



**Child Custody
Disputes
&
Court Order
Violations**

**A Multi Agency Approach
to a County Wide Problem**

A Problem Oriented Policing Project

Presented By

The Fresno Police Department

CHILD CUSTODY DISPUTES AND COURT ORDER VIOLATIONS

A MULTI-AGENCY APPROACH TO A COUNTY WIDE PROBLEM

by

Officer Ken Dodd

Officer Shannon Hodson &

Sergeant Tom Laband

SCANNING:

In June of 1998, Fresno police officers of the Northeast Problem Oriented Policing team gathered for a team briefing. At this briefing a monthly printout of calls for service in the Northeast District was reviewed and officers learned that one single family residence had generated nineteen calls for service during the month of May. These police calls averaged about one hour in length and were all for child custody related problems. The majority of the calls were for officers to stand by while the two parties exchanged their children and the remainder were reports of court order violations pertaining to their custody orders. This was stunning, how could one family become such a policing problem? If one family could generate this many calls, what was happening in the rest of the city? How many child custody/court order calls for service city wide was the Department handling? Who was affected by these calls? Was there any responsibility being placed on the parents to deal with their own problems? Did this problem go beyond the City of Fresno and how were other agencies within the County of Fresno affected by these types of calls? What could be done to reduce these calls for service? Could any responsibility be placed back on the parties who constantly call the police?

With these questions, Officer Ken Dodd, Officer Shannon Hodson and Sergeant Tom Laband went in search of answers. They found that the Fresno Police Department responded to more than

twenty three hundred calls for service in a one year period from July of 1997 to the end of June 1998 relating to child custody exchanges and violations of court orders. Project coordinators found that the Fresno Police Department sent fourteen hundred child custody court order violation police reports to the Fresno County District Attorney's Office during this same period. Officers learned that of these fourteen hundred reports the District Attorney's Office prosecuted on less than 10 percent. Why? Why were patrol officers, records personnel, communication personnel, district attorney investigators and attorney's time and efforts going toward a problem with no conceivable resolution?

ANALYSIS:

As the project coordinators set out to find solutions to these complex and perplexing problems, they wanted to find out who else was affected by these issues. Officers contacted the supervisor of the Fresno County Family Court Division and learned that effective July 1,1998, a new section had been added to all family court orders that pertained to the use of law enforcement. This new section stated:

In the event that law enforcement officers are called to standby to assist with the exchange of the child(ren) pursuant to an existing order governing custody and visitation on two (2) or more occasions, the law enforcement agency shall refer the matter of visitation exchange to the Child Custody Program (CCP) or any other agreed upon agency which provides supervised exchange services. CCP is located at 350 N. Van Ness Ave., in Fresno. (559) 268-4227. The cost of CCP shall be shared equally between the parents unless otherwise agreed upon by the parties. The court shall reserve jurisdiction to later apportion the cost according to proof. The visitation exchanges shall be under the direction of CCP, including appointment dates, times, and conditions of visitation exchanges.

What a discovery! Law enforcement agencies had not been notified of this modification in new family court orders. What about the court orders issued prior to July of 1998? How would other law enforcement agencies in Fresno County come into compliance with this new court order? No one knew the answers to these questions. A lack of a coordinated effort between law enforcement agencies was prevalent..

Project coordinators met with assistant district attorneys and district attorney investigators assigned to the child abduction unit of the Fresno County District Attorney's Office. The attorney's and investigator's responsibilities include the reviewing of all the violations of child custody court orders and making a determination on which cases will be prosecuted. The coordinators learned that most of

the law enforcement agencies within Fresno County had different reporting formats. Information contained in these reports was not always sufficient or consistent. The attorneys and investigators agreed that if the reports that they received had sufficient information and were standardized throughout the County, they could be much more effective. Attorneys and investigators stated that the majority of the reports received were for minor violations, or petty in nature. They contributed many of these reports to the child being returned late, dirty, or sick, and were done out of spite due to the animosity between the involved parties. Their unit was overwhelmed and was only able to prosecute the most serious violations.

Family law attorneys had conditioned their clients to make police reports for all court order violations pertaining to child custody issues. This resulted in a serious burden being placed on the Department's telephonic unit. With the convenience provided by the telephone, law enforcement agencies had become too "user friendly," adding more pressure on a system that was already overburdened to begin with.

RESPONSE:

To remedy this lack of a coordinated effort among all agencies, a Law Enforcement Information Exchange was formed. It consisted of a consortium of law enforcement, the presiding family court judge, family court commissioners, family law attorneys, assistant district attorneys and investigators and the probation department. Meetings were held and all who attended discussed their agency's concerns and what they felt could be done: to reduce the number of violations of court orders pertaining to child custody issues; place responsibility back on the parents and hold them accountable for their actions; incorporate the Child Custody Program into their structure; and address the court orders that were issued prior to July of 1998.

At this time the project coordinators took the lead. They asked the Presiding Judge of the Fresno County Superior Court to issue a Standing Order that would apply to all family court orders regardless of when they were issued. The judge was willing to issue the following order;

Good cause appearing, it is therefore ordered:

In the event that law enforcement officers are called to standby to assist with the exchange of the child(ren) pursuant to an existing order governing custody and visitation on two (2) or more occasions, the law enforcement agency shall refer the matter of visitation exchange to the Child Custody Program (CCP) or any other agreed upon agency which provides supervised exchange services. CCP is located at 350 N. Van Ness Ave., in Fresno. (559) 268-4227. The cost of CCP shall be shared equally between the parents unless otherwise agreed upon by the parties. The court shall reserve jurisdiction to later apportion the cost according to proof. The visitation exchanges shall be under the direction of CCP, including appointment dates, times, and conditions of visitation exchanges. Dated this 13th day of November, 1998. James L. Quashnick Presiding Judge Fresno County Courts.

With this new Standing Order from the court, officers developed an Invocation of Standing Order on Custody Exchange Form. This form is now being used county wide. When communications personnel receive a call for service requesting an officer to stand by and assist in the exchange of children, communications personnel access a database for the requesting party's name. This database contains the names of persons who have been served with the Invocation of Standing Order on Custody Exchange. If the requesting party's name has already been entered into this database, they are advised that officers will not be responding and if they cannot resolve this on their own they are to utilize the Child Custody Program. If their name is not in the database officers will be dispatched, they will assist with the exchange of the children and then serve both parties with the Invocation of Standing Order on Custody Exchange. Both parties will receive a copy of the Order which contains instructions on how to use the Child Custody Program as well as a map to the center.

The Child Custody Program provides: a controlled exchange environment; private parking; free valet service for the parent arriving with the children; no contact between exchanging parties; security; a waiting room designed for children of all ages; separate entrances and exits for exchanging parties; separate waiting rooms for exchanging parties; and complete third-party monitoring of the exchange from arrival to departure. There is a one time \$25.00 registration fee and a \$5.00 per exchange charge, (pick up and drop off). The main emphasis of the Child Custody Program is the welfare of the children. They provide a safe, peaceful environment for the custody exchange process. The program is privately

owned and operated.

The project coordinators developed and implemented new Department policy that conforms to the current court orders. A self-reporting system for violations of court orders was created. When persons want to make a report for a violation of a court order (excluding domestic violence court orders) and the report is for a violation of a prior occurrence, they are advised that officers will not be responding. If the violation is an in progress event dispatch would have officers respond. Reporting parties are told that the Department will not take a telephonic report.

The requesting party is informed that if they would like to make a report they can respond to the Department and complete a police report. When persons respond to the Department to complete a police report for a court order violation, they receive a four part package. The first page explains the purpose of the packet, while providing information and guidelines. The second page is self reporting instructions, the third is a sample report filled out, and the fourth is a report form for the person to complete. This self reporting format was implemented with assistance from the District Attorney's Office. The report form passed the scrutiny of the Department and the Law Enforcement Information Exchange.

The family law attorneys involved in the Law Enforcement Information Exchange also were on the board of directors of the Family Law Association. The association allowed them to go back and train their members on the importance of having their clients document alleged violations on their own. The Family Court Judge advised the attorneys that if their clients kept good records of violations that was as credible as having a police report.

The implementation of this program required the project coordinators to educate Department personnel. This involved officers going to patrol, communications, detectives and records briefings and explaining how the program works and how to serve persons with the Invocation of Standing Order on Custody Exchange.

ASSESSMENT:

The implementation of this project was in early January of 1999. The Fresno Police Department received approximately 594 police calls for service in the third quarter of the 1997-1998 year in regard to child custody complaints and court order violations. Statistics show that during the period of January 1, 1999 to March 31, 1999 the Department has only received 206 police calls for service for child custody complaints and court order violations. This is a 65% reduction in police calls for service. With a minimum of two officers responding each time to these police calls, this was equivalent to 776 officer hours saved for the quarter, 258.6 hours a month or equal to 1.6 officers time a month. Having saved 776 officer hours for a one quarter period this would be equivalent to 3104 officer hours saved over a one year time frame. Project officers invested approximately 100 hours in the coordination and implementation of the program. This was a small investment of time that provided significant results.

The responsibility has been placed back on the public for the management of their personal lives. The public and attorneys had previously taken advantage of law enforcement agencies services. Presently there is a system in place that reduces the police reports being sent to the District Attorney's Office. With fewer reports the District Attorney's Office has been able to increase their filing rate and prosecution of violations of court orders. The Department's telephonic unit has also had a heavy burden relieved. Last, but not least, patrol officers have more time to protect and serve the citizens of Fresno County.

AGENCY AND OFFICER INFORMATION:

Fresno Police Department Officers Ken Dodd and Shannon Hodson, along with their supervisor Tom Laband coordinated, developed and implemented this county wide project. The project coordinators attended the International Problem Oriented Policing Conference held in San Diego in November of 1997. The project coordinators received no additional incentives in regard to this project. No guidelines or resources were used in this project other than following the SARA model. The only resources used in the implementation of this project was the time of personnel. The project did not exceed the existing Department budget.

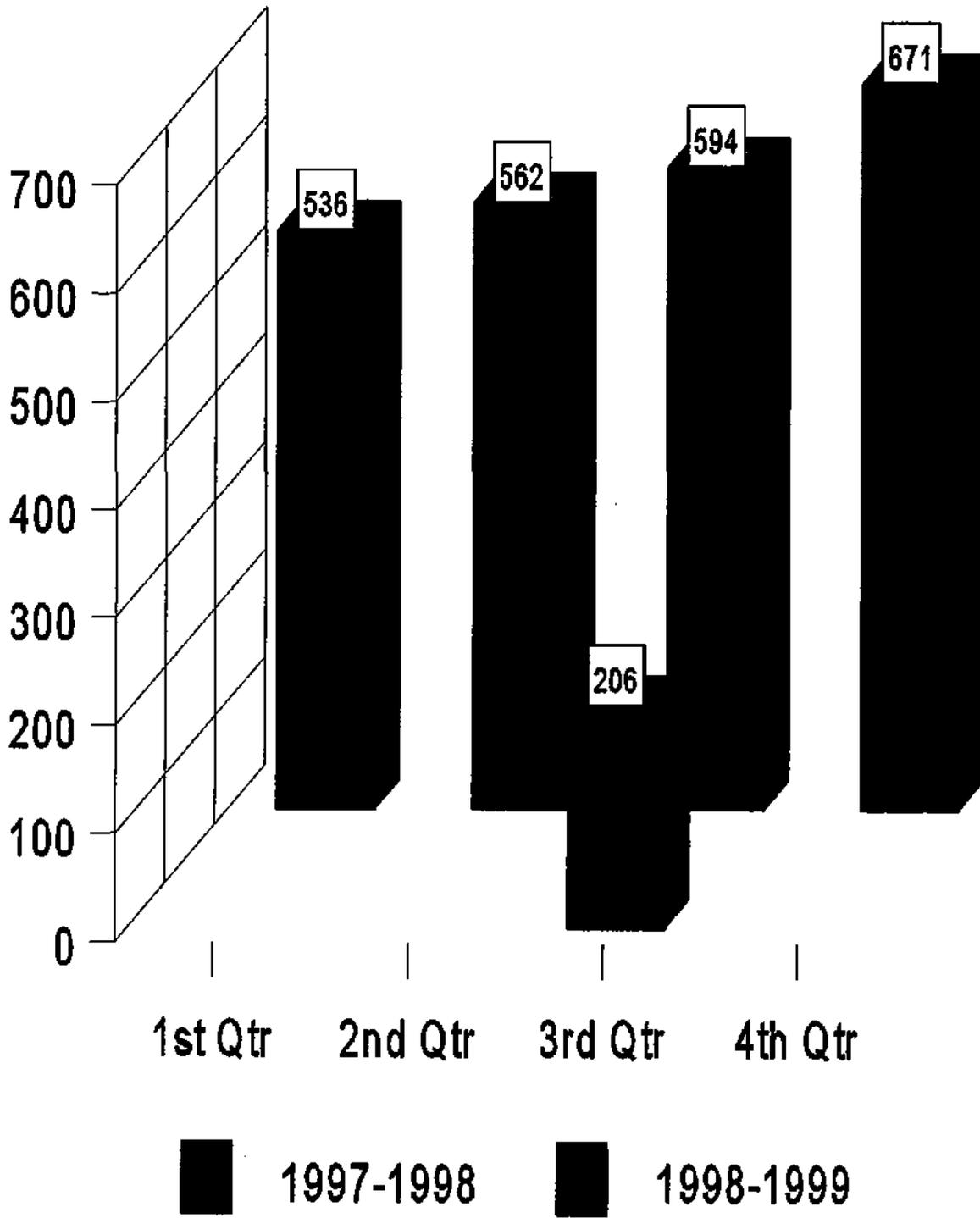
PROJECT COORDINATORS:

Ken G. Dodd
Officer
2323 Mariposa Mall
Fresno, California 93721
(559)498-4517
Fax: (559) 228-6783

Shannon Hodson
Officer
2323 Mariposa Mall
Fresno, California 93721
(559)498-4614
Fax: (559) 228-6783

Tom Laband
Sergeant
2323 Mariposa Mall
Fresno, California 93721
(559) 498-4634
Fax:(559) 228-6783

Child Custody Calls for Service Fresno Police Department





Type of Report <input type="checkbox"/> Crime <input checked="" type="checkbox"/> General Incident <input type="checkbox"/> Casualty		Type of Crime <input type="checkbox"/> Person <input type="checkbox"/> Property <input checked="" type="checkbox"/> Other		Code LEAVE BLANK	Section LEAVE BLANK	Definition and Classification POSSIBLE COURT ORDER VIOLATION			Report Number		
Report Dictated <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Juv(s) Involved <input type="checkbox"/> YES <input type="checkbox"/> NO	Spec. Circumst. <input type="checkbox"/> Dom. Violence <input type="checkbox"/> Hate Crime <input type="checkbox"/> LEOKA <input checked="" type="checkbox"/> Other N/A		Date Occurred From: ___/___/___ To: ___/___/___		Time Occurred From: _____ To: _____	Day Occurred From: _____ To: _____		Report Date: ___/___/___ Report Time: _____		
Location Of Occurrence:								Area	Sector	Zone	
Related Cases:						Special Routing To: D. A.'s CHILD ABDUCTION UNIT					

Code RP	Identifier 1 of 1	Crime N/A	Last Name First Middle			Race	Sex	Date of Birth		Age
Residence Address			City/Zip	Phone/ Message		Location of Residence <input type="checkbox"/> City <input type="checkbox"/> Out of County <input type="checkbox"/> County <input type="checkbox"/> Out of State		Work Hours: Days Off: <input type="checkbox"/> Interpreter Used Lang:		
Business Address (School/ Grade if Student)			City/Zip	Phone/ Message						

Code IP	Identifier 1 of 1	Crime N/A	Last Name First Middle			Race	Sex	Date of Birth		Age
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Business Address (School/ Grade if Student)			City/Zip	Phone/ Message						

COURT ORDER# _____ COUNTY _____ JUDGE _____ DATE OF ORDER _____

CHILD(ren) NAME(s)/BIRTH DATE(s) _____

I allege that the involved party violated the court order by: (Circle the **bold** print items below as they apply)

1. Refusing to allow me to pick up child(ren) as scheduled.
2. Failing to **pick up/return** the child(ren) on time. _____ Minutes/hours/days late.
3. Failing to **call/notify** me that he/she would be late.
4. Calling me in violation of an order.
5. Arriving at my location in violation of an order.
6. Removing child(ren) from school without my consent.
7. Not providing me with school **notices/report cards** or **his/her current address and phone number**.
8. Committing other violation(s) _____

The relationship between myself and the involved party is **separated/divorced** or **child in common**.

I **Do/Do not** wish to press charges against the involved party.

Additional information/witnesses _____

I declare under penalty of perjury in accordance to the laws of the State of California that the foregoing is true and correct. I understand that the filing of a false police report may result in criminal prosecution.

SIGNATURE _____					DATE _____				
THIS COPY WAS PREPARED FOR: NAME _____ AGENCY _____					THIS REPORT MAY NOT BE REVEALED TO UNAUTHORIZED PERSONS! COPIED BY: _____ RELEASED BY: _____				
Reviewing Officer			Badge # / ID	Date / Time	Approved By/ Badge		Date / Time		Page 1 of 1