



SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA

EMERGENCY SCREENING REFERRAL PROCEDURES

YOU HAVE BEEN ORDERED TO AN EMERGENCY SCREENING REGARDING CUSTODY AND VISITATION DISPUTES. **PLEASE FOLLOW THE PROCEDURES BELOW.**

1. Parties must obtain a Bench Referral or Court Order for an Emergency Screening signed by the Judge and fill out FCS Petitions. The Judge will review the issues in court and determine whether the case should be sent to Family Court Services (FCS) for an Emergency Screening. If an FCS case is already open, a new petition must be filled out if the date of the last petition is over six months, or if updated information is needed.

NOTICE: If the case was seen by a Family Court Services (FCS) counselor within the last six months for an Emergency Screening, Assessment or Evaluation, that counselor must do the Screening. Parties must contact the counselor in advance to determine their on-call day for Screenings.

2. Only attorneys, parties representing themselves, and support persons for victims of domestic violence are to report to the Front Desk of Family Court Services with the completed petitions and the Bench Referral/Court Order for an Emergency Screening. If there are allegations of domestic violence, one party may be asked to wait on another floor. **All others accompanying the parties are to wait on the First Floor or on the Basement floor.**
3. All attorneys and parties must be present and have submitted the required paperwork before a Screening Counselor is assigned to the case. Attorneys must remain available throughout the screening.
4. Children who are the subject(s) of the screening need to be available within 15 minutes for possible interview or observation. **Parents must be prepared to have a responsible adult available to provide child care for their children.** Failure to provide child supervision may result in the cancellation or delay of the screening.
5. If there is a Restraining Order matter before the court, all attorneys and parties must return to court before they leave for the day to address any remaining Restraining Order issues.
6. Non English-speaking parties must bring a neutral interpreter who is agreed upon by both parties.
7. Copies of all documents or materials submitted to Family Court Services must be served on the other party. The documents must be accompanied by a signed declaration made under penalty of perjury or copy of a proof of service confirming that the copies have been provided to other counsel and parties representing themselves. If documents are submitted on the day of the screening, copies must be given to all other counsel and parties representing themselves.
8. Please provide notice and written permission to all social workers, counselors, teachers, physicians or other witnesses having important information related to the screening matter to be available by telephone on the day of the Emergency Screening. Screenings will not be completed and court hearings may be continued if critical information to the case is not immediately available.
9. If the parties agree on the screening recommendation, it will be presented to the Court for review. If either party does not agree, the recommendation will be presented to the Court, and the parties are entitled to a hearing. In either case, the Judge will make a temporary order.
10. A file endorsed copy of any Court Order from the screening must be provided to Family Court Services within 10 days.

ALL PARTIES AND THEIR ATTORNEYS MUST RETURN TO COURT UPON COMPLETION OF THE EMERGENCY SCREENING. ALL PARTIES AND THEIR ATTORNEYS MUST REMAIN IN THE COURTHOUSE UNTIL AN ORDER IS MADE.

Additional important information about Emergency Screenings is included on the reverse of this form.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
FAMILY COURT SERVICES**

EMERGENCY SCREENING

WHAT IS AN EMERGENCY SCREENING - The Court has ordered that an **Emergency Screening** be done in your case at this time to assist it in determining the health, safety, welfare and best interests of your child(ren) with regard to the current emergency related to custody and visitation. It is an urgently required and time limited examination focusing on emergency issues and resulting in a written recommendation to the Court, usually on the same day of referral, and usually regarding temporary custody and visitation. The recommendations are distributed to parties, the attorneys for the parties, and the Court. Any orders resulting from the recommendations become a part of the court file. You do not have to agree with the recommendation of the emergency screener. If you do not agree with the recommendation, you must inform the Screener, or the Court and you are entitled to a court hearing.

WHAT DOES A SCREENING COST AND WHO PAYS? – The fee for an Emergency Screening conducted by FCS is \$160 per hour divided equally between the parties, unless ordered otherwise by the Court. The fee for expert witness testimony is \$160 per hour. You can ask for a fee waiver if you cannot afford to pay the Screening fees. Unreasonable or frivolous requests for a fee waiver may result in court assessed penalties.

WHAT HAPPENS DURING A SCREENING? - Most Emergency Screenings take a few hours and are usually completed on the day of referral. Some will take longer.

Procedures usually include:

- Interview with the attorney(s). If one parent is self-represented, the parent will act as their own attorney in the attorney interview.
- Interviews with the parents (separately and/or together).
- If you are a victim of domestic violence, you have the right to have separate interviews. If there is a Restraining Order you may have a support person with you. You can get more information about these rights at FCS.
- Review of selected documents or materials related to the emergency issues (**FCS will only accept documents or materials from parties that have been copied and submitted to the other parties/attorneys**).
- Criminal record checks on all adults living in the home.
- Child Protective Services history check, including allegations and the outcome of any investigations.
- Interviews with the child(ren), observations of child(ren) interacting with parents or other family members.
- Interviews with other family members or witnesses by phone or in person, at the Screener's discretion.
- Collection of additional data (i.e. from school, daycare, a physician, the police, etc.).

CONFIDENTIALITY LIMITATIONS - Information given to Family Court Services during the screening is not confidential from the Court. This information may be disclosed in reports or testimony made to the court. Family Court Services may not release information about the case to any other individual except as authorized by the Court or statute.

After the Screening is completed and the Court makes a temporary order, the Court usually directs that the parents then participate in either mediation, or a Judicial Custody Conference with the Judicial Officer, or some other intervention designed to result in a long term plan for custody/visitation.