

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1674

Introduced by Assembly Member Ma

February 14, 2012

An act to add Section 3200.5 to the Family Code, relating to ~~visitation centers~~ *visitation*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1674, as amended, Ma. Child custody: ~~visitation centers~~. *visitation*.

Existing child custody law requires the Judicial Council to develop standards for supervised visitation providers in accordance with specified guidelines, and to report on these guidelines to the Legislature. Existing law also requires the Judicial Council to consult with visitation centers, and various other groups in connection with these standards.

~~This bill would set forth the Legislature's intent to enact legislation relating to visitation centers.~~

This bill would require any standards for supervised visitation providers adopted by the Judicial Council to conform to the provisions of the bill. The bill would require the court to make the final decision as to the manner in which supervision is provided and any terms or conditions of that supervision, and would authorize the court to consider recommendations from various individuals, including, among others, the parties and their attorneys, and providers of supervised visitation. The bill would prohibit a nonprofessional provider, as defined, from being used in cases of domestic violence and child sexual abuse, except as specified.

The bill would also require professional providers and therapeutic providers to receive 24 hours of training in certain subjects. The bill would require each provider to maintain neutrality by refusing to discuss the merits of the case or to agree with or support one party over another. The bill would require providers of supervised visitation to advise the parties of certain legal rights, report suspected child abuse to the appropriate agency, and to suspend or terminate visitation in certain cases in accordance with specified procedures.

The bill would require the Department of Consumer Affairs to work with the California Association of Supervised Visitation Service Providers to develop a certification process for professional and therapeutic providers of supervised visitation. The bill would further authorize the Department of Consumer Affairs to charge a one-time provider certification fee, not to exceed \$200, to cover the actual costs of administering and enforcing those provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3200.5 is added to the Family Code, to
- 2 read:
- 3 3200.5. (a) Any standards for supervised visitation providers
- 4 adopted by the Judicial Council pursuant to Section 3200 shall
- 5 conform to this section.
- 6 (b) The court shall make the final decision as to the manner in
- 7 which supervision is provided and any terms or conditions of that
- 8 supervision; however, the court may consider recommendations
- 9 by the attorney for the child, the parties and their attorneys, Family
- 10 Court Services staff, evaluators, therapists, and providers of
- 11 supervised visitation. The manner in which supervision is provided
- 12 and who provides that supervision may depend on, among other
- 13 factors, local resources, the financial situation of the parties, and
- 14 the degree of risk presented in each case.
- 15 (c) A nonprofessional provider shall not be used in cases of
- 16 domestic violence and child sexual abuse unless the judge makes
- 17 a determination that using a nonprofessional provider would be
- 18 in the best interest of the child.
- 19 (d) For the purposes of this section, the following definitions
- 20 apply:

1 (1) “Nonprofessional provider” means any person who is not
2 paid for providing supervised visitation services. Unless otherwise
3 ordered by the court or stipulated by the parties, the
4 nonprofessional provider shall:

- 5 (A) Be at least 21 years of age.
- 6 (B) Have no record of a conviction for driving under the
7 influence (DUI) within the last five years.
- 8 (C) Not have been on probation or parole for the last 10 years.
- 9 (D) Have no record of a conviction for child molestation, child
10 abuse, or other crimes against a person.
- 11 (E) Have proof of automobile insurance if transporting the
12 child.
- 13 (F) Have no civil, criminal, or juvenile restraining orders within
14 the last 10 years.
- 15 (G) Have no current or past court order in which the provider
16 is the person being supervised.
- 17 (H) Not be financially dependent on the person being supervised.
- 18 (I) Have no conflict of interest under subparagraph (G).
- 19 (J) Agree to adhere to and enforce the court order regarding
20 supervised visitation.

21 (2) “Professional provider” means any person paid for
22 providing supervised visitation services, or an independent
23 contractor, employee, intern, or volunteer operating independently
24 or through a supervised visitation center or agency. The
25 professional provider shall:

- 26 (A) Be at least 21 years of age.
- 27 (B) Have no record of a conviction for driving under the
28 influence (DUI) within the last five years.
- 29 (C) Not have been on probation or parole for the last 10 years.
- 30 (D) Have no record of a conviction for child molestation, child
31 abuse, or other crimes against a person.
- 32 (E) Have proof of automobile insurance if transporting the
33 child.
- 34 (F) Have no civil, criminal, or juvenile restraining orders within
35 the last 10 years.
- 36 (G) Have no current or past court order in which the provider
37 is the person being supervised.
- 38 (H) Be able to speak the language of the party being supervised
39 and of the child, or the provider must provide a neutral interpreter
40 over the age of 18 who is able to do so.

- 1 (I) *Have no conflict of interest under subparagraph (G).*
- 2 (J) *Agree to adhere to and enforce the court order regarding*
- 3 *supervised visitation.*
- 4 (K) *Be certified as having completed the training requirements*
- 5 *set forth in subdivision (e).*
- 6 (3) *“Therapeutic provider” means a licensed mental health*
- 7 *professional paid for providing supervised visitation services,*
- 8 *including a psychiatrist, a psychologist, a clinical social worker,*
- 9 *a marriage and family counselor, or an intern working under direct*
- 10 *supervision of a qualified licensed mental health professional. A*
- 11 *therapeutic provider shall meet the qualifications set forth in*
- 12 *paragraph (2) and the training requirements set forth in*
- 13 *subdivision (e).*
- 14 (e) (1) *Professional providers and therapeutic providers shall*
- 15 *be certified as having received 24 hours of training that includes*
- 16 *training in the following subjects:*
- 17 (A) *The role of a certified professional and therapeutic provider.*
- 18 (B) *Child abuse reporting laws.*
- 19 (C) *Record-keeping procedures.*
- 20 (D) *Screening, monitoring, and termination of visitation.*
- 21 (E) *Developmental needs of children.*
- 22 (F) *Legal responsibilities and obligations of a provider.*
- 23 (G) *Cultural sensitivity.*
- 24 (H) *Conflicts of interest.*
- 25 (I) *Confidentiality.*
- 26 (J) *Issues relating to substance abuse, child abuse, sexual abuse,*
- 27 *and domestic violence.*
- 28 (K) *Basic knowledge of family and juvenile law.*
- 29 (2) *Professional providers shall also complete 24 hours of*
- 30 *additional training on issues related to substance abuse, child*
- 31 *abuse, and domestic violence.*
- 32 (3) *Professional providers shall sign a declaration or any*
- 33 *Judicial Council form that they meet the training and qualifications*
- 34 *of a provider.*
- 35 (f) *The ratio of children to a professional provider shall be*
- 36 *contingent on:*
- 37 (1) *The degree of risk factors present in each case.*
- 38 (2) *The nature of supervision required in each case.*
- 39 (3) *The number and ages of the children to be supervised during*
- 40 *a visit.*

- 1 (4) *The number of people visiting the child during the visit.*
- 2 (5) *The duration and location of the visit.*
- 3 (6) *The experience of the provider.*
- 4 (g) *Each provider shall maintain neutrality by refusing to*
5 *discuss the merits of the case or to agree with or support one party*
6 *over another. Any discussion between a provider and the parties*
7 *shall be for the purposes of arranging visitation and providing for*
8 *the safety of the children. In order to avoid a conflict of interest,*
9 *the provider shall not:*
 - 10 (1) *Be financially dependent on the person being supervised.*
 - 11 (2) *Be an employee of the person being supervised.*
 - 12 (3) *Be an employee of or affiliated with any superior court in*
13 *the county in which the supervision is ordered unless specified in*
14 *the employment contract.*
 - 15 (4) *Be in an intimate relationship with the person being*
16 *supervised.*
- 17 (h) *All providers of supervised visitation shall:*
 - 18 (1) *Advise the parties before commencement of supervised*
19 *visitation that no confidential privilege exists.*
 - 20 (2) *Report suspected child abuse to the appropriate agency, as*
21 *provided by law, and inform the parties of the provider's obligation*
22 *to make such reports.*
 - 23 (3) *Suspend or terminate visitation under subdivision (i).*
- 24 (i) *In addition to the legal responsibilities and obligations*
25 *required in subdivision (h), professional and therapeutic providers*
26 *shall:*
 - 27 (1) *Prepare a written contract to be signed by the parties before*
28 *commencement of the supervised visitation. The contract should*
29 *inform each party of the terms and conditions of supervised*
30 *visitation.*
 - 31 (2) *Review custody and visitation orders relevant to the*
32 *supervised visitation.*
- 33 (j) (1) *Each provider shall make every reasonable effort to*
34 *provide a safe visit for the child and the noncustodial party.*
 - 35 (2) *If a provider determines that the rules of the visit have been*
36 *violated, the child has become acutely distressed, or the safety of*
37 *the child or the provider is at risk, the visit may be temporarily*
38 *interrupted, rescheduled at a later date, or terminated.*
 - 39 (3) *All interruptions or terminations of visits shall be recorded*
40 *in the case file.*

1 (4) All providers shall advise both parties of the reasons for the
2 interruption or termination of a visit.

3 (k) A professional provider and a therapeutic provider shall
4 state the reasons for temporary suspension or termination of
5 supervised visitation in writing and shall provide the written
6 statement to both parties, their attorneys, the attorney for the child,
7 and the court.

8 (l) The Department of Consumer Affairs shall work with the
9 California Association of Supervised Visitation Service Providers
10 to develop a certification process for professional and therapeutic
11 providers of supervised visitation. When developing a certification
12 process, the following factors shall be considered:

13 (1) Financial resources.

14 (2) Local community resources.

15 (3) Funding.

16 (4) Technical assistance.

17 (m) The Department of Consumer Affairs may charge a one-time
18 provider certification fee in an amount not to exceed two hundred
19 dollars (\$200) for each provider operating pursuant to this section.
20 The fee charged shall not exceed the amount reasonably necessary
21 to cover the actual costs of administering and enforcing this
22 section.

23 (n) This section does not preclude the Administrative Office of
24 the Courts from having additional standards.

25 ~~SECTION 1. It is the intent of the Legislature to enact~~
26 ~~legislation relating to visitation centers.~~