



Considerations When Filing a Complaint Against Providers of Supervised Visitation

DISCLAIMER: *The following information is not intended to provide legal advice. You should consult a licensed attorney if you have specific legal questions, in particular regarding requirements of the professional supervised visitation provider under Standard 5.20 and Family Code section 3200.5. CASVSP has no legal obligation to monitor or oversee supervised visitation providers. However, the goal and mission is to provide education and helpful resources and information to professionals, organizations, the court and families being served.*

Currently, there is no regulatory agency in the state of California that oversees or monitors the field of practice for supervised visitation and exchange services or providers of supervised visitation. Without such entity in existence, and while the courts are not responsible for the actions of the provider of supervised visitation, our organization has encouraged the following considerations below regarding complaints against a provider of supervised visitation. The enclosed is general information that may be helpful to any parent and/or supervised visitation provider in the state of California. It is also considered our organizations best practice, as a model of service delivery, that any professional provider of supervised visitation have existing policies and procedures and/or a clear outlined process defined in the program (contract) agreement regarding complaints and/or grievances prior to the commencement of service delivery.

Additionally, please note that there is **no certification or approved certification process**, for the state of California for the field of practice for supervised visitation or providers of supervised visitation. A provider of supervised visitation, including training individuals or organizations, that assert, state, imply, advertise, or use the term or reference to “certification,” “certified supervised visitation provider,” or “certified child monitor” and/or the like would be incorrect and misleading, as such does not exist in California. For additional information about certification, please see CASVSP link at <http://www.casvsp.org/certification.html>

Furthermore, the Judicial Council of California, Operations and Programs Division, Center for Families, Children & the Courts, Access to Visitation Grant Program produced a brochure titled, "*Supervised Visitation Services in California*" that may provide additional information to the courts, parents, professional providers of supervised visitation and other multidisciplinary professionals regarding supervised visitation services in California.



Considerations for Filing a Complaint Against Providers of Supervised Visitation

1. You should prepare and plan to provide a written account of your concerns. This should include any proposed concerns, questions or violations related to California Standard 5.20 and/or Family Code section 3200.5, which governs a provider of supervised visitation and exchange services.
 - a. § Standard 5.20 of the California Standards of Judicial Administration (*Uniform Standards of Practice for Providers of Supervised Visitation*) can be found at http://www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard5_20
 - b. § Family Code section 3200.5, can be found at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=03001-04000&file=3200-3204>
2. Submission of a written letter should be sent, by certified mail, to the Presiding Judge of the Family Law court and the Family Court Services Director or Manager in the appropriate local court county jurisdiction. <http://www.courts.ca.gov/find-my-court.htm>
3. You may want to contact the local county Family Court Services department and inquire whether the court jurisdiction has a formal or informal complaint process and request information for submission of a complaint. You can find a list of local courts at <http://www.courts.ca.gov/find-my-court.htm>
4. You may want to contact an attorney for legal assistance. <http://www.calbar.ca.gov/Public/LawyerReferralServicesLRS.aspx>
5. You may check with the appropriate business and/or professional licensing entity(ies) regarding the required formal or informal process for submission of a complaint.
6. You may want to contact the California Department of Consumer Affairs regarding the process for submission of a complaint. Information may be found at http://www.dca.ca.gov/online_services/complaints/complfrm.shtml
7. You may want to contact your local legislature to voice any concerns you have regarding providers of supervised visitation and/or supervised visitation services in the state of California. http://www.legislature.ca.gov/legislators_and_districts/legislators/your_legislator.html
8. You may want to consider submission of your concerns, in writing, to one of the Judicial Council (JC) of California Advisory Committees. The Judicial Council of California is the policymaking body for the California court system. The Judicial Council cannot get involved in individual court cases. However, the council, through its work with the various advisory committees such as Policy and Legislation Committee and Family and Juvenile Law Advisory Committee, addresses legislation related to statewide court operations and families and children. The link to Judicial Court branch website here <http://www.courts.ca.gov/> and the link to JC Advisory Committees is <http://www.courts.ca.gov/advisorybodies.htm>. Additionally, see the handout titled, “How a Proposal Becomes and Rule” which may assist in understanding how to submit your written concerns

to the council's advisory committees for review and consideration. The link is at :
<http://www.courts.ca.gov/documents/howprerule.pdf>

9. You may want to contact the Judicial Council's, Operations and Programs Division, Center for Families, Children & the Courts, Access to Visitation Grant Program for additional guidance regarding statewide supervised visitation services and professional provider practices. The Judicial Council is charged with administering and distributing California's share of the federal Child Access and Visitation Grant funds from the [U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement](#). The goal of the grant program is to support and facilitate noncustodial parent's access to and visitation with their children while maintaining the health, safety, and welfare of the child. Information about the grant program is can be found at <http://www.courts.ca.gov/cfcc-accesstovisitation.htm>

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What is supervised visitation?

Standard 5.20 of the California Standards of Judicial Administration (*Uniform Standards of Practice for Providers of Supervised Visitation*) define supervised visitation as contact between a noncustodial party and one and more children in the presence of a neutral third person. Supervised visitation is sometimes also referred to as child access services or child visitation services.

What is supervised exchange?

Supervised exchange refers to the supervision of the transfer of the child from one parent to another for the purpose of visitation with the noncustodial parent. Supervised exchange is sometimes also referred to as monitored exchange or neutral pick-up and drop-off of the child.

Why has the court ordered supervised visitation or exchange?

Sometimes, based on what is happening in the family or to make sure that children are safe and protected, a judge will decide for all concerned that a third person should be present to monitor the contact between you and your child or when you and the other parent exchange your child for visitation with the other parent.

What are the different types of supervised visitation providers?

Family Code section 3200.5 defines two types of providers:

- *Non-professional provider* is any person who is not paid for providing supervised visitation services. This is generally a family member, relative, or friend. A nonprofessional provider is not required to complete any training but the provider must meet certain requirements under Standard 5.20.
- *Professional provider* is any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating or through a supervised visitation center or agency. A professional provider must receive 24 hours of training on specific subject areas outlined under Family Code section 3200.5(d)(2).

Supervised Visitation Services

In 1997, the Judicial Council of California approved standards of practice for providers of supervised visitation. The information below is general in nature; however, it may be helpful to the court, parents, professional providers, and other multidisciplinary professionals or organizations regarding supervised visitation services in California for family law cases.

1. Providers of supervised visitation and others may contact the Judicial Council of California, Operations and Programs Division, Center for Families, Children & the Courts, Access to Visitation Grant Program Manager for information about supervised visitation services for the State of California. Find information on the California Courts Website located at <http://www.courts.ca.gov/cfc-accessstovisitation.htm>.
2. Providers of supervised visitation should review and download Family Code section 3200.5 related to supervised visitation. Information is available at: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=03001-04000&file=3200-3204>
3. Providers of supervised visitation should review and download a copy of Standard 5.20 (*Uniform Standards of Practice for Providers for Supervised Visitation*), which define minimal duties and obligations for a provider of supervised visitation. Information is available at: http://www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard5_20
4. Providers of supervised visitation should consult with a licensed attorney regarding business, professional, and legal requirements for supervised visitation services.
5. Providers of supervised visitation and others may contact the local family court services department, or the Family Law Facilitator Office, and/or the Online Self-Help Center in the appropriate county jurisdiction regarding rules, procedures, or any additional requirements for supervised visitation providers. Information is available at

<http://www.courts.ca.gov/find-my-court.>; and www.courts.ca.gov/selfhelp.

6. Providers of supervised visitation should review training and education requirements as set forth under Family Code section 3200.5. Professional providers of supervised visitation should complete training by qualified experts on Family Code section 3200.5 and Standard 5.20—subject matter experts that comprehensively understand the intent of the law. It is the responsibility of the individual provider or professional to inquiry regarding individual trainers and/or training organizations that advertise they meet the California Family Code and Standard 5.20 requirements.
7. Providers of supervised visitation should complete and have proof of fingerprinting and criminal background clearance for working with children.
8. Providers of supervised visitation should have proof of insurance if transporting children and the professional provider should have adequate insurance for the nature and degree of service provided by the individual as an independent provider and/or supervised visitation organization.
9. Providers of supervised visitation should consider participation with annual continuing education and training for improved professional development. As a professional provider of supervised visitation, the person should be able to demonstrate a level of competency and skill-knowledge for working as a provider under Standard 5.20.
10. Professional providers of supervised visitation should participate in job shadowing to gain direct work-related experience prior to working on any supervised visitation case. Job shadowing refers to a training and education experience that allows the [new] person or employee an opportunity to learn tasks associated with the role and duties of a provider of supervised visitation over a period of time while under the direct supervision of a trained and qualified employee or subject matter expert.

11. Professional providers should contact their City, State, and County business registry for business practice requirements for supervised visitation services in California.
12. Professional providers should consider contacting other professionals that work in supervised visitation centers and/ or as independent providers of supervised visitation for peer guidance related to the operation and administration of supervised visitation services.

Uniform Standards of Practice for Providers of Supervised visitation (Standard 5.20)

In 1997, Family Code section 3200 required the Judicial Council of California to develop standards of practice for supervised visitation providers. The Judicial Council adopted effective January 1, 1998, the *Uniform Standards of Practice for Providers of Supervised Visitation* as section 26.2 of the California Standards of Judicial Administration. Section 26.2 was changed (superseded), effective January 1, 2007, and became Standard 5.20 of the California Standards of Judicial Administration.

Effective January 1, 2013, Section 3200.5 was added to the Family Code (see Assembly Bill 1674 (Stats. 2012, ch. 692)), which required any standards for supervised visitation providers adopted by the Judicial Council to conform to Family Code section 3200.5. Family Code section 3200.5(d)(2) required the professional provider of supervised visitation to sign a declaration indicating that they meet the requirements under Family Code section 3200.5. Additionally, effective January 1, 2014, the Judicial Council of California approved a new optional form, *Declaration of Supervised Visitation Provider* (form FL-324) for providers of supervised visitation regarding Family Code section 3200.5 requirements. The form can assist the court, parents, and other professionals regarding the provider's compliance with statutory requirements.

Effective January 1, 2015, Standard 5.20 was amended to conform to the requirements enacted under Family Code section 3200.5 in 2013. In addition, therapeutic supervised visitation was eliminated as a type of supervised visitation provider and as a provision of service.

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