

The Santa Ana Divorce Process: How Is Child Custody Actually Decided?

When you are facing a divorce, the legal process can seem like a dense, confusing fog. You know you have to file papers, but what happens then? For parents, this uncertainty is amplified. How does the court system even begin to decide a child custody arrangement? Understanding the timeline and the key milestones is the first step to reducing your anxiety and preparing a strong case. This is a process that firms like JOS FAMILY LAW navigate with their clients every day.

First, it is important to understand that in California, the "divorce" and the "custody case" are part of the same legal action. When you file your Petition for Dissolution (Form FL-100), you will indicate that there are minor children. This is what officially opens the child custody portion of your case. From here, the path to a final custody order has several distinct steps, and it is not what most people expect from watching TV.

The very first step for almost every parent in Santa Ana is not a dramatic courtroom battle. It is mediation. The Orange County Superior Court requires parents in a custody dispute to attend Child Custody Recommending Counseling (CCRC). This is a mandatory meeting with a court-appointed mediator. This meeting is critical. The mediator's job is to help you and the other parent create a parenting plan. If you can agree, the mediator will draft that agreement, the judge will sign it, and it will become your court order.

But what if you cannot agree? This is where the "recommending" part of CCRC becomes vital. Unlike private mediation, if you do not agree, the CCRC mediator will write a formal recommendation to the judge. This report will detail their professional opinion on what custody arrangement is in your child's best interest. Judges give these recommendations significant weight. Therefore, your preparation for this one meeting is one of the most important parts of your entire case.

If you *still* do not have an agreement after mediation, the next step is a formal court hearing. This is initiated by one parent filing a "Request for Order" (RFO). This is where you, through your attorney, will present your case to the judge. This is not a trial. It is a hearing based on written declarations and evidence. Your lawyer's ability to write a clear, compelling, and fact-based declaration on your behalf is the key to success

here. This is where your search for the right [divorce lawyers Santa Ana](#) has to offer becomes so critical. You need an attorney who is a strong writer and a skilled legal arguer.

For very high-conflict cases, a judge may order a Child Custody Evaluation (a "730 Evaluation"). This is a deep investigation by a neutral psychologist who will interview you, the other parent, the children, and others (like teachers or therapists) before writing a comprehensive report. This is a long and expensive process, reserved for the most difficult disputes.

Understanding this timeline—from petition to mediation to RFOs and evaluations—demystifies the process. It is not one single event, but a series of steps, each with its own strategy.

To get an experienced guide who can lead you through every step of this complex process, contact the team at JOS FAMILY LAW.