

Never-Married Parenting Mediation

Introduction to Juvenile Court



Never-Married Parents compared to Divorcing Parents



Before separation

Before divorce

Never Married Parent	Divorcing/Divorced Parent
Child born outside of marriage	Child born within the marriage
When child is born, Mother is the sole legal and physical custodian	When child is born, Mother and Father are joint legal and physical custodians.
While a couple, living together, Mom and Dad do not need a parenting plan or child support.	While a couple, living together, Mom and Dad seen as a financial unit and a parenting unit.
Usually, they do not understand anything about parental or custodial rights. They usually consider their finances separate from one another.	Even if they haven't considered what their rights are, they know that if they divorce, they will need to sort out property, children, and support.

After Separation or Divorce

Never Married Parent	Divorcing or Divorced
Mother is still sole legal and physical custodian . Dad has no rights (yet).	Each parent is a joint legal and physical custodian with equal rights and obligations as a co-parent.
Dad may have been present at the birth of child, signed the birth certificate, and the child may or may not have his last name.	Dad or Mom may have been a lackadaisical parent, Mom may have worked while Dad laid about, Dad may have gotten up at night with baby while Mom slept through it. They still have the same rights.
Dad must go to court and establish paternity. Evidence is routinely a DNA test, but can be acknowledged through a VAP (Voluntary Admission of Paternity).	Paternity is established by the child being born into a marriage.

After paternity is established

Never Married Parent	Divorcing or Divorced Parent
<ul style="list-style-type: none"> • Mom has superior rights: sole legal custodian and decision-maker. • Dad has these specific parental rights and obligations: • The rights enumerated in TCA 36-6-101 • The right to visitation (co-parenting) 	<p>Paternity is assumed to be “Husband” when the child is born into a marriage.</p> <p>Any 3rd party who is alleged to be parent of a child (born or unborn) has an opportunity to establish parentage.</p>
<ul style="list-style-type: none"> • The obligation to financially support child until the child turns 18 or graduates high school, whatever comes last, with the exception of special needs child. 	<p style="text-align: center;">SAME</p>



Visitation Mediation

- Parenting Plan
- ARP could have up to 50% of parenting time
- PRP cannot be switched (but could be joint)
- Decision-making cannot be switched (but could be joint)

Custody Mediation

- Requires a petition
- Agreed or contested
- Allegations of abuse/neglect
- Could involve relatives or non-family petitioners
- Attorneys, GALS appointed
- Mediation referrals made on a case by case basis
- Courts screen for appropriateness, abuse
- Best interests of the child standard used
- Judge carefully reviews mediated parenting plan
- PRP and sole-decision-maker could be switched





There is no typical parenting case

- A father petitions for visitation immediately after a break-up
- A father files after months or years of trying to work things out informally
- A father who has a significant relationship with the child
- A father has never met the child
- A father who is surprised to discover that he has a child
- A father who has just had child support established (through mother's petition or a petition by the State of Tennessee when the mother and/or child are receiving state or federal aid)



- A custodial mother who wants to set up a parenting plan
- A mother who has lost custody wants a parenting plan
- Parents who are married with D&N allegations
- Grandparent petitions for visitation rights
- Father, grandparents, or other parties petition for custody (making D&N allegations)
- One or both parents are refusing to follow an existing plan
- Parents who have an existing parenting plan need to update the plan
- One parent wants to relocate with the child

Potential Participants

- Adult Parents
- Minor parents w/guardian
- Grandparents and other relatives
- Step-parents
- Attorneys
- Guardian ad Litem
- CASA
- Children
- Interpreters
- Social Worker
- Third parties with responsibilities under the plan
- Support persons/DV advocate





Screening cases out of mediation

- Ongoing DCS abuse investigation
- DCS has taken custody
- Parent with previous D&N findings who want to move to unsupervised visits
- Recent or serious DV dynamics, insurmountable power imbalances
- Order of Protection that includes a child as a protected party
- Paternity hasn't been established, questions of paternity
- Necessary accommodations cannot be made
- Scope of petition/referral doesn't allow for what the party wants/needs

Restrictions on Visitation

- Inconsistency or inexperience in co-parent
- Substantial gaps in contact
- Trash-talking, disrespect
- Threats to kidnap, flight risk
- Safety concerns (violence, drugs, alcohol, DUIs, mental illness, sketchy roommates, significant others, housekeeping issues, abuse/neglect)
- Custodian has the responsibility to be the gate-keeper
- Safety concerns do not necessitate a complete shutdown
- What is safe, appropriate parenting time





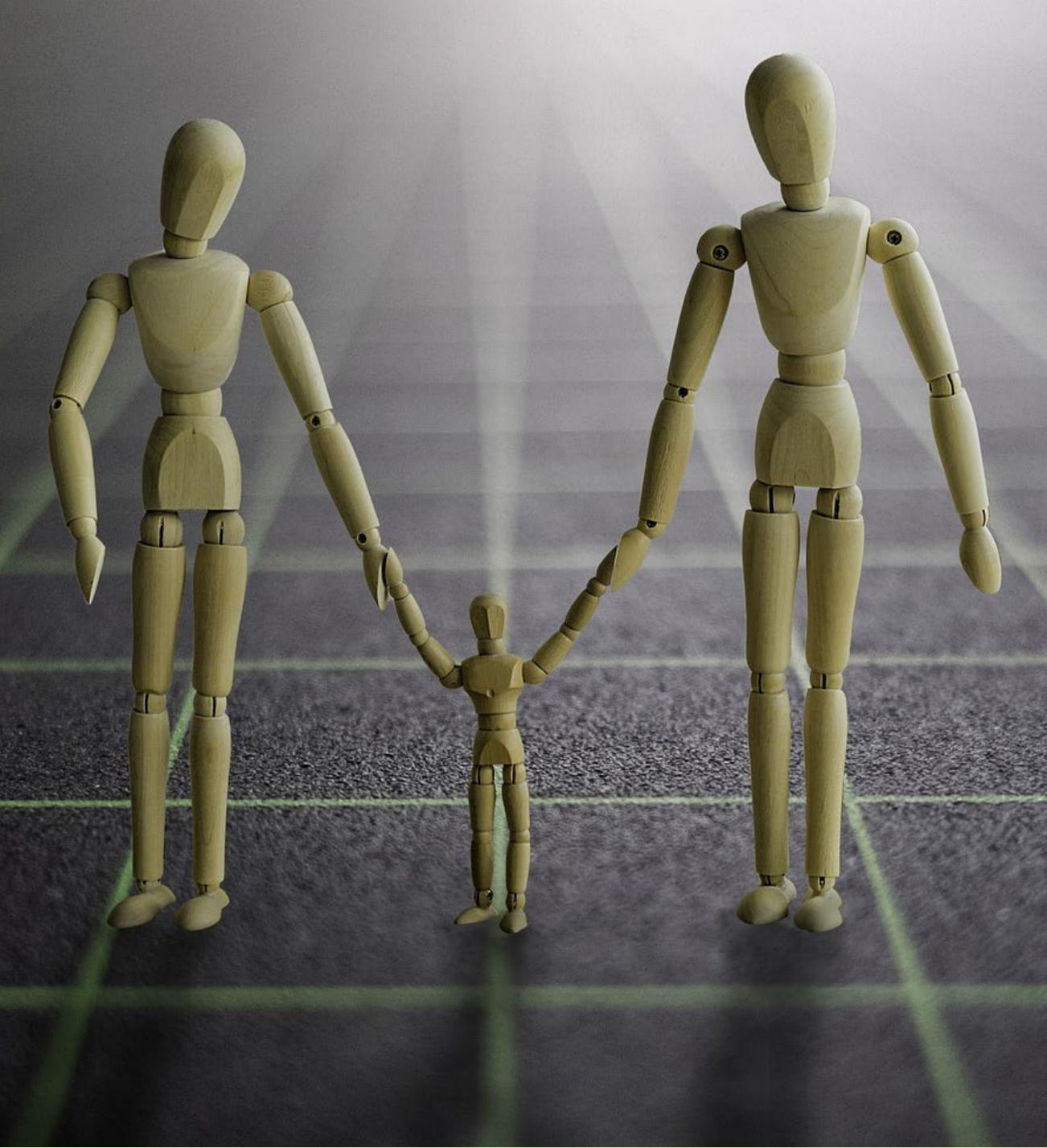
Levels of Supervision

- Public Place
- Stable home of a family member
- Parent, Friend, Family Member
- What is the role of the supervisor? Will they be in the same room or just in the same home? Can they intervene and offer advice or add restrictions on the spot? Under what circumstances could they end the visits?
- Supervised Visitation Center / Private supervisor
- What are the particular concerns that necessitate supervision?

Supervision: Things to Consider

- What happens if the designated supervisor stops being willing to remain in that role?
- Where will the visits take place?
- Who can attend the visits?
- What can and cannot be arranged in the court order?
- Will the supervision be temporary or long-term?
- Identifying Stability Indicators





Drug Testing

- Which lab?
- What kind of test?
- Substances to be tested for?
- What is the cost?
- Who will pay?
- How will results be shared?