

MADERA COUNTY SUPERIOR COURT STATE OF CALIFORNIA

Stipulation and Order **For Custody and Visitation**

ALL FORMS CAN BE TYPED OR PRINTED NEATLY
IN BLACK INK AND SIGNED IN BLUE INK

1. A Stipulation and Order for Custody and Visitation is an agreement you both came to regarding the custody and visitation of your child(ren). Please fill out the forms to the best of your ability. Once you are done make sure it is the agreement you both came to. If the respondent has not filed any documents with the court the agreement must be notarized before you submit it to the court.
2. Make two 2 copies of your signed (notarized) stipulation the original for the court and the copies for each of you to have.
3. Take the original plus the two 2 copies to the Civil Division. The Clerk will forward the signed agreement to the Court for signature. Once it has been signed by the Court the Clerk will call you when the copies are ready for you to pick up.
4. For more information or fill out your forms you can go online @ www.courts.ca.gov/selfhelp/ or www.icandocs.org/ca/.

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.

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)
Date:	_____	▶	_____
	(TYPE OR PRINT NAME)		(SIGNATURE OF ATTORNEY FOR OTHER)

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.

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.

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

www.courtinfo.ca.gov



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

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:

<u>Child's Name</u>	<u>Birth Date</u>	<u>Legal custody to: (person who makes decisions about health, education, etc.)</u>	<u>Physical custody to: (person with whom child lives)</u>
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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 _____ 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, which starts (date):

(b) ☐ The ☐ petitioner ☐ respondent ☐ other parent/party will have the
 fifth weekend in ☐ odd ☐ even numbered months.

THIS IS A COURT ORDER.

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PETITIONER:
RESPONDENT:
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7. Visitation (Parenting Time) (continued)

e. (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 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):

THIS IS A COURT ORDER.

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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 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.)
13. ☐ **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.)
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):**

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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CHILDREN'S HOLIDAY SCHEDULE 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
☐ Visitation Order—Juvenile ☐ Other (specify):

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Petitioner," "Respondent," "Other Parent," or "Other Party" to specify each parent's (or party's) years—odd or even numbered years or both ("every year")—and under "Times," specify the starting and ending days and times.

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

Holidays	Times (from when to when) (Unless noted below, all single-day holidays start at ____ a.m. and end at ____ p.m.)	Every Year Petitioner/ Respondent/ Other Parent/Party	Even Numbered Years Petitioner/ Respondent/ Other Parent/Party	Odd Numbered Years Petitioner/ Respondent/ Other Parent/Party
December 31 (New Year's Eve)				
January 1 (New Year's Day)				
Martin Luther King's Birthday (weekend)				
February 12 (Lincoln's Birthday)				
President's Day (Weekend)				
President's Week Recess, first half				
President's Week Recess, second half				
Spring Break, first half				
Spring Break, second half				
Mother's Day				
Memorial Day (weekend)				
Father's Day				
July 4th				
Summer Break:				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
November 11 (Veterans Day)				
Thanksgiving Day				
Thanksgiving weekend				
December/January School Break				
Child's birthday (date):				
Child's birthday (date):				
Child's birthday (date):				
Mother's birthday (date):				
Father's birthday (date):				
Other Parent's/Party's birthday (date):				
Breaks for year-round schools:				

1. Holiday parenting (continued)

☐ Any three-day weekend not specified in item 1 will be spent with the parent or party who would normally have that weekend.

☐ Other (specify):

The ☐ Petitioner ☐ Respondent ☐ Other Parent/Party:

- FL-341(C) [Rev. July 1, 2016]

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 parties 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.

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OTHER PARENT/PARTY:

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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.**
- ☐ The children will have no contact with (specify name): _____
 - ☐ The children must not be left alone in the presence of (specify name): _____
14. ☐ **Children's clothing and belongings.**
- ☐ Each party will maintain clothing for the children so that the children do not have to make the exchanges with additional clothing.
 - ☐ 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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JOINT LEGAL 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):

NOTICE! In exercising joint legal custody, the parties may act alone, as long as the action does not conflict with any orders about the physical custody of the children. Use this form only if you want to ask the court to make orders specifying when the consent of both parties is required to exercise legal control of the children and the consequences for failing to obtain mutual consent.

1. The parties (specify): ☐ Petitioner ☐ Respondent ☐ Other Parent/Party will have joint legal custody of the children.
2. In exercising joint legal custody, the parties will share in the responsibility and discuss in good faith matters concerning the health, education, and welfare of the children. The parties must discuss and consent in making decisions on the following matters:
 - a. ☐ Enrollment in or leaving a particular private or public school or daycare center
 - b. ☐ Beginning or ending of psychiatric, psychological, or other mental health counseling or therapy
 - c. ☐ Participation in extracurricular activities
 - d. ☐ Selection of a doctor, dentist, or other health professional (except in emergency situations)
 - e. ☐ Participation in particular religious activities or institutions
 - f. ☐ Out-of-country or out-of-state travel
 - g. ☐ Other (specify):
3. If a party does not obtain the consent of the other party to those items in 2, which are granted as court orders:
 - a. He or she may be subject to civil or criminal penalties.
 - b. The court may change the legal and physical custody of the minor children.
 - c. ☐ Other consequences (specify):
4. ☐ Special decision making designation and access to children's records
 - a. The ☐ petitioner ☐ respondent ☐ other parent/party will be responsible for making decisions regarding the following issues (specify):
 - b. 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.
5. ☐ Health-care notification.
 - a. ☐ Each party must notify the other of the name and address of each health practitioner who examines or treats the children; such notification must be made within (specify number): _____ days of the first treatment or examination.
 - b. ☐ Each party is authorized to take any and all actions necessary to protect the health and welfare of the children, including but not limited to consent to emergency surgical procedures or treatment. The party authorizing such emergency treatment must notify the other party as soon as possible of the emergency situation and of all procedures or treatment administered to the children.
 - c. ☐ The parties are required to administer any prescribed medications for the children.
6. ☐ School notification. Each party will be designated as a person the children's school will contact in the event of an emergency.
7. ☐ Name. The parties will not change the last name of the children or have a different name used on the children's medical, school, or other records without the written consent of the other party.
8. ☐ Other (specify):

