

**FILED**  
SEP 28 2015

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY Yvette McKinney DEPUTY

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF SANTA CLARA**

**In re the matter of:**

**Dan Anthony Olsen**  
**Petitioner**

**and**

**Jaimee Olsen**  
**Respondent**

)  
) **CASE No: 1-15-FL-170962**  
) **FCS No: 78466 / 115FC011459**  
) **REQUEST AND ORDER**  
) **PURSUANT TO**  
) **A SCREENING**  
)  
) **DEPT No: 72**  
)  
)  
)

Mr. Dan Anthony Olsen and Ms. Jaimee Olsen, the parents of Evelyn Olsen, age 32 months (DOB: 12/12/12) and Ethan Olsen, age 19 months (DOB: 01/13/14), participated in a screening at the direction of the Court with Anke Kalaiah, MFT on September 15, 2015 and on September 28, 2015.

The screening process included the following:

- review of Court file
- review of Family Court Services file
- review of criminal records for all adults living in both households
- review of CPS history
- review of materials submitted by both parties
- attorney conference
- interview with mother
- interview with father
- observation with mother and both children

- observation with father and both children
- Linda Touchstone-McQuoid (maternal grandmom)
- phone interview with representative of Court Testing (Alcohol and Drug-Testing agency)
- consulted with supervisor Caitlin MacCarra, MFT
- consulted with supervisor Brenda Farrell-Thomas, MFT

The total screening time was: 7 hours 20 minutes

## TEMPORARY ORDERS

### LEGAL AND PHYSICAL CUSTODY ORDERS

1. The parents shall have **temporary joint legal custody** of the children.
2. The parents shall have **temporary joint physical custody** of the children.
3. **Emergency Medical Treatment:** Both parents shall have the right to obtain emergency medical care for the children. In the event one of the children receives emergency medical treatment, the parent who obtains such treatment shall notify the other parent as soon as it is practically possible.
4. **Access to Records:** Each parent shall have access to medical and school records pertaining to the children, and shall be permitted to independently consult with any and all professionals involved with the children. Each parent shall be responsible for contacting the school(s) and medical provider(s) to receive information. Both parents shall have the right to supply information to all providers.
5. Both parents shall exchange information regarding medical/dental/insurance coverage for the children, and inform the other parent of any changes in the coverage in a timely manner.
6. Each parent shall inform the other parent of any doctor's/dentist's/therapist's appointments, diagnosis, treatment, medication, and directions regarding any medications for the children.
7. Each parent shall keep the other parent informed regarding the names and contact numbers of any of the children's doctors, dentists, therapists or daycare providers.
8. Both parents shall provide the other parent's contact information on all emergency contact forms for the children.

### TIMESHARE SCHEDULE

9. The father shall have care of the children on Saturday from ~~4~~<sup>7</sup>:00 am until ~~6~~<sup>6</sup>:00 pm *per* and on Sunday from ~~10~~<sup>9</sup>:00 am until ~~4~~<sup>6</sup>:00 pm every week. *per*
10. The mother shall have care of the children during all other times not otherwise designated to the father.

### EXCHANGES AND TRANSPORTATION

11. **Transportation:** The parents shall ensure that the children are transported in a safe and lawful manner at all times while in their care. This includes, but is not limited to: valid driver's license, vehicle registration and insurance, legal children restraints, proper vehicle maintenance and functioning, not driving under the influence of drugs and or alcohol and full, compliance with all driving laws.
12. **Transportation:** The receiving parent shall be responsible for transporting the children.
13. **Exchanges:** The exchanges shall take place at the delivering parent's residence.

### DRUG AND ALCOHOL TESTING, TREATMENT, OTHER RELATED ITEMS

14. This recommended Order requires that one party submits to drug or alcohol testing. The parties have been advised that pursuant to Family Code Section 3041.5, the court may order drug or alcohol testing after a judicial determination based upon a preponderance of the evidence that there is habitual, frequent, or continual illegal use of controlled substances or habitual or continual abuse of alcohol. By agreeing that this recommended order should be an order of the court, the parties ordered to undergo drug or alcohol testing knowingly waive the judicial determination described in Family Code Section 3041.5. The parties are advised that failing to object to this recommended Order does not constitute an agreement.
15. **Substance Abuse Assessment:** Father shall report to one of the following drug and alcohol providers and participate in an assessment. These shall include: any substance abuse/dependency treatment provider; a physician Board Certified Addiction Medicine specialist; Drug and Alcohol Gateway Program (800) 488-9919, or private insurance provider.

The drug/alcohol assessment must include information from the Family Court Services screener (Anke Kalaiah, MFT, (408)-524-5760). The assessment shall not be considered complete until the drug/alcohol professional has taken such information into consideration. The assessment, as determined by the drug/alcohol professional, may include a personal interview, record of drug or alcohol-related arrests, completion of any battery of tests recommended by the drug/alcohol professional, statements from other persons, reports of previous medical providers and participation in a physical examination and laboratory testing.

16. Father shall present a copy of this order to the drug/alcohol professional, and sign any and all Releases of Information which permit the professional to exchange information with Family Court Services. Any such Releases of Information shall remain in effect for the period of one year from the signing of this order. The drug/alcohol professional shall have the obligation to inform Family Court Services immediately if a parent refuses to sign a Release of Information form. Refusal to sign a release, or the revocation of a release prior to the expiration date, shall be considered non-compliance and may negatively affect child custody and timeshare orders. The results of the assessment shall be sent to the individual being assessed, the other parent, the Court and Family Court Services.

17. **80 hour Alcohol Urine Test for Father:**

The father shall immediately present with photo identification and the necessary cash and undergo an 80 hour urine alcohol testing at Drug & Alcohol Screening, 242-C Meridian Avenue (on Meridian Avenue between Park and San Carlos, adjacent to the Walgreens Drug Store), San Jose, (408-993-9998). All specimen collections shall be observed by agency or laboratory staff. **The father shall then test every week within 24 hours after the end of his custodial time with the child for a period of six months from the date of the initial test.**

Father shall present a copy of this order to the testing agency and sign any and all Releases of Information which permit the testing agency to exchange information with Family Court Services. Any such Releases of Information shall remain in effect for the period of one year from the signing of this order. The testing agency shall have the obligation to inform Family Court Services immediately if father refuses to sign a Release of Information form or does not appear for testing. The results of the testing shall be sent to the testing party or their counsel, opposing counsel or the other parent, the Court and Family Court Services. **Failure to test as ordered shall be considered the equivalent to a positive test.**

- at this time  
18. ~~Self-Help Groups for Father:~~ Father shall attend Alcoholics Anonymous at the rate of 3x per week. If the parent is in treatment, he shall attend at the rate recommended by treatment staff. They shall obtain on-going proof of attendance and provide the proof once per month to opposing counsel, the other parent if self-represented, the Court and Family Court Services. Failure to provide the verification shall be ~~considered non-compliance.~~

19. **Neither parent shall permit the children to be in the care or supervision of, or transported by, any person who is possessing, using or who is under the influence of alcohol or any non-prescribed chemical.**
20. **Neither parent shall use or be under the influence of alcohol, illicit drugs, marijuana, or medications for which they do not possess a valid prescription, at any time while the children are in their care.**

### **SERVICES FOR PARENTS AND CHILDREN**

21. **Referrals to Resources:** Lists of resources are available on the Family Court Services website at [www.scsccourt.org](http://www.scsccourt.org) under Family/Family Court Services.
22. **Care Manager:** The parents will be referred to the Gardner Family Care Manager Program by virtue of this Emergency Screening Court Order. The screener will complete the Emergency Screening Care Manager Referral Form, attach the form to this Court Order, and submit the referral to the Care Manager. The Care Manager will contact the parents upon receipt of the referral from the screener.
23. **Conflict & Accountability Class for both Parents as recommended by Department of Family and Children Services:** Both parents shall successfully complete a Conflict and Accountability class selected from a list provided by Family Court Services on the FCS website at [www.scsccourt.org](http://www.scsccourt.org), offered by any school, agency or private provider and that meets no less than 16 weeks. This requirement shall be met within six months of the filing of this order. The selected agency and Family Court Services shall have the right to exchange information. The parents shall sign the necessary consents to permit the exchange of information. The parents shall forward a certificate of completion to opposing counsel, the Court and to Family Court Services.
24. **Therapy for the Father:** The father shall continue to engage in therapy with a licensed mental health professional trained to work with issues related to separated parents, domestic violence and substance abuse. The purpose of the therapy shall be to help him process traumatic experiences related to his experiences of domestic violence, to increase stress management, coping-, self-soothing and anger management skills, to increase effective communication-skills, to improve his conflict-management skills, to increase his co-parenting skills and to support him in his sobriety. **The therapy shall take place at least once a week for no less than 6 months after the filing of this order, and for longer if deemed necessary by the therapist.** The selected therapist shall have the right to send dates of participation to the Court, opposing counsel or self-represented parent, to Family Court Services, and the Court for the purpose of compliance with this order. Father shall provide the therapist with a copy of this order at the onset of therapy.

25. **Therapy for the Mother:** The mother shall begin therapy within 30 days of the filing of this order with a licensed mental health professional trained to work with issues related to separated parents, domestic violence and substance abuse. The purpose of the therapy shall be to help her process traumatic experiences related to her experiences of domestic violence, to increase coping and self-soothing skills, to increase self-esteem and assertive communication skills, as well as to increase her co-parenting skills and conflict management skills. **The therapy shall take place at least once a week for no less than 6 months after the filing of this order, and for longer if deemed necessary by the therapist.** The selected therapist shall have the right to send dates of participation to the Court, opposing counsel or self-represented parent, to Family Court Services, and the Court for the purpose of compliance with this order. Mother shall provide the therapist with a copy of this order at the onset of therapy.

### CONDUCT ORDERS

26. **Parental Conduct with the Children:** The parents shall adhere to the following standards of conduct with the children and ensure that their significant others, friends, and family members also adhere to this conduct.
27. **Exposure to Domestic Violence:** Neither parent shall expose the children to domestic violence of any kind, including, but not limited to: any violence; physical aggression; incidents of extreme or hostile conflict; profanity; or name-calling.
28. **Drugs/Alcohol:** Neither parent shall permit the children to be in the care of, the car of or be transported by, any person who is possessing, using or who is under the influence of alcohol or any non-prescribed chemical.
29. **Interrogation:** Neither parent shall interrogate, nor allow others to interrogate the children about what happened while in the care of the other parent or about disputed child custody or visitation issues.
30. **Discussion of Custody Issues:** The parents shall not expose the children to any verbal or written discussion of custody disputes or legal proceedings. Neither parent shall tell the children anything intended to frighten them or that would cause them to fear losing contact with a parent. They shall not tell the children that the other parent does not love them, does not want to see them, has caused the break-up of the family, or is interfering with the visits.
31. **Demeanor:** The parents shall communicate in a positive, respectful manner with and about the other parent and their families, and encourage any third parties to do the same, for the well-being of the children.



32. The parents shall not make any derogatory comments in the presence of the minor children, on social media sites or indirectly through third parties about the other parent, their parenting, and their significant others, family, etc. for the general benefit and well-being of their children.
33. Neither party shall denigrate or demean the character or behavior of the other parent in the presence of the children, but shall generally refer to the other parent with respect. This includes, but is not limited to, speaking ill of the other parent in front of the children, making sarcastic remarks about the other parent in the children's presence, sharing negative stories or character-damaging gossip about the other parent, or "venting" to a third party (i.e.; on the phone) when the children are under the same roof.
34. **Threats:** Neither parent shall expose the children to any threats related to custody or visitation including, but not limited to, threats of loss of contact with either parent or their families.
35. **Communication:** All communication between the parents shall be by email or text message. Each parent shall respond to communication about the children from the other parent within 24 hours of having received the email. The parents shall not communicate through third parties. The communication shall be limited to issues about the children's health, diet, medical needs, clothing, school, extra-curricular activities and behavior etc.
36. **Notification of Address and Telephone Number:** The parents shall keep each other informed of their addresses and telephone numbers, and of any change thereof within 72 hours, to be used solely to arrange visitation or in the event of an emergency.
37. **Change of Residence:** Neither parent shall remove the children from the State of California for the purpose of establishing a residence without the written consent of the other parent or further order of the Court.
38. **Travel:** Each parent shall notify the other parent whenever the children will be out of the State of California for more than 24 hours, provide an itinerary and, if possible, provide the telephone number at which the children may be reached.
39. **Travel:** Neither parent shall remove the children from the State of California without prior written permission of the other parent or further order of the Court.
40. **Orientation/Mediation:** The parents shall sign up for Mediation no sooner than 4 months and no later than 6 months after the filing of this order.

41. **Review Hearing:** The Court shall select one option:

☒ The Court will set a Review Hearing for this case to take place in Department  
73 on January 7, 2016 (date) at 3:00 P.M. (time).

☐ The Court will not set a Review Hearing.

I declare under penalty of perjury that I have completed the domestic violence training, including applicable updates, required by California Rule of Court 5.230.

Dated: 1/9/2015

Screened by: [Signature]  
Anke Kalaiah, MFT

\_\_\_\_\_  
Dan Anthony Olsen, Father

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

\_\_\_\_\_  
Moir A. Hogan, Father's Attorney

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

\_\_\_\_\_  
Jaimee Olsen, Mother

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

\_\_\_\_\_  
Fred Lucero, Mother's Attorney

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