

AMENDED IN ASSEMBLY MAY 10, 2012  
AMENDED IN ASSEMBLY APRIL 30, 2012  
AMENDED IN ASSEMBLY APRIL 18, 2012  
AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1674**

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**Introduced by Assembly Member Ma**

February 14, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1674, as amended, Ma. Child custody: visitation.

Existing child custody law requires the Judicial Council to develop standards for supervised visitation providers in accordance with specified guidelines.

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 supervised visitation providers to be professional providers, ~~therapeutic providers~~, or nonprofessional providers, as specified. The bill would prohibit a nonprofessional provider, as defined, from being used in cases in which the court has determined there is domestic violence or child ~~sexual~~ abuse *or neglect*, 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.

Vote: majority. Appropriation: no. Fiscal committee: 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. A provider, as described in Section 3200,  
6 shall be a professional provider, ~~therapeutic provider~~, or  
7 nonprofessional provider.

8 (b) A nonprofessional provider shall not be used in cases if the  
9 court has determined there is domestic violence or child ~~sexual~~  
10 abuse, or neglect, as defined in Section 11165.6 of the Penal Code,  
11 unless the court makes a determination that using a nonprofessional  
12 provider would be in the best interest of the child.

13 (c) For the purposes of this section, the following definitions  
14 apply:

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

- 19 (A) Be at least 21 years of age.
- 20 (B) Have no record of a conviction for driving under the  
21 influence (DUI) within the last five years.
- 22 (C) Not have been on probation or parole for the last 10 years.
- 23 (D) Have no record of a conviction for child molestation, child  
24 abuse, or other crimes against a person.
- 25 (E) Have proof of automobile insurance if transporting the child.
- 26 (F) Have no civil, criminal, or juvenile restraining orders within  
27 the last 10 years.
- 28 (G) Have no current or past court order in which the provider  
29 is the person being supervised.
- 30 (H) Not be financially dependent on the person being supervised.

- 1 (I) Have no conflict of interest under subdivision (f).
- 2 (J) Agree to adhere to and enforce the court order regarding
- 3 supervised visitation.
- 4 (2) “Professional provider” means any person paid for providing
- 5 supervised visitation services, or an independent contractor,
- 6 employee, intern, or volunteer operating independently or through
- 7 a supervised visitation center or agency. The professional provider
- 8 shall:
- 9 (A) Be at least 21 years of age.
- 10 (B) Have no record of a conviction for driving under the
- 11 influence (DUI) within the last five years.
- 12 (C) Not have been on probation or parole for the last 10 years.
- 13 (D) Have no record of a conviction for child molestation, child
- 14 abuse, or other crimes against a person.
- 15 (E) Have proof of automobile insurance if transporting the child.
- 16 (F) Have no civil, criminal, or juvenile restraining orders within
- 17 the last 10 years.
- 18 (G) Have no current or past court order in which the provider
- 19 is the person being supervised.
- 20 (H) Be able to speak the language of the party being supervised
- 21 and of the child, or the provider must provide a neutral interpreter
- 22 ~~over the age of 18~~ *18 years of age* who is able to do so.
- 23 (I) Have no conflict of interest under subdivision (f).
- 24 (J) Agree to adhere to and enforce the court order regarding
- 25 supervised visitation.
- 26 (K) Meet the training requirements set forth in subdivision (d).
- 27 ~~(3) “Therapeutic provider” means a licensed mental health~~
- 28 ~~professional paid for providing supervised visitation services,~~
- 29 ~~including a psychiatrist, a psychologist, a clinical social worker,~~
- 30 ~~a marriage and family counselor, or an intern working under direct~~
- 31 ~~supervision of a qualified licensed mental health professional. A~~
- 32 ~~therapeutic provider shall meet the qualifications set forth in~~
- 33 ~~paragraph (2) and the training requirements set forth in subdivision~~
- 34 ~~(d).~~
- 35 (d) (1) Professional providers ~~and therapeutic providers~~ shall
- 36 have received 24 hours of training that includes training in the
- 37 following subjects:
- 38 (A) The role of a professional ~~and therapeutic~~ provider.
- 39 (B) Child abuse reporting laws.
- 40 (C) Recordkeeping procedures.

- 1 (D) Screening, monitoring, and termination of visitation.
- 2 (E) Developmental needs of children.
- 3 (F) Legal responsibilities and obligations of a provider.
- 4 (G) Cultural sensitivity.
- 5 (H) Conflicts of interest.
- 6 (I) Confidentiality.
- 7 (J) Issues relating to substance abuse, child abuse, sexual abuse,
- 8 and domestic violence.
- 9 (K) Basic knowledge of family and juvenile law.
- 10 (2) Professional~~—and—therapeutic~~ providers shall sign a
- 11 declaration or any Judicial Council form that they meet the training
- 12 and qualifications of a provider.
- 13 (e) The ratio of children to a professional~~—or—therapeutic~~ provider
- 14 shall be contingent on:
- 15 (1) The degree of risk factors present in each case.
- 16 (2) The nature of supervision required in each case.
- 17 (3) The number and ages of the children to be supervised during
- 18 a visit.
- 19 (4) The number of people visiting the child during the visit.
- 20 (5) The duration and location of the visit.
- 21 (6) The experience of the provider.
- 22 (f) Each provider shall maintain neutrality by refusing to discuss
- 23 the merits of the case or to agree with or support one party over
- 24 another. Any discussion between a professional~~—or—therapeutic~~
- 25 provider and the parties shall be for the purposes of arranging
- 26 visitation and providing for the safety of the children. In order to
- 27 avoid a conflict of interest, the provider shall not:
- 28 (1) Be financially dependent on the person being supervised.
- 29 (2) Be an employee of the person being supervised.
- 30 (3) Be an employee of or affiliated with any superior court in
- 31 the county in which the supervision is ordered unless specified in
- 32 the employment contract.
- 33 (4) Be in an intimate relationship with the person being
- 34 supervised.
- 35 (g) All providers of supervised visitation shall:
- 36 (1) Advise the parties before commencement of supervised
- 37 visitation that no confidential privilege exists.
- 38 (2) Report suspected child abuse to the appropriate agency, as
- 39 provided by law, and inform the parties of the provider's obligation
- 40 to make those reports.

- 1 (3) Suspend or terminate visitation under subdivision (i).  
2 (h) Professional ~~and therapeutic~~ providers shall:  
3 (1) Prepare a written contract to be signed by the parties before  
4 commencement of the supervised visitation. The contract should  
5 inform each party of the terms and conditions of supervised  
6 visitation.  
7 (2) Review custody and visitation orders relevant to the  
8 supervised visitation.  
9 (3) Keep a record for each case, including, at least, all of the  
10 following:  
11 (A) A written record of each contact and visit.  
12 (B) Who attended the visit.  
13 (C) Any failure to comply with the terms and conditions of the  
14 visitation.  
15 (D) Any incidence of abuse, as required by law.  
16 (i) (1) Each provider shall make every reasonable effort to  
17 provide a safe visit for the child and the noncustodial party.  
18 (2) If a provider determines that the rules of the visit have been  
19 violated, the child has become acutely distressed, or the safety of  
20 the child or the provider is at risk, the visit may be temporarily  
21 interrupted, rescheduled at a later date, or terminated.  
22 (3) All interruptions or terminations of visits shall be recorded  
23 in the case file.  
24 (4) All providers shall advise both parties of the reasons for the  
25 interruption or termination of a visit.  
26 (j) A professional provider ~~and a therapeutic provider~~ shall state  
27 the reasons for temporary suspension or termination of supervised  
28 visitation in writing and shall provide the written statement to both  
29 parties, their attorneys, the attorney for the child, and the court.

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