



THE DEFINITION OF A PROVIDER HAS CHANGED©

TWO TYPES OF PROVIDERS IN CALIFORNIA: Effective January 1, 2013, section 3200.5 was added to the Family Code, which sets forth that there are only two types of providers for supervised visitation: (1) Non-professional, and (2) professional. Standard 5.20 of the California Standards of Judicial Administration (*Uniform Standards of Practice for Providers of Supervised Visitation*) was revised, effective January 1, 2015, to be consistent with Family Code section 3200.5, and deleted/eliminated reference to therapeutic supervised visitation.

Use of language is important. To ensure the promotion of professionalism and knowledge of your role as a provider of supervised visitation services, a provider is encouraged to incorporate the language of Standard 5.20 regarding the duties and obligations of a provider and when referring to yourself as a provider of supervised visitation. Use of the terms, such as “certified visitation monitor,” “child visitation monitor,” “visitation specialist or visitation monitor,” are not consistent with language defined by Family Code section 3200.5 and Standard 5.20. In addition, appears to contribute to the confusion and misunderstanding regarding the type of provider for supervised visitation services and the role of the provider—whether as a nonprofessional or professional provider of supervised visitation. Consistency with language used in the Family Code and Standard 5.20 may help to alleviate these uncertainties regarding type of provider.

Under Standard 5.20, a **nonprofessional provider** is any person who is not paid for providing supervised visitation services. Unless otherwise ordered by the court or stipulated by the providers, the nonprofessional provider must meet the qualifications set forth under Standard 5.20(d)(1)(A-D).

Under Standard 5.20, a **professional provider** is any person paid for providing supervised visitation, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center. The professional provider must meet qualifications set forth under Standard 5.20(e)(1-11) and receive 24-hours of training on specific subject areas outlined under section (f)(2)(A-K) of Standard 5.20.

Professional providers of supervised visitation, effective January 1, 2013, are required to sign a declaration under penalty of perjury that they meet the statutory requirements of Family Code section 3200.5. The Judicial Council of California approved and adopted a new form, FL-324 (Declaration for Supervised Visitation Provider), to assist the courts and supervised visitation provider with statutory compliance regarding Family Code section 3200.5(d)(1)(2). The FL-324 form is an **optional** versus mandatory form. A provider should contact their local court to inquire regarding the use of the FL-324 by the superior court as a means of demonstrating compliance and what the process for filing or maintaining the form is.

REFERENCES:

1. Judicial Council of California: www.courts.ca.gov

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2. Revised Judicial Council Form, "Supervised Visitation Order (FL-341(A))":
<http://www.courts.ca.gov/documents/fl341a.pdf>
3. Family Code 3200.5: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=03001-04000&file=3200-3204>
4. Standard 5.20 of California Standards of Judicial Administration:
http://www.courts.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard5_20
5. Judicial Council of California, Center for Families, Children & the Courts, Access to Visitation Grant Program Manager (shelly.labotte@jud.ca.gov)

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