

Family Code Section 3044 Custody and Visitation Toolkit for Domestic Violence Survivors

Many survivors of domestic violence who obtain restraining orders in California are getting custody and visitation orders that provide the restrained party with 50% visitation, or with substantial visitation and frequent exchanges. Such orders are effectively a joint physical custody order which may violate Family Code section 3044 and a case called *Celia S. v. Hugo H.* (2016) 3 Cal.App.5th 655.

FVAP created this toolkit to help survivors and advocates who help them when a court orders joint custody even though the other parent committed domestic violence in the past five years. The toolkit includes:

- 1) Know Your Rights: Understanding 3044
- 2) Template (fill-in-the-blank) Letter: Informing Mediators and Family Court Services about 3044
- 3) Template (fill-in-the-blank) Memorandum and Points of Authority: Requesting Sole Custody

If you have any questions about this toolkit or the materials in it, please feel free to contact FVAP at info@fvaplav.org.

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