Answers To Your

A GUIDE

for the
Non-Professional Provider
of Supervised Visitation

ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

Judicial Council of California
Administrative Office of the Courts

Chief Justice Ronald M. George
Chair, Judicial Council

William C. Vickrey
Administrative Director of the Courts

Michael Bergeisen
General Counsel and Deputy Administrative Director

Center for Families, Children & the Courts Staff

Diane Nunn
Division Director

Charlene Depner , Ph.D.
Assistant Director

Michael L. Wright
Supervising Attorney

Shelly La Botte, J.D.
Access to Visitation Grant Program Manager

Youn Kim
Staff Analyst II

We would like to acknowledge the Superior Court of Orange County for their efforts in developing this publication.

A Guide for the Non-Professional Provider of Supervised Visitation

What Am I Being Asked To Do?

You have been asked to do a very important job — to supervise visits between a parent and a child. You have been asked because supervised visitation has been ordered by the court, and because the parents feel they can trust you in ensuring the health, safety and welfare of their child. The court recognizes that you are playing a very important role and has made these guidelines available to help you in making the right decisions. In accepting this responsibility, it is clear that you care about the children and family involved, and are willing to perform the tasks of a nonprofessional provider.

Please read the following guide carefully before deciding to supervise visits. If, after reading it, you agree to act as a supervised visitation provider, it will give you information you MUST know in order to properly do the job. As a nonprofessional provider of supervised visitation, you must also follow the requirements of section 26.2 of the California Standards of Judicial Administration. (Uniform Standards of Practice for Providers of Supervised Visitation).

Why Has The Court Ordered Supervised Visitation?

The policy of the State of California is to promote the best interests of children whose parents, or other interested parties, have a custody or visitation matter in family court. The first step in doing this is to make sure the children are safe and protected. The second step is to help children have contact with each of their parents even after a divorce, separation or if never married.

Sometimes, based on certain circumstances, a judge will decide that in order for a child to have contact with a parent, it is better for all concerned that a third person be present. This arrangement is called *supervised visitation*, and the person who does this very important work is called *the provider*. That person is you.

In 1996, the California legislature required that standards be written for anyone who acts in the capacity of a supervised visitation provider. In this booklet, we will cover those guidelines for you and answer questions we think you might have regarding your responsibilities as a provider.

Do I Qualify?

Unless the judge decides differently, or the parents agree otherwise, the following are the minimum qualifications that would apply to you. Please read them carefully.

1. Be 21 years of age or older.

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

3. Have not been on probation or parole for the last ten 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 ten years.

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

8. Not be financially dependent upon the person being supervised.

9. Have no conflict of interest regarding the parent being supervised.

   Conflict of Interest means you should not:
   - be in an intimate relationship with the person being supervised;
   - be financially dependent on the person being supervised;
   - be an employee of or affiliated with any superior court in the county in which the supervision is ordered unless specified as a duty to be performed in the employment contract.

10. Agree to adhere to and enforce the court order regarding supervised visitation.

What Are My Responsibilities?

- **Follow the State Uniform Standards of Practice for Providers of Supervised Visitation.**

- **Do everything you can do to make sure that the child has a safe visit**.

- **Remain Neutral.** The judge understands that you may have feelings and emotions about the children, parents, and circumstances in the case. Even if this is true, while you are supervising the visits, it is very important that you avoid taking sides with either parent, and that you keep your opinions about any aspect of the case to yourself, and do not discuss with either parent.

- **Read the Court Order.** You must read the parts of the court order that refer to supervised visitation so that you know what is being asked of you. Even though one of the parents may be close to you, insist that you see the court order before you supervise a visit. Ask one of the parents or their attorney to provide you with a copy or you can get a copy by taking the case number to the Court Clerk's office.

It's very important that you understand the times, places, restrictions and conditions of the visits because the judges has considered how to best protect the child. Even if you do not agree with the order, do all that you can to make sure the visits occur as they are written in the court order.

- **Make sure that you can see and hear all contact and conversations between the child and non-custodial parent**. This also means that you must understand the language they are using. Because you cannot leave the location of the visitation, it would be helpful for you to make arrangements regarding who will answer the phone or the door, and who will attend to other activities. This is important so that your attention is not taken away from the parent and child visit.

Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's brothers and sisters. Sometimes it is difficult to set rules for a friend or family member, especially when those involved may be hurt or upset by the divorce or separation. During the time you are supervising the visits with the child, you are responsible for ensuring that the environment for the child is free from anger and unkind remarks. Remember, this is the time for the non-custodial parent to build a positive relationship with their child.

Allow no discussion of the court case or possible outcomes. The visits are about the relationship between the non-custodial parent and the child. It can be very stressful for children to hear about the court case. The court requires that children be free from such discussions.

Do not allow yourself or the child to be used to gather information about the other parent or transmit information, personal possessions or papers. Again, the court recognizes that when families and friends are those involved in the visitations it can be more difficult for you to establish firm rules. However, it is your responsibility to monitor and keep safe the interaction between the child and the parent during the visit.

Allow no spanking, hitting or threatening the child.

Allow no visits to occur when the parent appears to be under the influence of alcohol or illegal drugs. (Visitation should end immediately).

Allow no emotional, physical or sexual abuse. Spanking and hitting is prohibited. Physical abuse could also include such things as pinching, pulling the child, tickling too hard, and playing too rough.

The visit between the non-custodial parent and the child should be free from emotional and verbal abuse. This includes such behavior as yelling and screaming; calling the child names such as "sissy", "stupid", or "dumb"; blaming and accusing the child; making fun of the child; threatening the child with physical abuse, harm to his or her loved ones and animals; or threatening, frightening situations for the child like abandonment or loss of a home and friends.

Sexual abuse includes inappropriate touching of the child's body and inappropriate or suggestive language.

It is most important for you, the provider, to pay close attention to the child's responses during the visit. In sexual abuse cases, it is important to understand that something in the child's experience may cause him or her to be particularly scared or sensitive to a person, place, animal, TV show, etc. If the child begins to seem afraid or upset, even if you don't know what has caused it, you must determine whether to continue the vsiit or end the visit.

As the provider, you may decide on some rules of your own. For example, if the visits occur in your home, you may require the parent and child to stay within a certain area of the house or yard. If riding in the car, or playing in the park, you may want to establish certain rules to help ensure safety. These rules should be discussed with the child and non-custodial parent will know what you expect.

Are There Special Rules For Cases In Which There Are Allegations Of Sexual Abuse?

The following rules apply to all providers of supervised visitation in cases where there are allegations of sexual abuse, unless the court has made a different order. These cases are very painful to everyone involved. The court recognizes this fact. The court also understands that enforcement of the following rules may be even more difficult among friends and family members. However, until the issues in the case are resolved by the court or other authority, the following restrictions are to apply during all visits:

1. Allow no exchanges of gifts, money, or cards;
2. Allow no photographing, audio-taping, or videotaping of the child;
3. Allow no physical contact with the child such as lap sitting, hair combing, stroking, hand holding, prolonged wrestling, tickling, horse playing, changing diapers, or accompanying the child to the bathroom;
4. Allow no whispering, passing notes, hand signals, or body signals;
5. Allow no supervised visitation in the location where the alleged sexual abuse occurred.

Can I Interrupt Or End A Visit If Necessary?

YES, if the rules of the visit have been broken, the child has become very distressed, or your safety or the safety of the child is at risk, you must take action. Depending on the situation, you may temporarily interrupt the visit, talk to the parent about the problem, and let the visit continue if the parent is cooperative; or you may end the visit for that day. If you decide to interrupt or end the visit, you must do two things:

1. Tell both parents why you decided to interrupt or end the visit.

2. Take notes about the visit, including time, date, location and reasons for the interruption or termination in the event you are asked at a later date. You could be required to take these notes to court so make sure you accurately record what has happened.

Do I have Additional Obligations?

YES, you have these additional obligations:

1. Tell the parents before the supervised visitation begins that no confidentiality in communication exists. Any communication including conversations, letters, cards, etc. are not confidential. Although it does not happen often, you may be asked about the visits by a judge. Anything that you see, hear, read or are told is not confidential. Tell each of the parents about this rule.

2. Inform the parents prior to the first visit that you have to report any suspected child abuse. If you suspect any child abuse you must report to the child abuse agency or hotline in your county.

   You do not have to witness child abuse to report it. If you notice unexplained marks or bruises on the child, if a child tells you that they are being hit or have been hit and there is or has been bruising, or that someone was touching them inappropriately — or — if you are not sure whether you should be reporting something or not, call the child abuse agency or hotline in your county and a social worker will assist

you. If you do make a report, your confidentially is protected by law.

3. End the visit if you decide it is necessary to be in compliance with the guidelines.

TIPS

For A Successful Visit!

- Make sure you read and follow the court order. If the parents want to change the visitation schedule or the conditions of the visit, they will need to get a new court order.

- Explain the rules for the visits to both parents before you supervise any visits. If the parents are clear about what you expect from them, chances are the visits will go more smoothly. You should also explain, in an age appropriate manner, the rules to the child.

- If it becomes necessary for you to interrupt or end a visit, take the parent aside and quietly and calmly explain why you interrupted the visit. Don't get into an argument or discussion with them about the problem, just state the problem and tell them what they should do if they want the visit to continue.

- Keep notes about each visit, if you interrupt or end a visit, write down what specific behavior, action, words or conversation you observed that caused you to interrupt or end the visit. Try to be objective and report to the parents what you saw and heard rather than what you feel or think about the situation.

- If the visit seems strained between the parent and child, especially if they have not seen each other for some time, you may want to suggest activities that the parent and child might do together. Sometimes it is helpful to talk to the child about their interests, friends, sports or other activities.

So, Are You The Person For The Job?

As you can see from reading this guide, supervising visitations is a very important responsibility that can be difficult at times. If you don't think you can put your personal feelings aside, don't have the time to supervise properly, or for whatever reason you feel uncomfortable, then you shouldn't agree to do this.

If you decide to supervise visits, it can be rewarding. Watching a relationship between a parent and child mend and grow can be very satisfying. There is no more important work than contributing to the welfare of children.

We thank you for taking the time to read this guide and for carefully considering your decision. **You should make sure you get a copy of the Uniform Standards of Practice For Provider of Supervised Visitation. The Standards are located at:** *http://www.courtinfo.ca.gov/rules/appendix/divistandard-70.htm#TopOfPage.*

The preparation of these materials was financially assisted through a grant from the Federal Government and the State of California. The opinions expressed in this publication are not necessarily those of the Federal Government or the Judicial Council or the Administrative Office of the Courts. Permission is granted to nonprofit institutions to reproduce and distribute for educational purposes if the copies credits the Administrative Office of the Courts and the Center for Families, the Children & the Courts.

For additional copies or more information about this booklet, please call the Center for Families, Children & the Courts at 415-865-7739, or write to:

Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts
Attn: Access to Visitation Grant Program
455 Golden Gate Avenue
San Francisco, California 94102-3688

SUPERVISED VISITATION PROVIDER *(Name and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):*	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARTY/PARENT:	
DECLARATION OF SUPERVISED VISITATION PROVIDER	CASE NUMBER:

1. As a: ☐ professional provider ☐ nonprofessional provider,
   I submit this form to indicate compliance with all applicable requirements for a provider of supervised visitation as defined under Family Code section 3200.5. All of the following requirements are necessary to meet the qualifications under Family Code section 3200.5.
2. ☐ I declare that I am a professional provider of supervised visitation and I am paid for providing supervised visitation services as an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency and I meet the qualifications under Family Code section 3200.5 as follows *(check all that apply):*
   - ☐ I am 21 years of age or older.
   - ☐ I have no record of a conviction for driving under the influence (DUI) within the last five years.
   - ☐ I have not been on probation or parole for the last 10 years.
   - ☐ I have no record of a conviction for child molestation, child abuse, or other crimes against a person.
   - ☐ I have proof of automobile insurance for transporting the child.
   - ☐ I have had no civil, criminal, or juvenile restraining orders within the last 10 years.
   - ☐ There is no current or past court order in which I am the person being supervised.
   - ☐ I agree to speak the language of the party being supervised and of the child, or I will provide a neutral interpreter over the age of 18 years of age who is able to do so.
   - ☐ I agree to adhere to and enforce the court order regarding supervised visitation.
   - ☐ I meet the training requirements set forth under Family Code section 3200.5(d).
3. ☐ I declare that I am a nonprofessional provider of supervised visitation and I am not being paid to provide supervised visitation services.
   - ☐ I meet the qualifications under Family Code section 3200.5 as follows *(check all that apply):*
     - ☐ I have no record of a conviction for child molestation, child abuse, or other crimes against a person.
     - ☐ There is no current or past court order in which I am the person being supervised.
     - ☐ I agree to adhere to and enforce the court order regarding supervised visitation.
     - ☐ I will be transporting the child. ☐ I will not be transporting the child.
     - ☐ I will be transporting the child and I have proof of automobile insurance.
   - ☐ The court has ordered or the parties have stipulated to different qualifications *(see attached).*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____
(TYPE OR PRINT NAME)

▶ _____
SIGNATURE OF DECLARANT

NOTICE: See standard 5.20 of the California Standards of Judicial Administration for further requirements that may apply.

Form Approved for Optional Use
Judicial Council of California
FL-324 [New January 1, 2014]