

State of California

FAMILY CODE

Section 3200.5

3200.5. (a) Any standards for supervised visitation providers adopted by the Judicial Council pursuant to Section 3200 shall conform to this section. A provider, as described in Section 3200, shall be a professional provider or nonprofessional provider.

(b) In any case in which the court has determined that there is domestic violence or child abuse or neglect, as defined in Section 11165.6 of the Penal Code, and the court determines supervision is necessary, the court shall consider whether to use a professional or nonprofessional provider based upon the child's best interest.

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

(1) "Nonprofessional provider" means any person who is not paid for providing supervised visitation services.

(2) "Professional provider" means any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency.

(d) Unless otherwise ordered by the court or stipulated by the parties, a nonprofessional provider shall:

(1) Have no record of a conviction for child molestation, child abuse, or other crimes against a person.

(2) Have proof of automobile insurance if transporting the child.

(3) Have no current or past court order in which the provider is the person being supervised.

(4) Agree to adhere to and enforce the court order regarding supervised visitation.

(e) A professional provider shall:

(1) Be at least 21 years of age.

(2) Have no record of a conviction for driving under the influence (DUI) within the last five years.

(3) Not have been on probation or parole for the last 10 years.

(4) Have no record of a conviction for child molestation, child abuse, or other crimes against a person.

(5) Have proof of automobile insurance if transporting the child.

(6) Have no civil, criminal, or juvenile restraining orders within the last 10 years.

(7) Have no current or past court order in which the provider is the person being supervised.

(8) Be able to speak the language of the party being supervised and of the child, or the provider must provide a neutral interpreter over 18 years of age who is able to do so.

(9) Agree to adhere to and enforce the court order regarding supervised visitation.

(10) (A) Complete 24 hours of training prior to providing visitation services, including at least 12 hours of classroom instruction in the following subjects:

- (i) The role of a professional provider.
- (ii) Child abuse reporting laws.
- (iii) Recordkeeping procedures.
- (iv) Screening, monitoring, and termination of visitation.
- (v) Developmental needs of children.
- (vi) Legal responsibilities and obligations of a provider.
- (vii) Cultural sensitivity.
- (viii) Conflicts of interest, including the acceptance of gifts.
- (ix) Confidentiality.
- (x) Issues relating to substance abuse, child abuse, sexual abuse, and domestic violence.
- (xi) Basic knowledge of family and juvenile law.

(B) Of the 24 hours of training required pursuant to subparagraph (A), at a minimum, three hours shall be on the screening, monitoring, and termination of visitation, three hours shall be on the developmental needs of children, three hours shall be on issues relating to substance abuse, child abuse, sexual abuse, and domestic violence, and one hour shall be on basic knowledge of family law.

(C) Notwithstanding the requirement for classroom instruction in subparagraph (A), on and after January 1, 2021, a professional provider shall complete the training required pursuant to clause (ii) of subparagraph (A), relating to child abuse reporting laws, by completing an online training course required for mandated reporters that is provided by the State Department of Social Services. This online training requirement is not intended to increase the total number of training hours required by this paragraph.

(11) Complete a Live Scan criminal background check, at the expense of the provider or the supervised visitation center or agency, prior to providing visitation services.

(12) Sign the Judicial Council Declaration of Supervised Visitation Provider form that the person meets the training and qualifications of a provider. A professional provider shall sign a separate, updated form each time the professional provider submits a report to the court.

(13) (A) Beginning January 1, 2021, be registered as a trustline provider pursuant to Chapter 3.35 (commencing with Section 1596.60) of Division 2 of the Health and Safety Code.

(B) Notwithstanding any other law, if a person is denied trustline registration by the State Department of Social Services pursuant to Section 1596.605 or 1596.607 of the Health and Safety Code, or if the State Department of Social Services revokes a person's trustline registration pursuant to Section 1596.608 of the Health and Safety Code, that person shall be ineligible to be a professional provider.

(f) The ratio of children to a professional provider shall be contingent on:

- (1) The degree of risk factors present in each case.
- (2) The nature of supervision required in each case.
- (3) The number and ages of the children to be supervised during a visit.

- (4) The number of people visiting the child during the visit.
- (5) The duration and location of the visit.
- (6) The experience of the provider.
- (g) Professional providers of supervised visitation shall:
 - (1) Advise the parties before commencement of supervised visitation that no confidential privilege exists.
 - (2) Report suspected child abuse to the appropriate agency, as provided by law, and inform the parties of the provider's obligation to make those reports.
 - (3) Suspend or terminate visitation under subdivision (h).
- (h) Professional providers shall:
 - (1) Prepare a written contract to be signed by the parties before commencement of the supervised visitation. The contract should inform each party of the terms and conditions of supervised visitation.
 - (2) Review custody and visitation orders relevant to the supervised visitation.
 - (3) Keep a record for each case, including, at least, all of the following:
 - (A) A written record of each contact and visit.
 - (B) Who attended the visit.
 - (C) Any failure to comply with the terms and conditions of the visitation.
 - (D) Any incidence of abuse, as required by law.
 - (i) (1) Each provider shall make every reasonable effort to provide a safe visit for the child and the noncustodial party.
 - (2) If a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated.
 - (3) All interruptions or terminations of visits shall be recorded in the case file.
 - (4) All providers shall advise both parties of the reasons for the interruption or termination of a visit.
 - (j) A professional provider shall state the reasons for temporary suspension or termination of supervised visitation in writing and shall provide the written statement to both parties, their attorneys, the attorney for the child, and the court.

(Amended by Stats. 2019, Ch. 823, Sec. 1. (AB 1165) Effective January 1, 2020.)