

AMENDED IN ASSEMBLY MAY 4, 1998  
AMENDED IN ASSEMBLY APRIL 23, 1998  
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 if the dispute between the parents or between a parent and the child poses a substantial danger to the best interest of the child and the counseling is in the best interest of the child.

This bill would set forth the findings and declarations of the Legislature with regard to children exposed to domestic violence. It would revise the above described provision to authorize the court to require the parents or any other party involved in such a dispute, and the minor child, to participate in counseling if the dispute between the parents, the parent and child, the parents and another party seeking custody or visitation, or between a party seeking custody and visitation rights and the child poses a substantial danger to the best

interest of the child and counseling is in the child’s best interest. It also would require a court to find that a dispute poses a substantial danger to a child if there has been a history of domestic violence between the parents, or between the parent and a party seeking custody or visitation rights, as specified, or a protective or restraining order is in effect or has been requested by one of the parties to the action, as specified.

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:
- 3 (a) The perpetrator of domestic violence is not always
- 4 a parent, but sometimes a stepparent, sibling, or other
- 5 relative living with a child.
- 6 (b) Counseling for children is encouraged when a
- 7 court finds it is in the best interest of the child due to
- 8 incidents of domestic violence by persons living in the
- 9 home.
- 10 SEC. 2. Section 3190 of the Family Code is amended
- 11 to read:
- 12 3190. (a) The court may require parents or any other
- 13 party involved in a custody or visitation dispute, and the
- 14 minor child, to participate in outpatient counseling with
- 15 a licensed mental health professional, or through other
- 16 community programs and services that provide
- 17 appropriate counseling, including, but not limited to,
- 18 mental health or substance abuse services, for not more
- 19 than one year, provided that the program selected has
- 20 counseling available for the designated period of time, if
- 21 the court finds both of the following:
- 22 (1) The dispute between the parents, between the
- 23 parent and the child, between the parents and another
- 24 party seeking custody or visitation rights with the child,
- 25 or between a party seeking custody or visitation rights
- 26 and the child, poses a substantial danger to the best
- 27 interest of the child.
- 28 (2) The counseling is in the best interest of the child.



1 (b) The court shall find that a dispute, as described in  
2 paragraph (1) of subdivision (a), poses a substantial  
3 danger to the best interest of the child if there has been  
4 a history of domestic violence, *as defined in Section 6211*,  
5 between the parents, or between the parent and the  
6 party seeking custody or visitation rights with the child,  
7 during the lifetime of the child or within the past five  
8 years, whichever is greater, or if a currently effective  
9 protective or restraining order, *as defined in Section 6218*,  
10 has been issued to, or if a protective or restraining order  
11 has been requested by, any of these parties against any  
12 other party to the dispute.

13 (c) Subject to Section 3192, if the court finds that the  
14 financial burden created by the order for counseling does  
15 not otherwise jeopardize a party's other financial  
16 obligations, the court shall fix the cost and shall order the  
17 entire cost of the services to be borne by the parties in the  
18 proportions the court deems reasonable.

19 (d) The court, in its finding, shall set forth reasons why  
20 it has found both of the following:

21 (1) The dispute poses a substantial danger to the best  
22 interest of the child and the counseling is in the best  
23 interest of the child.

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

27 (e) The court shall not order the parties to return to  
28 court upon the completion of counseling. Any party may  
29 file a new order to show cause or motion after counseling  
30 has been completed, and the court may again order  
31 counseling consistent with this chapter.

