



# HOW CHILD CUSTODY WORKS DURING A WILDFIRE

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With wildfires threatening neighborhoods across California, parents with custody arrangements face pressing questions: Can I take my child to safety? What steps should I take now?

This guide provides clear answers and actionable steps so you can protect your child and your custody rights during this crisis.

## **Can I Legally Evacuate My Child During a Wildfire?**

California law prioritizes the safety of children during emergencies. If wildfires threaten your area and you have a court-ordered custody agreement, make sure to follow it.

Courts recognize that emergencies may require fast decisions and value actions made in good faith, which means acting reasonably, responsibly, and with your child's safety in mind.

However, it's essential to notify the other parent, document your actions thoroughly, and consult a lawyer to ensure clarity and avoid misunderstandings.

## Immediate Steps to Protect Your Child and Custody Rights

When faced with an evacuation order, focus on immediate actions:

### 1. Secure Your Child

Get your child to a safe location, whether that's a relative's home, a shelter, or a hotel.

### 2. Notify the Other Parent

Send a brief message explaining your plans, including:

- The fact you're evacuating
- Where you're going
- How to contact you

If you can't get in touch, make sure to document your attempts and explain why communication wasn't possible. Courts understand situations like no phone or internet service, but your child's safety should always come first.

### 3. Gather Important Documents

Having the right documents can make a big difference. Be sure to have or photograph:

- Custody orders: To prove your legal rights.
- Evacuation notices: Screenshots or official notices showing the emergency.
- Medical records: Prescriptions, health insurance cards, and vaccination records.
- Photos of belongings: To support insurance claims if property is damaged.

### 4. Contact Emergency Services If Needed

If disputes or safety concerns arise, reach out to local law enforcement or family court for assistance.

## Handling Custody Disputes During Emergencies

### What to Do If the Other Parent Opposes Evacuation Plans

In emergencies, courts prioritize the child's safety. If the other parent disagrees with your evacuation plans:

- Communicate First: Attempt to discuss the situation with the other parent. Explain your reasoning and share evidence, such as evacuation notices or fire warnings.

- **Notify and Document:** Even if the other parent disagrees, notify them of your decision and document all communication attempts.
- **Seek Legal Support Quickly:** File for an emergency (ex parte) custody order to formalize your actions and prevent further disputes. Courts typically address these cases within hours.

### **If the Other Parent Refuses to Leave**

If the parent with custody refuses to evacuate despite imminent danger, consult legal counsel or contact local law enforcement.

Filing an emergency custody order with evidence, such as evacuation notices and communication logs, may be necessary to ensure the child's safety.

Always act in compliance with court orders unless there is an immediate threat to life.

### **What to Avoid to Stay Out of Trouble**

During emergencies, certain actions can complicate custody arrangements or lead to legal disputes. Avoiding these pitfalls ensures your decisions are seen as responsible and in good faith:

- Always attempt to notify the other parent about your plans, even if communication isn't possible at the moment.
- Avoid crossing state lines without agreement from the other parent or court approval, as this can be viewed as a violation of custody orders.
- Once the crisis has passed, return the child to the custody schedule unless modifications have been formally approved by the court.
- Refrain from relocating to unsafe or unstable conditions that could raise concerns about the child's well-being.

By focusing on transparent communication and responsible actions, you minimize potential conflicts and protect your custody rights.

### **Once You Get to Safety**

After securing a safe location, take immediate steps to ensure your custody arrangements are addressed appropriately. Additionally:

**If You Couldn't Notify the Other Parent:** As soon as communication is possible, inform the other parent of your location, your child's condition, and your plans moving forward. If the other parent agrees with your decisions and actions, it may not be necessary to immediately involve the court. However, documenting the agreement and actions taken is still crucial in case future disputes arise.

**If You Couldn't Reach the Court:** Contact the court at the earliest opportunity to explain the emergency situation and provide evidence of your actions.

**Seek Post-Emergency Orders:** If disputes or ambiguities arise, filing for temporary modifications can provide legal clarity and protect both parties.

## **How Quickly Can I Get an Emergency Court Order?**

If your ex refuses to agree with evacuation plans, you can file for an emergency (ex parte) custody order to address the situation swiftly. Here's how to proceed:

### **Which Court Do You Call?**

Contact the family court in the county where your custody case is filed. Many courts have expedited processes for emergencies, especially during natural disasters.

### **What's the Fastest Way to File?**

Go to your county's family court in person if possible. Some courts also allow emergency filings online or by phone. Check the court's website for specific instructions.

### **How Long Does It Take?**

Emergency custody orders are typically reviewed within hours or, at most, a day. Be prepared with all necessary documentation to expedite the process.

## **After the Emergency**

Once the immediate crisis has passed, focus on restoring normalcy for your child and addressing any custody-related issues that arose during the emergency. To guide these decisions, courts will evaluate factors such as access to schooling, stable housing, and the overall well-being of the child.

### **Resume Custody Arrangements**

If both parents agree on the emergency actions, return to the agreed custody schedule as soon as possible.

### **Handle Disputes or Misunderstandings**

- **Address Miscommunication:** Talk with the other parent to resolve disputes that occurred during the crisis.
- **Seek Mediation:** If unresolved, mediation can help find a mutual agreement. Mediation provides a structured environment to address disputes without the need for prolonged court battles, ensuring the child's best interests remain the focus.

## **If a Complaint Is Filed**

If a complaint is filed against you, respond promptly by working with your attorney. Gather and provide evidence such as evacuation notices, communication logs, and proof of temporary arrangements to prove you acted in good faith and prioritized your child's safety.

If accusations are unfounded, you can file a countermotion to clarify your actions and request adjustments to the custody order if necessary. This ensures that any disputes are resolved in a way that aligns with the child's best interests.

## **Relocation Due to Home Loss**

If you need to move permanently due to home loss, this could qualify as a move-away request, requiring court approval if the relocation significantly impacts the custody arrangement. Petition the court to request a custody modification, demonstrating that the new location provides safety, education access, and stability for your child.

The other parent has the right to oppose the child's relocation if they believe it is not in the child's best interest. Courts will evaluate the necessity of the move, its impact on the child's relationship with the other parent, and whether the relocation aligns with the child's overall well-being.

## **Rebuilding Custody Agreements**

Collaborate with the other parent to adjust arrangements if circumstances (such as housing or schooling) have permanently changed.

## **Emergency Resources for Parents in California**

Reliable resources can make a significant difference during a crisis. Here are the essentials to consider:

### **Emergency Contacts:**

- **\*\*911\*\***: For life-threatening emergencies or immediate assistance from police, fire, or medical services.
- Cal Fire Emergency Hotline: (916) 653-5123

## **Family Court Emergency Contact:**

- Stanley Mosk Courthouse (LA Family Law): (213) 830-0803

## **Legal Assistance:**

- Los Angeles County Family Law Self-Help Center: (213) 830-0845
- Legal Aid Foundation of Los Angeles: (213) 235-0060
- California Courts Self-Help: <https://selfhelp.courts.ca.gov/>

## **Emergency Shelters and Housing:**

- American Red Cross Los Angeles Region: (800) 675-5799
- Los Angeles Homeless Services Authority (LAHSA): (213) 683-3333

## **Rebuilding After the Wildfire**

The aftermath of a wildfire can be overwhelming. You've faced immense challenges, and now it's time to focus on rebuilding stability for your child. Adjusting custody arrangements or addressing new realities like housing and schooling may feel like yet another hurdle, but you don't have to face it alone.

We're here to help you through the tough decisions and legal processes, ensuring your child's needs remain the priority. Reach out today, and let us support you in creating the best possible path forward for your family.

## **IMMEDIATE ACTIONS AND DOCUMENTATION CHECKLIST DURING AN EMERGENCY**

### **SECURE YOUR CHILD**

- Relocate your child to a safe location (relative's home, shelter, or hotel).
- Keep your child calm and informed about the situation.

### **NOTIFY THE OTHER PARENT**

- Send a brief message explaining:
  - That you are evacuating.
  - Where you are going.
  - How to contact you.
- Document all communication attempts (e.g., screenshots of texts).

## GATHER IMPORTANT DOCUMENTS

- Custody orders.
- Evacuation notices (screenshots or official copies).
- Medical records (prescriptions, vaccination cards, insurance info).
- Photos of belongings (for insurance claims).

## CONTACT EMERGENCY SERVICES IF NECESSARY

- Reach out to local law enforcement if disputes or safety concerns arise.
- Contact the family court for emergency custody orders if needed.

## STEPS POST-EVACUATION

- Inform the other parent of your location and the child's condition as soon as communication is possible.
- File for temporary custody modifications, if necessary, to formalize decisions made during the emergency.
- Return to the agreed custody schedule as soon as the crisis passes, unless legal changes are required.

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For personalized advice, please contact our team at 310-861-3763 to schedule a case evaluation.