PARTY WITHOUT ATTORNEY OR ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR *(name):*		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PETITIONER:		
RESPONDENT:		
OTHER PARENT/PARTY:		
MANDATORY FINDINGS FOR CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDERS		CASE NUMBER:

1. The matter was heard
   On *(date):* at *(time):* Dept.: Room:
   Judicial officer *(name):* ☐ Temporary judge
   On the request for order filed *(date):* by *(name):*

2. ☐ Present at the proceeding, if applicable:
   a. ☐ Petitioner *(name):* ☐ Attorney *(name):*
   b. ☐ Respondent *(name):* ☐ Attorney *(name):*
   c. ☐ Other parties or attorneys present *(specify):*

3. The court states its reasons in writing for granting *(check all that apply):*
   a. ☐ Sole or joint custody or unsupervised visitation under Family Code section 3011 in item 4.
   b. ☐ Sole or joint custody under Family Code section 3044 in item 5.
   c. ☐ In-person visitation under Family Code section 3100(e) in item 6.

4. ☐ **Child custody and visitation (parenting time) orders granted on allegations of abuse or substance abuse** *(Fam. Code, § 3011)*
   a. The court has granted sole or joint custody or unsupervised visitation even though there are allegations of a history of abuse or substance abuse against that parent.
   b. The court finds that the orders are in the best interests of the child, protectS the safety of the parties and the child, and are specific as to time, day, place and manner of transfer (exchange) of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.
   c. The court's reasons for granting sole or joint physical custody or legal custody, or unsupervised visits are stated
      ☐ In Attachment 4c. ☐ Below

Notice:
The court may use this form to provide its reasons in writing for granting: (1) sole or joint custody or unsupervised visitation to a parent alleged to have a history of abuse or substance abuse; (2) sole or joint custody to a parent who has committed domestic violence in the last five years; or (3) in-person visitation when a parent is staying in a confidential location due to domestic violence or fear of domestic violence. The court is not required to provide the reasons for granting the orders in writing if the court stated its reasons on the record (for example, in the minutes of a hearing, by a court reporter, or another method).

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

4. c. The court's reasons for granting sole or joint physical custody or legal custody, or unsupervised visits are stated below:

5. ☐ **Sole or joint custody granted to a parent who has committed domestic violence in the last five years** ***(Fam. Code, § 3044)***

a. The court has granted:

(1) ☐ Sole or joint physical custody of the children

(2) ☐ Sole or joint legal custody of the children

to a parent who has committed domestic violence in the last five years.

b. The court finds that the orders are in the best interest of the child, protect the safety of the parties and the child, and are specific as to time, day, place, and manner of transfer (exchange) of the child.

c. In deciding the best interest of the children, the court has **not** used the preference for frequent and continuing contact with both parents and has balanced all the factors under Family Code section 3044, as set out in item 5e.

d. The court's reasons for granting the custody orders are as stated: ☐ In Attachment 5d. ☐ Below

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

5. e. The court has balanced all of the required factors that are listed below.

(1) The parent has successfully completed a batterer intervention program that meets the requirements under Penal Code section 1203.097(c).

☐ Yes ☐ No

(Explain, as needed):

(2) The parent has successfully completed a program for alcohol or drug abuse counseling, if the court determined that counseling is appropriate.

☐ Yes ☐ No ☐ Does not apply. The court decided that counseling was not appropriate.

(Explain, as needed):

(3) The parent has completed a parenting class, if the court determined the class to be appropriate.

☐ Yes ☐ No ☐ Does not apply. The court decided that a parenting class was not appropriate.

(Explain, as needed):

(4) The parent is on probation or parole and has complied with the terms and conditions of probation or parole.

☐ Yes ☐ No ☐ Does not apply. The parent is not on probation or parole.

(Explain, as needed):

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

5. e. (5) The parent who is restrained by a protective order or restraining order has complied with its terms and conditions.

☐ Yes ☐ No ☐ Does not apply. The parent who committed abuse has not been restrained by a protective order or restraining order.

(Explain, as needed):

(6) The parent has not committed additional acts of domestic violence.

☐ Yes ☐ No

(Explain, as needed):

(7) The court has determined that, under Family Code section 6322.5, the parent is a restrained person in possession or control of a firearm or ammunition in violation of Family Code section 6389.

☐ Yes ☐ No ☐ Does not apply.

(Explain, as needed):

(8) Additional reasons, if any:

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

6. ☐ **In-person visitation granted when a parent is staying in a confidential location** (Fam. Code, § 3100(e))

a. The court finds that *(parent's name):*
is staying in a confidential location due to domestic violence or fear of domestic violence by the other parent.

b. For the children:

☐ named in the attached order

☐ only named below:

Child's name

The court finds that the custody and visitation (parenting time) orders granted are in the best interests of the child and are designed to keep the location of that parent confidential, and protect all persons staying at the confidential location.

c. In determining that in-person visitation is in the best interests of the child, the court has considered the following required factors.

(1) Whether the parent has access to firearms or ammunition.

In considering this factor, the court has taken into account whether the person granted in-person visitation:

☐ Has access to firearms and ammunition.

☐ Does not have access to firearms and ammunition.

☐ Is prohibited from having firearms or ammunition.

☐ Other considerations related to firearms and ammunition *(specify):*

(2) Whether there are restraining orders in effect and other matters relating to restraining orders.

The court has taken into account whether the person granted in-person visitation:

☐ Is the subject of an emergency protective order, protective order, or other restraining order.

☐ Violated the terms of that emergency protective order, protective order, or other restraining order.

☐ Complied with the terms of that emergency protective order, protective order, or other restraining order.

☐ Other considerations related to restraining orders or violation of restraining orders *(specify, as needed):*

(3) Information that the court obtained under Family Code section 3011.

(4) Confidential information that the court obtained from background checks conducted under Family Code section 6306.

(5) The potential for revealing the confidential location where the other parent is staying.

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

6. c. (6) Additional information or reasons for the court's decisions, if any.

7. **Other findings, reasons, or information** *(if any):*

Date:

JUDICIAL OFFICER OF THE SUPERIOR COURT

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FL-351

Mandatory Findings for Child Custody and Visitation (Parenting Time) Orders

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Fast Divorce
20944 Sherman Way, Suite 101, Canoga Park, CA 91303
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(818) 610-3392 hello@fastdivorce.com Privacy policy