Supervised Visitation

A Guide for Non-Professional Providers

JUDICIAL COUNCIL
OF CALIFORNIA
OPERATIONS AND PROGRAMS DIVISION
CENTER FOR FAMILIES, CHILDREN & THE COURTS

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Supervised Visitation

A Guide for Non-Professional Providers

This guide answers common questions about being a provider of supervised visitation.

Here are some of the topics:

- What supervised visitation is
- Why courts order supervised visitation
- Provider requirements
- Provider duties
- Provider duties during the supervised visit
- Provider's own rules
- Special rules for sexual abuse cases
- No emotional, physical, or sexual abuse during the visits
- Before the first visit
- If the child is abducted

If you become a provider, keep this guide handy. It also lists resources and provides information that can help you.

Supervising visitation is an important job!

You have been asked to do a *very important* job – to supervise a parent's visits with his or her child.

You have been asked to do this job because:

- **Both parents trust you.** Both parents agree that you would be a good provider. They believe you will look out for their child's health, safety, and well-being.
- **The court ordered supervised visitation.** That means a provider must be present during the parent's visits to watch and listen to make sure the child is safe and protected during the visits.
- The court may also have ordered **supervision during the *exchange*** (when the child moves from one parent to the other).

Supervising visitation may be a new experience for you.
If you have not done this before, there are requirements and rules you must know (explained later in this guide). But first, you should know that:

- Non-professional supervised visitation providers do *not* get paid, but
- You would be helping to make sure the child is safe and protected during his or her visits with the other parent.

Why do courts order *supervised* visitation?

When family law judges make decisions about custody and visitation, they must follow the law. That means they must make decisions (orders) that are best for the:

- children,
- parents, and
- others involved with the family.

In some cases, a judge orders supervised visitation to make sure:

- the children are safe and protected when they are with a parent, or
- the children get contact with both parents.

The provider may be asked to supervise:

- the visits with the children, and/or
- the "exchange" – when the children move from one parent's custody to the other's.

Will I get paid to be a provider?

No. There are paid (professional) providers. But you are being asked to provide non-professional supervised visitation services. That means you would not get paid.

But there are still requirements you must follow. Before you agree, make sure you:

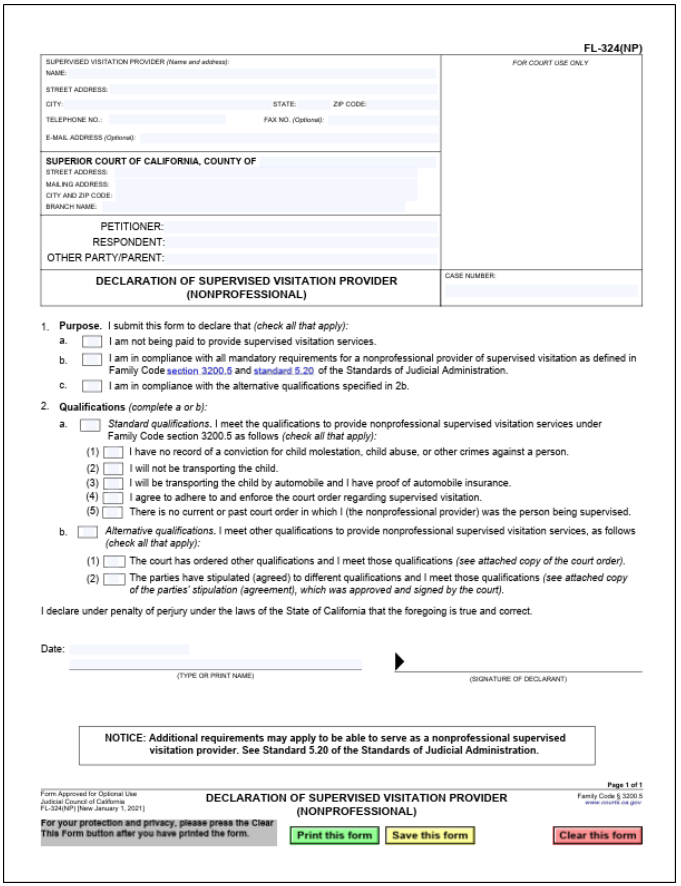
- meet the requirements, and
- understand your duties.

Provider Requirements

The requirements to be a **non-professional** provider are:

- Agree to follow the court's supervised visitation orders
- Agree not to transport the child without proof of auto insurance
- Have no convictions for child molestation, child abuse, or other crimes against a person
- Have no record of having been a supervised person

You should sign a declaration to say you meet these requirements. You may sign Form FL-324(NP), *Declaration of Supervised Visitation Provider (Nonprofessional).*



FL-324(NP)

SUPERVISED VISITATION PROVIDER (Name and address):
NAME:
STREET ADDRESS:
CITY: STATE: ZIP CODE:
TELEPHONE NO.: FAX NO. (Optional):
E-MAIL ADDRESS (Optional):

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

PETITIONER:
RESPONDENT:
OTHER PARTY/PARENT:

DECLARATION OF SUPERVISED VISITATION PROVIDER (NONPROFESSIONAL)

CASE NUMBER:

1. **Purpose.** I submit this form to declare that *(check all that apply):*
   a. ☐ I am not being paid to provide supervised visitation services.
   b. ☐ I am in compliance with all mandatory requirements for a nonprofessional provider of supervised visitation as defined in Family Code section 3200.5 and standard 5.20 of the Standards of Judicial Administration.
   c. ☐ I am in compliance with the alternative qualifications specified in 2b.
2. **Qualifications** *(complete a or b):*
   a. ☐ *Standard qualifications.* I meet the qualifications to provide nonprofessional supervised visitation services under Family Code section 3200.5 as follows *(check all that apply):*
      (1) ☐ I have no record of a conviction for child molestation, child abuse, or other crimes against a person.
      (2) ☐ I will not be transporting the child.
      (3) ☐ I will be transporting the child by automobile and I have proof of automobile insurance.
      (4) ☐ I agree to adhere to and enforce the court order regarding supervised visitation.
      (5) ☐ There is no current or past court order in which I (the nonprofessional provider) was the person being supervised.
   b. ☐ *Alternative qualifications.* I meet other qualifications to provide nonprofessional supervised visitation services, as follows *(check all that apply):*
      (1) ☐ The court has ordered other qualifications and I meet those qualifications *(see attached copy of the court order).*
      (2) ☐ The parties have stipulated (agreed) to different qualifications and I meet those qualifications *(see attached copy of the parties' stipulation (agreement), which was approved and signed by the court).*

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: Additional requirements may apply to be able to serve as a nonprofessional supervised visitation provider. See Standard 5.20 of the Standards of Judicial Administration.

Form Approved for Optional Use
Judicial Council of California
FL-324(NP) [New January 1, 2021]

DECLARATION OF SUPERVISED VISITATION PROVIDER (NONPROFESSIONAL)

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Family Code § 3200.5
www.courts.ca.gov

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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Understand your duties before you decide.

If you agree to be a non-professional provider, you must agree to follow the laws that apply to providers and perform your duties. (Family Code section 3200.5 and Standard 5.20 of the California Standards of Judicial Administration, Uniform Standards of Practice for Providers of Supervised Visitation).

You may read and get a copy of the law and the standards here:

https://courts.ca.gov/cms/rules/index/standards/standard5_20

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=3200.5.&nodeTreePath=10.2.13&lawCode=FAM

Provider Duties

Providers must make sure the child is safe, protected, and secure.

That includes:

- **Child's safety** – Make sure the child you care for and the adults you serve are safe. If there is more than one child, there must be enough providers to care for the children safely.
- **Child's health** – Learn about each child's health needs, and the type of care they may need in different situations.
- **Child's emotional well-being** – If a child is very upset, be prepared to end the visit.
- **Report abuse - No Confidentiality** – Your obligation is to keep the child safe. You must report abuse if you see it happen. You may also have to make reports about things the parents say or do. Make sure the parents know your communications may not be private.
- **Language** – Speak to the child and the supervised parent in their preferred language (or through an interpreter).
- **Don't take sides** – The court understands you may have feelings about the children and their parents. But while you are supervising, do not take sides. Do not talk about the case to the children or either parent.
- **Read and follow the court order** – The court order for Supervised Visitation says what is allowed and what is not

allowed. If the parents or their lawyers did not give you a copy, ask the Court Clerk's Office for a copy. (You will need the case number.) Find out if there are any protective orders, and read them, too.

You must follow the court's order.

Even if you do not agree with it, you must follow the court's order. The order lists the

- times,
- places, and
- any conditions or special terms that the judge feels necessary to keep everyone safe.

If that seems difficult for you to do, you are probably not the right person for the job.

Provider Duties during the Supervised Visit

Watch and listen.

To keep the child safe, you must watch what is happening and listen to what is said. That means you must be close enough to see and hear *at all times*.

To make sure you can really see and hear at all times, you must do some advance planning about who will answer the phone, do your chores, or go to the door while you are supervising.

Do not allow others to visit or stop by during this time.

Make sure other people know not to stop by during the visits unless the court has approved them to be part of the visit.

No negative comments about the child, the other parent or other family members.

The supervised visit is this parent's time to build a healthy parent / child relationship. As the provider, you may find it hard to set rules for a friend or family member. But it's your job to make sure this is a healthy time for the child and the other parent. That means no

negative, unkind, or angry comments about the other parent, his or her family, or other relatives.

No talking about the court case.

Children need to be protected from the ongoing court case. They have their own difficult emotions to deal with. You may need to remind the parent that the court requires children be kept out of adult talk about the court case.

Do not allow the child or yourself to be used as a messenger.

It's not healthy for the child or you to be in the middle. Do not send or give information from one household to another, and don't allow the child to be used as a communicator. The court orders explain how the parents are allowed to communicate with each other.

No visits if the parent is under the influence of alcohol or illegal drugs.

If the parent shows up and seems to be drunk or high, do not allow the visit to take place. Find a safe way to end the visit right away. Make sure the child will not see or hear an argument.

What to do if a parent *seems* to be under the influence

If the parent has any of these signs, talk to him or her privately. Try saying, "Are you OK today? You seem to… ."

- Smell like alcohol, pot, or other substances
- Have blood shot eyes
- Have slurred speech or is talking too fast or seems confused when answering questions
- Be shaky or off balance,
- Be avoiding eye contact or not paying attention
- Unusually irritable or agitated

Listen carefully to how the parent responds. If you believe the parent is under the influence, you **must** stop the visit in a safe way.

No emotional, physical or sexual abuse during the visits

That means the parent (or the supervised provider) must never spank, hit, or threaten to abuse the child at any time.

Physical abuse includes:

- Pinching, pulling, tickling too hard, and playing too rough.

Emotional or **verbal abuse** includes:

- Yelling, put-downs, like calling the child “stupid” or “fat,”
- Blaming, accusing, or making fun of the child.

Threats include:

- Threats of physical abuse to the child, threats of harm to the child’s loved ones or animals,
- Threatening or frightening situations for the child like abandonment or loss of a home or friends.

Providers may add rules, if needed, to keep the child safe.

The rules may change depending on where the visits are. It’s important to understand the layout so you can make good rules to keep everyone safe.

For example, you may require that the parent and child to stay in restricted areas so you will be able to observe and keep them safe.

You must go over all of the rules with the parent and the child before the visit starts.

Special rules for sexual abuse cases *

*unless the court made a different order

There are very strict rules for sexual abuse cases. If you do not feel comfortable enforcing the rules, you should not agree to be the provider for this case.

The provider must *not* allow the parent to:

- give gifts, money, or cards
- photograph, audio or video record the child
- communicate by whispering, passing notes, hand signals, or body signals
- have physical contact with the child (even if the child initiates the contact). Do not allow the parent to:
    - comb or stroke the child's hair,
    - hold hands, wrestle, tickle, horse play with the child,
    - change the child's diapers or accompanying the child to the bathroom.

The supervised visits must NOT be in the same place where the sexual abuse was said to have happened.

Important! Sexual abuse means:

- inappropriate **touching** of the child's body, and
- inappropriate or suggestive **language** or sexualized **behavior** by the parent.

That means the provider must watch the child very closely during the visit. The child's experience with sexual abuse may cause him or her to feel scared or sensitive in ways that are hard to predict. For example the child may seem afraid of a person, place, animal, TV show, etc. If the child seems upset, even if you do not know why, you must be prepared to decide if the visit should end or not.

FAQs

Can I stop or pause a visit?

Yes. You may pause or stop a visit *at any time* if you have safety concerns or if you are worried for the child's emotional well-being. Follow these steps:

1. Talk to the parent away from the child about the problem if it is safe to do so.
2. Let the visit continue if you think it can be done safely, or if not, end the visit for the day.
3. If you have decided to *stop* the visit, you should tell the parent right away the visit will be stopped.
4. Make notes about the visit. Write down the time, date, location, and reason(s) you stopped or paused the visit. The court and the other parent may ask you about it later. You may also be required to take your notes to court and give more information about what happened.

Can friends or relatives be at the visits?

Maybe. To know what is and is not allowed, you have to read the court order. If the court order allows other people to be present, YOU are still responsible to watch and listen and to be in charge of safety for the visit and everyone participating in the visit.

Important! Even if both parents agree, you may not allow other people at the visits *unless* it is part of the court order.

What about supervised visits if there has been domestic violence?

If there has been domestic violence, you must take these steps *before* the first visit:

- Have a copy of the protective order handy. You may need to show it to the authorities. You should also read it so you will know how to help keep victims safe.
- Make a safety plan in case the other parent tries to take the child during a visit.

- Know what information is confidential to make sure you do not mistakenly share it or leave it visible for the other parent. For example, victims often keep private their addresses, phone numbers, workplaces, and the child's school.
- Be prepared to stop or end the supervised visit if a parent disobeys any rules or you or the child is unsafe.
- Schedule the visit so there is NO CONTACT between the victim of domestic violence and the abuser.

Domestic Violence Resources

If one parent appears abusive toward the other parent or a child, it is very important that the parent have a parenting plan in place that will help everyone stay safe. You may encourage the victim to talk with a lawyer to find out the best legal way to proceed.

Most California cities and counties have domestic violence agencies that provide legal help with custody and visitation issues. The victim may contact the National Domestic Violence Hotline at **1-800-799-SAFE (7233)** or contact the national hotline at ***www.thehotline.org*** and ask them for domestic violence organizations in the area.

Domestic violence victims in California and their families can also get help from the California Partnership to End Domestic Violence at *www.cpedv.org*. To ask for information and resources, send an email to *info@cpedv.org*.

Should I report Child Abuse?

Because you are not paid to supervise the visits, you are not *required* to report abuse if you see it – but we encourage you to report it.

If you see unexplained bruises or marks, or if a child tells you about abuse, you may report the abuse to CPS, a hotline in your county, or ask the social worker for help. You do not have to give your name or phone number. But it could help if you do.

Even if you are wrong, you cannot be sued for making a report (unless you knew you were making a false report from the start.)

Penal Code section 11165.7(a)(35).

What about training and education requirements for nonprofessional providers?

You do not *have to* get training unless you want to become a professional provider. But training would be helpful.

If you are interested, here are the requirements to be a professional provider:

A **professional** provider *must*:

- Be an adult, 21 or older
- Agree to speak the language of the child and the parent or provide a qualified adult interpreter
- Agree to follow the court's orders
- Agree to get the required training
- Not have any DUI convictions within the last 5 years
- Not be on probation or parole in the last 10 years
- Have no restraining orders of any kind in the last 10 years
- Not have any convictions of child molestation, child abuse, or other crimes against a person

How do I protect children from being abducted?

There is always a chance that one parent may abduct (kidnap) the child during a supervised visit. Providers must always be prepared.

Keep these tips in mind to keep the children safe:

Before the First Visit

Find out which law enforcement agency covers the location of the supervised visits, and have these things handy:

- The phone number and address of the local police/sheriff in case of an emergency
- A recent photo of the child and parents

- Description of the child/ren and parents, including age, race, gender, height, hair, eye, and skin color, and special features like moustache, glasses, tattoo, or piercings
- Notes about the children's and parents' clothing and vehicle license plates for each visit

If a child is abducted during a supervised visitation

Contact the police right away. Say, *"This is an emergency. I want to make a missing person's report about a child abduction."*

After you call them, go to their office and give them all the information you can in person, including:

- A copy of the court order for supervised visitation,
- Photos, and
- Other information to identify or find the child and parent.

During the Visit

Safety Rules for the Visit

The provider must know what happens during the visit. To do that, you need to know what is being said. That helps you keep the child safe and be sure the parent isn't trying to plan to kidnap the child.

The parent and child *must* follow these rules:

- No whispering
- No communicating with body signals that you do not understand
- No talking in a language that you do not speak fluently, even if only for a few moments
- The parent must not pass a note to the child unless the provider has seen it first.

Can a provider add other rules to keep the child safe?

Yes. As a provider, you may add other rules that you feel are needed for your particular situation. Be clear, firm, and consistent about the rules.

Can a provider decide to ignore the court's order or rules?

No. Providers must **never** disobey rules the court has ordered. For example, even if you think it would be OK, if the court orders say the parent must not go outside with the child unless you are with them, you must obey that order. You must know the court orders and be with the parent and child at all times to make sure the visit is safe.

What other things should providers know?

Being a provider, even if you do not get paid, is a very important job.

To do it, you must agree to

- Read and follow the court order,
- Keep everyone safe,
- Monitor the behavior, communication, activities, and contact between the parent and the child at all times.

You also need to do these things before the first visit:

- Find out about each child's special health needs or medical conditions, in case of an emergency.
- Know how to contact law enforcement in case of an emergency, for example, if a parent tries to kidnap or harm the child.
- Explain the visitation rules to the child in age-appropriate language.
- Speak to each parent to make sure they understand the rules of visitation. You can use rules from this guide, and add others, as needed.
- Let the parents know you cannot keep any secrets:
    - you will share any email, letters, messages, etc. with the court, if asked
    - You will keep a record of all the visits and of any facts or problems that come up

Are you the right person for this job?

Supervising visits is not always easy. You have to be able to enforce rules and put your personal feelings aside. If do not have the time to supervise properly, feel uncomfortable, or believe you cannot follow the court order, then you should not agree to do this.

Supervised visitation provides a safe, structured setting for the parent to be with his or her child. This allows them to have and maintain a relationship, and that is good for the welfare of the child/children. If you agree to be a nonprofessional provider, remember your most important responsibility will be to keep everyone safe during the visit and follow the court's order for the supervised visit.

Thank you for reading this guide and for considering this important decision.

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This Guide is available in English and Spanish on the California Courts website:
www.courts.ca.gov and http://www.courts.ca.gov/cfcc-accesstovisitation.htm

For copies or more information about this Guide, please contact the

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