

**Introduced by Senator Figueroa**

February 25, 2000

An act to amend Section 3183 of the Family Code, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

SB 2124, as introduced, Figueroa. Child custody: mediation.

Existing law provides that, if child custody or visitation are contested in any petition, pleading, or application, the court shall set the contested issues for mediation and, thereafter, the mediator may submit a recommendation to the court as to the custody of or visitation with the child.

This bill would prohibit the mediator from submitting any recommendation to the court as to custody or visitation if the parties do not reach an agreement during the mediation proceedings.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3183 of the Family Code is  
 2 amended to read:  
 3 3183. (a) ~~The~~ *Where the parties have not reached*  
 4 *agreement as a result of the mediation proceedings, the*  
 5 mediator ~~may, consistent with local court rules, shall not~~  
 6 submit ~~a~~ *any* recommendation to the court as to the  
 7 custody of or visitation with the child.



1 ~~(b) Where the parties have not reached agreement as~~  
2 ~~a result of the mediation proceedings, the~~ *The* mediator  
3 may recommend to the court that an investigation be  
4 conducted pursuant to Chapter 6 (commencing with  
5 Section 3110) or that other services be offered to assist the  
6 parties to effect a resolution of the controversy before a  
7 hearing on the issues.

8 ~~(e)~~

9 *(b)* In appropriate cases, the mediator may  
10 recommend that restraining orders be issued, pending  
11 determination of the controversy, to protect the  
12 well-being of the child involved in the controversy.

