Child Custody and Visitation

We are often asked to provide information to parents (and non-parents) seeking custody and visitation orders for their child(ren). There are several methods parents (and non-parents) may use to obtain custody and visitation orders. The method used depends on several factors, including whether or not paternity has been established, the parents' marital status, and the existence of a Department of Child Support Services (DCSS) child support case. The available methods include:

Divorce/Legal Separation/Annulment case

Custody and visitation orders may be made as part of a Divorce, Legal Separation, or Annulment case. Temporary orders for custody and visitation may be made pending the final judgment in your case. More information can be found on the California Courts "Get a Divorce" Self-Help webpage (https://selfhelp.courts.ca.gov/divorce-california).

Uniform Parentage Act (UPA) case

Before custody and visitation may be ordered, there must be a legal determination of paternity. If this is not done with a Voluntary Declaration of Paternity or Department of Child Support Services (DCSS) support case, either parent may begin a UPA case to establish paternity. As part of this case, the court may make child support, custody and visitation orders. More information can be found on the California Courts "Parentage in California" Self-Help webpage (https://selfhelp.courts.ca.gov/parentage).

DCSS Child Support case

DCSS may file a child support case on behalf of either parent, or because either parent is receiving public benefits for the child, such as Cal-Works or Medi-Cal. If this type of case has been filed, and if a support judgment was entered, either parent may file paperwork under this case number to ask for custody and visitation orders. Contact the Sacramento County of Child Support Services (https://childsupportservices.saccounty.gov/) for more information.

Petition for Custody and Support of Minor Children

Married parents who do not want to file for divorce, legal separation or annulment, or unmarried parents who have a signed Voluntary Declaration of Paternity may start a case for custody, visitation and support. This method may only be used if there has never been another case opened for the child(ren) of this relationship. More information can be found on the California Courts "Petition for custody and support" Self-Help webpage (https://selfhelp.courts.ca.gov/petition-custody-support) .

Domestic Violence Restraining Order

Victims of domestic violence may ask for custody or visitation orders as part of a domestic violence restraining order. For more information, see the Sacramento Superior Court's website (https://www.saccourt.ca.gov/self-help/restraining-orders/domestic-violence-ros) .

Guardianship

Guardianship is a legal procedure for non-parents (grandparent, aunt/uncle, other relative or interested party) seeking legal authority for the care and custody of and control over a minor child when the child's parents are unable to do so. The Sacramento County Public Law Library provides assistance to petitioners filing a guardianship case in Sacramento County, for Guardianship of the Person *only*. Call (916)476-2731 to request an appointment. The Law Library's Civil Self Help Center has has produced two sets of videos to help people apply for guardianship in Sacramento, which may be viewed online (https://www.saclaw.org/learn/self-help-videos/?title=&term=89&type=3772) .

Grandparent Visitation

For non-parents seeking visitation with a child, see the California Courts self-help website (https://selfhelp.courts.ca.gov/grandparent-visitation) .

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