



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
EMERGENCY SCREENING INSTRUCTIONS
SUNNYVALE COURTHOUSE**

YOU HAVE BEEN ORDERED TO AN EMERGENCY SCREENING REGARDING CUSTODY, VISITATION, AND TIMESHARE DISPUTES. YOU ARE REFERRED TO THE **Sunnyvale Courthouse, 605 West El Camino Real, Sunnyvale** **San Jose Downtown Family Courthouse, 170 Park Avenue, San Jose** FOR YOUR SCREENING. **PLEASE FOLLOW THE INSTRUCTIONS BELOW.**

1. On the day that you are referred to an Emergency Screening, **please complete the forms for the screening given to you by the courtroom clerk prior to leaving the building and return the completed forms to the Clerk's Office.** If a Family Court Services case is already open, a new intake form must be completed, if the date of the last intake form is over six (6) months old or if additional information is needed.
NOTICE: If the case was seen by a Family Court Services (FCS) screener/evaluator within the last six months, that screener/evaluator must do the screening.
2. On the day of the Emergency Screening, you are to arrive by 8:15 a.m. If your screening is in Sunnyvale, please check in with the Clerk's Office at the Sunnyvale courthouse when you arrive. If your screening is at the Downtown Family Courthouse in San Jose, please check in with the front desk at Family Court Services on the second floor when you arrive. Before an Emergency Screening can start, all attorneys and parties must be present and must have submitted the required paperwork. Attorneys must remain available throughout the screening. **You must be on time for the Emergency Screening.**
3. Children who are the subject(s) of the screening shall not be present at the start of the screening, **unless** the children are not available within 15 minutes of the courthouse building. Children **must** be available within 15 minutes from the courthouse building for possible interviews and observations. **Parents must be prepared to have a responsible adult available to provide child care for their children while they are at the courthouse.** Failure to provide child supervision may result in the cancellation or delay of the screening.
4. Non-English speaking parties must bring a neutral interpreter. Interpreters must be adults who are not family members or your attorney. If there has been domestic violence in your case, you may request a court interpreter. Such a request should be made as soon as possible.
5. If there are restraining orders or other issues before the Court on the day of the screening, all attorneys and parties must return to the courtroom before they leave for the day in order to address any remaining issues.
6. Copies of all documents or materials provided to Family Court Services, other than required intake forms, must be provided to the other party. The documents must be accompanied by a signed declaration under penalty of perjury or a copy of a Proof of Service form, confirming that the copies have been provided to opposing counsel, including minor's counsel, and to 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. Family Court Services Intake forms and Domestic Violence Questionnaires become part of the FCS file and are not copied to the other party.
7. Please provide notice and written permission to all social workers, counselors, teachers, doctors, or other witnesses having important information related to the Screening matter to be available by phone on the day of the Screening and to provide information to the screener. Screenings will not be completed and court hearings may be continued if critical information to the case is not immediately available.
8. If the parties and counsel agree on the screening recommendations and sign them, the recommendations will be presented to the Court for review. If either party does not agree, the recommendations will be presented to the Court and the parties are entitled to a hearing. In either case, the Court will make temporary orders.
ALL PARTIES AND THEIR ATTORNEYS MUST REMAIN IN THE COURTHOUSE UNTIL AN ORDER IS MADE UNLESS RELEASED BY THE SCREENER.

FOR MORE INFORMATION ON EMERGENCY SCREENINGS, PLEASE READ THE BACK OF THIS FORM.

EMERGENCY SCREENING INFORMATION - Continued

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. An Emergency Screening is an urgently needed and time limited examination focusing on emergency issues and resulting in written recommendations to the Court. The recommendations are usually made on the day of the screening and are usually regarding temporary custody and visitation. The written recommendations are distributed to parties, the attorneys for the parties, minor's counsel, if any, 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 recommendations, you must inform the Screener, and you are entitled to a court hearing.

WHAT DOES A SCREENING COST AND WHO PAYS? – The fee for an Emergency Screening conducted by Family Court Services (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? - Emergency Screenings usually take between a few hours and one day. 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 the court file and selected documents or materials related to the emergency issues (**FCS will only accept documents or materials from parties and attorneys 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) and 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. **Please note:** The Family Court Building, Sunnyvale Courthouse, and waiting areas may be subject to surveillance. Any observations may be reported to Family Court Services Mediators, Screeners, and Evaluators.

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