

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



**YOU ARE ORDERED BY THE COURT TO GO TO AN EMERGENCY SCREENING
REGARDING CUSTODY AND VISITATION OF YOUR CHILDREN**

- On the 2nd court day after you receive (are “served”) the attached court papers**

<u>If you are Served:</u>	<u>Come to Court</u>	<u>If you are Served:</u>	<u>Come to Court:</u>
Monday →	Wednesday	Friday →	Tuesday
Tuesday →	Thursday	Saturday →	Tuesday
Wednesday →	Friday	Sunday →	Tuesday
Thursday →	Monday	Court Holiday →	2 nd Court Day after the Holiday

OR

- On the day of the hearing shown on your court papers**

YOU ARE ORDERED TO APPEAR AT:

- Family Court Services**
Superior Court of California, County of Santa Clara
170 Park Avenue, 2nd Floor, **San Jose** (map on back)
At 8:15 a.m.
- Family Court Services**
Superior Court of California, County of Santa Clara
605 W. El Camino Real, **Sunnyvale** (map on back)
At 9:00 a.m.

1. **Read the Court papers behind this form. It contains court orders that you must follow.** Your Court date, location and time are in a box on one of the forms. The Judge may also have made other orders, such as restraining orders, custody and visitation orders and/or other orders.
2. If you have an attorney, let him or her know as soon as possible about this Emergency Screening (“**Screening**”) order, since attorneys must appear at Screenings.
3. **What to bring to the Screening:**
 - the legal forms attached to this sheet,
 - any filed Answer, Response or Responsive Declaration,
 - any restraining orders between the parents from Family or Criminal Court,
 - copies for the other parent of anything you are bringing for the Screener to read or look at.
4. Go directly to Family Court Services (“**FCS**”) at the address checked above. A map is on the back to help you find the building. When you arrive at FCS, please check in with the front desk. Each party must fill out the required forms.
5. All attorneys and parties must be present and have turned in the paperwork given to them by FCS before a FCS investigator (“**Screener**”) is assigned to the case. Attorneys must remain available throughout the screening.
6. **Children/Childcare for Screenings:** Children who are the subject(s) of the screening need to be available within 15 minutes for possible interview and/or observation. **Parents must be prepared to have a responsible adult (other than the parents) available to provide childcare.** The screening may be canceled if the child(ren) are not supervised.
7. Only attorneys, parties representing themselves, and support persons for victims of domestic violence are to check in to the front desk of FCS.
8. FCS will not look at any papers you give them unless you have proof that you have given a copy to the other party, their attorney and the child(ren)’s attorney, if they have one. Proof is a signed declaration made under penalty of perjury or copy of a proof of service form.
9. Please give notice and written permission to all social workers, counselors, teachers, physicians or other people that have important information about the screening matter to be available by telephone on the day of the screening. Screenings may be continued if important information is not immediately available.
10. **ALL PARTIES AND THEIR ATTORNEYS MUST RETURN TO THE COURTROOM OF THE ALL PURPOSE JUDGE ASSIGNED TO THEIR CASE WHEN THE EMERGENCY SCREENING IS FINISHED.**

**IMPORTANT
READ BOTH SIDES OF THIS FORM AND FOLLOW THE INSTRUCTIONS
EMERGENCY CUSTODY AND VISITATION INFORMATION!**

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EMERGENCY SCREENING GENERAL INFORMATION

WHAT IS AN EMERGENCY SCREENING? - An Emergency Screening is an investigation to help the Court make an immediate decision about child custody and visitation based on the best interests, health and safety of the child.

HOW DOES A SCREENING WORK? – An investigator (the “**Screener**”) from Family Court Services (“**FCS**”) will learn about the child’s living situation and other issues relating to custody and visitation. Most Screenings take a few hours and are usually finished on the same day they are started. Some will take longer.

The Screener may:

- Talk with the parents and their attorneys and the children’s attorney (if s/he has one),
- Read papers related to the emergency issues (see page 1 about giving papers to the other party),
- Look at criminal records of anyone living in the house with the child,
- Talk to the child(ren) and watch how the child(ren) behaves with parents or other family members,
- Talk with other family members or witnesses by phone or in person,
- Collect more information (i.e. from school, daycare, a doctor, Child Protective Services (CPS), the police, etc.).

The Screener will then present written recommendations first to the parents and their attorney(s). If both sides agree with the recommendations, they will become court Orders. If one of the parties does not agree the recommendations, the recommendations will be presented to the Judge and the parties will have a hearing with the Judge. In either case, the Judge will make immediate, temporary orders.

WHAT DOES A SCREENING COST AND WHO PAYS? – A screening (longer than 30 minutes) normally costs a minimum fee of \$300, plus \$150 for every hour of time over two hours, divided equally between the parties. If the Screener has to testify in Court, the fee for testifying will be \$250 per hour. You can ask for a fee waiver if you cannot afford to pay the Screening fees. You can get the fee waiver forms from FCS.

WHAT IF THERE IS DOMESTIC VIOLENCE? – If you are a victim of domestic violence, you have the right to have separate interviews. If there is a current criminal and/or civil restraining order you have the right to have a support person with you. You can get more information about these rights at FCS.

HOW DO I GET AN INTERPRETER? – If your Screening is a few days in the future, you can call 408-534-5705 to ask the Court to provide an interpreter for the screening. The Court will do its best to find one for you but this is not guaranteed. You may also bring your own interpreter with you. It should be an adult who is not related to the case. The child/ren involved in the case cannot act as interpreters in the case. If you need an interpreter, tell your Screener. They will try to get one for you, if possible.

IS A SCREENING CONFIDENTIAL? - Information given to FCS during a Screening is not confidential from the Court (the Judge). This information may be included in reports or the Screener may testify about it in Court. FCS may not release information about the case to any other person except as authorized by the Court or statute (law).

WHERE DO I GET MORE INFORMATION? - More information about Screenings is on the Court’s website - www.sccsuperiorcourt.org (click on “Family” and then “Family Rules” for the Local Rules) and www.scselfservice.org (click on “Family” and then “Custody/Visitation”).

WHAT IF I WANT HELP IN PERSON? – You can contact a private attorney (Santa Clara County Bar Association, 408-971-6822 for a low-cost attorney consultation), the Court’s Restraining Order Help Center (if there is a restraining order, 170 Park Avenue, San Jose, 408-534-5709) or the Court’s Self-Service Center and/or Family Law Facilitator’s office (99 Notre Dame Avenue, San Jose, 408-882-2900 x-2926). The Court’s Centers also have referral information for other agencies that may be able to help.

