

AMENDED IN ASSEMBLY MARCH 16, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1837

Introduced by Assembly Member Alquist

February 12, 1998

An act to amend Section 3190 of the Family Code, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1837, as amended, Alquist. Children.

Existing law authorizes the court to require parents and minor children involved in custody or visitation disputes to participate in specified outpatient counseling.

This bill would *set forth the findings and declarations of the Legislature with regard to children exposed to domestic violence, and would* authorize courts to require ~~the~~ a minor child to participate in outpatient counseling if either the parent or other person involved in a custody or visitation dispute has been convicted of domestic violence, as defined.

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

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

1 SECTION 1. *The Legislature finds and declares the*
2 *following:*

1 (a) *The perpetrator of domestic violence is not always*
2 *a parent, but sometimes a stepparent, sibling, or other*
3 *relative living with a child.*

4 (b) *Counseling for children is encouraged when a*
5 *court finds it is in the best interest of the child due to*
6 *incidents of domestic violence by persons living in the*
7 *home.*

8 SEC. 2. Section 3190 of the Family Code is amended
9 to read:

10 3190. (a) The court may require parents or other
11 persons involved in a custody or visitation dispute, and
12 the minor child, to participate in outpatient counseling
13 with a licensed mental health professional, or through
14 other community programs and services that provide
15 appropriate counseling, including, but not limited to,
16 mental health or substance abuse services, for not more
17 than one year, provided that the program selected has
18 counseling available for the designated period of time, if
19 the court finds both of the following:

20 (1) The dispute between the parents or between a
21 parent and other persons seeking custody or visitation
22 rights with the child, and the child poses a substantial
23 danger to the best interest of the child.

24 (2) The counseling is in the best interest of the child.

25 (b) If either of the parents or other persons involved
26 in a custody or visitation dispute has been convicted of
27 domestic violence as defined in Section 6211, and the
28 court determines that counseling is in the best interest of
29 the child, the court shall require the minor child to
30 participate in outpatient counseling with a licensed
31 mental health professional or through other community
32 programs and services that provide appropriate
33 counseling.

34 (c) Subject to Section 3192, if the court finds that the
35 financial burden created by the order for counseling
36 pursuant to subdivision (a) does not otherwise jeopardize
37 a party's other financial obligations, the court shall fix the
38 cost and shall order the entire cost of the services to be
39 borne by the parties in the proportions the court deems
40 reasonable.



1 (d) The court, in its finding pursuant to subdivision
2 (a), shall set forth reasons why it has found both of the
3 following:

4 (1) The dispute poses a substantial danger to the best
5 interest of the child and the counseling is in the best
6 interest of the child.

7 (2) The financial burden created by the court order
8 for counseling does not otherwise jeopardize a party's
9 other financial obligations.

10 (e) The court shall not order the parties to return to
11 court upon the completion of counseling. Either party
12 may file a new order to show cause or motion after
13 counseling has been completed, and the court may again
14 order counseling consistent with this chapter.

