

AMENDED IN SENATE JUNE 23, 1998
AMENDED IN SENATE JUNE 11, 1998
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
(Coauthors: Assembly Members Aroner, Knox, and ~~Leach~~
Leach, and Perata)**

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 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, in determining if~~ a dispute poses a substantial danger to a child ~~if there has been a~~, to consider any history of domestic violence, as specified, between the parents, ~~or between the parent or parents and child~~, the parent or parents and a party seeking custody or visitation rights, ~~as specified or that party and the child.~~

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

3 3190. (a) The court may require parents or any other
4 party involved in a custody or visitation dispute, and the
5 minor child, to participate in outpatient counseling with
6 a licensed mental health professional, or through other
7 community programs and services that provide
8 appropriate counseling, including, but not limited to,
9 mental health or substance abuse services, for not more
10 than one year, provided that the program selected has
11 counseling available for the designated period of time, if
12 the court finds both of the following:

13 (1) The dispute between the parents, between the
14 parent or parents and the child, between the parent or
15 parents and another party seeking custody or visitation
16 rights with the child, or between a party seeking custody
17 or visitation rights and the child, poses a substantial
18 danger to the best interest of the child.

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

20 ~~(b) The court shall find that a dispute, as described in~~
21 ~~paragraph (1) of subdivision (a), poses a substantial~~
22 ~~danger to the best interest of the child if there has been~~
23 ~~a history of domestic violence, as defined in Section 6211,~~
24 ~~between the parents, or between the parent and the~~



1 ~~party seeking custody or visitation rights with the child,~~
2 ~~during the lifetime of the child or within the past five~~
3 ~~years, whichever is greater.~~

4 *(b) In determining whether a dispute, as described in*
5 *paragraph (1) of subdivision (a), poses a substantial*
6 *danger to the best interest of the child, the court shall*
7 *consider any history of domestic violence, as defined in*
8 *Section 6211, within the past five years between the*
9 *parents, between the parent or parents and the child,*
10 *between the parent or parents and another party seeking*
11 *custody or visitation rights with the child, or between a*
12 *party seeking custody or visitation rights and the child.*

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.

