share plan, or parenting plan.*

If both parents can agree on a parenting plan, the judge will probably approve it. The agreement becomes a court order after it is signed by both parents and the judge, and filed with the court.

What if there is domestic violence or a protective order?

If there is domestic violence or a protective order, talk with an attorney, counselor, or mediator before making a parenting plan.

For domestic violence help, call your Tribal advocate, the National Domestic Violence Hotline at 1-800-799-7233 (TDD:1-800-787-3224) or call 211 if available in your area.

What if we don’t have a parenting plan?

If you can’t reach an agreement, the court may refer you to mediation to try to work out a parenting plan.

What is mediation?

Mediation can help parents resolve disagreements about the care of their child. The mediator will meet with you and the other parent to try to help you both make a parenting plan.

If you are concerned about meeting with the other parent in mediation, or there is a domestic violence issue or a protective order involving the other parent, you may ask to meet alone with the mediator without the other parent. You may also request to have a support person with you at mediation. The support person may not speak for you.

Do we have to agree to a parenting plan in mediation?

No. You do not have to come to an agreement in mediation. When the parents can’t agree, the judge will decide. For legal advice, contact an attorney. For other information, ask the court staff about how the process works in your court.

Are there other ways to resolve our dispute?

Yes. You may try other alternative dispute resolution options, including:

1. Meet and Discuss: Parents and their attorneys (if any) may meet at any time and as often as necessary to work out a parenting plan without a court hearing. If there is a protective order limiting the contact between the parents, then the “meet and discuss” can be through attorneys or a mediator in separate sessions.

2. Private Mediation: Parents may hire a private mediator to help them resolve their dispute.

Court Hearing

When the parents cannot agree to a parenting plan on their own, in mediation, or in any other process, the judge will decide.

If there is domestic violence or a protective order, a parent may be able to bring a support person with him or her to the court hearing, but the support person may not speak for that person.

Where can I get help?

This information sheet gives only basic information on the child custody process and is not legal advice. If you want legal advice, ask an attorney for assistance. For other information, you may want to:

1. Contact Tribal Court staff, family law facilitator, local bar association, or self-help center for information, local rules and court forms, and referrals to local legal services providers.
2. Hire a private mediator for help with your parenting agreement. A mediator may be an attorney or counselor. Contact your local bar association, court mediator program, or family court services for a referral to local resources.
3. Find information on the Online Self-Help Center website at www.courts.ca.gov/selfhelp.
4. For free and low-cost legal help (if you qualify), go to www.lawhelpcalifornia.org.
5. Find information at your local law library or ask at your public library.
6. Ask for a court hearing and let the judge decide what is best for your child.