California's Access to Visitation Grant Program

Fiscal Years 2004–2005 and 2005–2006

ANNUAL REPORT TO THE CALIFORNIA LEGISLATURE

MARCH 2006

ADMINISTRATIVE OFFICE OF THE COURTS

CENTER FOR FAMILIES, CHILDREN & THE COURTS

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This report has been prepared and submitted to the California Legislature pursuant to Family Code section 3204(d).

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EXECUTIVE SUMMARY

California Family Code section 3204(d) directs the Judicial Council to

> *report to the Legislature on the programs funded . . . and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children. . . .*

This report provides the California Legislature with information on the programs funded during fiscal years 2004–2005 and 2005–2006 under the state's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents (hereinafter called the Access to Visitation Grant Program). The report highlights the grant program's goals and activities for fiscal years 2005–2006 and 2006–2007.[1]

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.[2] These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub.L. 104-193, 110 Stat. 2258)—title III, section 469B of the Social Security Act—enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children.

Under the federal statute,[3] grant funds may be used for such activities as mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision, and neutral drop-off and pickup), and development of guidelines for visitation and alternative custody arrangements. The use of the funds in California, however, is limited by state statute to three types of programs:[4]

- Supervised visitation and exchange services;
- Education about protecting children during family disruption; and
- Group counseling services for parents and children.

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[1] "Fiscal years 2005–2006 and 2006–2007" refers to the federal fiscal years unless otherwise specified.
[2] Fam. Code, § 3204(a).
[3] 42 U.S.C. § 669b.
[4] Fam. Code, § 3204(b)(1).

Child Access and Visitation Grant funding allocations to states are based on the states' numbers of single-parent households. California has received the maximum allocation of federal funds ($970,431 in 2004–2005 and $988,710 in 2005–2006),[5] which represents less than 10 percent of the total for the nation.

In each grant cycle, courts must apply for new funding under the Access to Visitation Grant Program. Because this is a competitive and not a continuation grant program, some courts have been successful in obtaining renewed funding, while other courts' programs have had to close their doors because of insufficient funds. However, to help support the goal of statewide replication of effective model programs, the request-for-proposals and evaluation process for fiscal year 2005–2006 and 2006–2007 was designed with the intent of funding continuing programs that have demonstrated a strong history of sound fiscal management and program administration, compliance with federal and state grant reporting requirements, and documentation of beneficial and model services that satisfy the overall goals of the grant program.

California courts that receive Access to Visitation Grant Program funds, together with their subcontractors, continue to struggle with balancing the intricacies and difficulty of ensuring that "access to services" is not reduced while meeting the ever-increasing demand for services, the ever-increasing needs of families for *subsidized* financial assistance, and the limitations on affordable, available, and accessible services statewide. Each year, the funding requested by the courts far exceeds available federal funds. At present, no state funds are designated specifically for supervised visitation and exchange services in family law matters, and even with grant subsidies, providing services to all those in need remains a challenge, as does sustaining the program through the next funding cycle.

To enhance court and community outreach while also reinforcing the goals of information sharing and maximal use of program resources to meet the needs of the courts and families receiving grant-funded services, the Access to Visitation Grant Program proposes to spend fiscal years 2005–2006 and 2006–2007 focused on these goals and activities:

- Providing technical assistance and offering training and education to courts statewide that are seeking to establish supervised visitation and exchange services where programs do not currently exist;

- Using the research findings from the program's data collection and reporting system to create a profile of the demographic and population characteristics of families receiving Access to Visitation Grant Program services;

[5] The census data are adjusted every three years. As a result, funding allocations to the states may result in an increase or a decrease based on the number of single-parent households.

- Developing and disseminating an Access to Visitation Grant Program Resource Binder containing, for instance, a compilation of court/subcontractor program policies and procedures and "best-practice" forms;

- Developing an informational directory of statewide supervised visitation service providers; and

- Identifying model programs using "best practices" that can be replicated on both national and state levels.

INTRODUCTION

Background

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.[6] These grants, established under section 391 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub.L. 104-193, 110 Stat. 2258)—title III, section 469B of the Social Security Act—enable states to establish and administer programs that support and facilitate noncustodial parents' access to and visitation with their children.

Funding allocations to the states are based on their numbers of single-parent households. In the 2000 Census, California had 1,127,062 single-parent households; therefore, the state receives the maximum allocation of federal funds ($970,431 in 2004–2005 and $988,710 in 2005–2006).[7] This amount represents less than 10 percent of the total amount of national funding. Each year, the funding requested by the courts far exceeds the federal funds available.

All of the Access to Visitation Grant Program courts and their subcontractors are required to provide a 20 percent (nonfederal) funding match to supplement their federal grant funds.[8] Programmatically, the most urgent challenge statewide for the grant program continues to be the need for increased funding and the need to identify adequate state and private funding sources.[9]

Program Administration

Under Family Code section 3204(a), the Judicial Council is charged with overall responsibility for administering the Access to Visitation Grant Program funds. Each year, the council must apply to the federal Administration for Children and Families to fund California's child custody and visitation programs. The Access to Visitation Grant Program receives guidance from the Judicial Council's Executive and Planning

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[6] Fam. Code, § 3204(a).

[7] The census data are adjusted every three years. As a result, funding allocations to the states may result in an increase or a decrease based on the number of single-parent households.

[8] Program sustainability is a key policy goal of the grant program. In the grant application, applicants must submit a funding plan and course of action that describes (1) current funding sources for the program; (2) the program's proposed development plan for the fiscal year, including resources for supplemental funding; and (3) results of previous funding efforts.

[9] Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program, Fiscal Years 2003–2004 and 2004–2005* (March 2005), p. 27.

Committee and the Family and Juvenile Law Advisory Committee, the state Legislature, and the federal Administration for Children and Families. The Administrative Office of the Courts' Center for Families, Children & the Courts (CFCC) has primary responsibility for administering and managing the grant program.

Grant Topic Areas

Under the United States Code, Child Access and Visitation Grant funds may be used for such activities as mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision, and neutral drop-off and pickup), and development of guidelines for visitation and alternative custody arrangements.[10] California Family Code section 3204(b)(1) limits the state's use of these grant funds to three types of programs:

- Supervised visitation and exchange services;
- Education about protecting children during family disruption;[11] and
- Group counseling services for parents and children.

For purposes of the Access to Visitation Grant Program, *supervised visitation* is defined as "visitation between a noncustodial party and one or more children in the presence of a neutral third person." *Supervised exchange service* is defined as "the supervision of the transfer of the child from one parent to another for the purpose of visitation."[12]

Under Family Code section 3202(a), all supervised visitation and exchange programs must comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation set forth in section 26.2 of the California Standards of Judicial Administration. Those requirements involve policies governing safety and security procedures, confidentiality, maintenance and disclosure of records, safety considerations for sexual abuse cases, abduction protocols, and defining when to suspend or terminate visitation services for noncustodial parents.

California law provides guidance on program activities related to education about protecting children during family disruption.[13] This guidance includes education on parenting skills and the impact of parental conflict on children, ways to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.[14]

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[10] 42 U.S.C. § 669b.
[11] The term *parent education* is used as a synonym for "education about protecting children during family disruption."
[12] Judicial Council of California, Administrative Office of the Courts, *Data Collection and Reporting System Handbook, Access to Visitation Grant Program* [Version 2] (2004), p. F-9.
[13] Fam. Code, § 3201(b).
[14] *Ibid*.

Group counseling services under the grant may include services for children as well as services for parents or guardians involved in child custody or visitation disputes, regardless of marital status. The criteria for what constitutes an "eligible provider" for the purpose of providing supervised visitation and exchange services, education, and group counseling are outlined in the state statute.[15]

Program Goals

Congress has identified the primary goal of the Child Access and Visitation Grant funding as being "to remove barriers and increase opportunities for biological parents who are not living in the same household as their children to become actively involved in their children's lives."[16] To this end, the primary goals of California's Access to Visitation Grant Program are to enable parents and children to participate in supervised visitation, education, and group counseling programs—irrespective of marital status and of whether the parties are currently living separately permanently or temporarily[17]—and to promote and encourage healthy relationships between noncustodial or joint custodial parents and their children while ensuring the children's health, safety, and welfare.[18]

The overarching policy goal of the grant program is to help expand the scope and availability of services statewide for families with children who are now or have been in family courts. Evaluation of the grant-funded services is a critical component of the grant program's success. To assess and measure the effectiveness of services, the Access to Visitation Grant Program courts, together with their subcontractors, have focused on the following outcome measures: increased time spent by the noncustodial parents with their children, improved parent-and-child relationships, and change (i.e., the individual parents' perceptions of change) in child support paid by the noncustodial parent.

Promotion and Encouragement of Healthy Parent-and-Child Relationships

The services funded through California's Access to Visitation Grant Program have been aimed at promoting and encouraging healthy parent-and-child relationships. This has been accomplished through the continued development of statewide education and group counseling programs to help parents learn effective techniques and skills for communication and problem solving and by allowing noncustodial parents and their

[15] Fam. Code, § 3202(b)(2).
[16] U.S. Department of Health and Human Services, Administration of Children and Families, Office of Child Support Enforcement, State Access and Visitation Program Directors and Administrators: State Profiles Information, memorandum (June 13, 2001).
[17] Fam. Code, § 3203.
[18] Fam. Code, § 3204(d).

children to maintain continued contact through safe, monitored supervised visitation or exchange services.

As reported by the courts, their subcontractors, and individual clients through feedback surveys and questionnaires, the grant-funded services have achieved the overall goal of promoting and encouraging healthy parent-and-child relationships by:

- Offering opportunities for parents to establish healthy relationships with their children;
- Increasing parents' awareness of the emotional and economic importance of supporting their children financially;
- Improving parents' communication and co-parenting skills;
- Supporting and encouraging parental responsibility;
- Providing safe and secure monitored services through the utilization of highly trained, professional supervised visitation and exchange service providers;
- Increasing parents' compliance with court orders;
- Ensuring that educational information and other "wrap-around" services are available to parents; and
- Reducing the likelihood that custody and visitation issues will be unnecessarily relitigated.

PROGRAMS FUNDED FOR FISCAL YEARS 2004–2005 and 2005–2006

The Access to Visitation Grant Program funds are awarded to California family courts through a competitive request-for-proposals process. Applicants are strongly encouraged to involve multiple courts and counties in their proposed programs and to designate one court as the lead or administering court. Courts may contract with nonprofit agencies and other community-based organizations to provide services, but contract agreements are made only with the designated superior court.[19] The intent is for funds to be used for services that can be consolidated or coordinated with existing family court services.[20] In fiscal year 2003, the funding allocation scheme—a funding cap based on county population size—was adopted by the Judicial Council's Family and Juvenile Law Advisory Committee for the multiyear funding cycle (i.e., fiscal years 2003–2004

[19] Judicial Council of California, Administrative Office of the Courts, *California's Access to Visitation Grant Program, Fiscal Years 2003–2004 and 2004–2005* (March 2005), p. 9.
[20] Fam. Code, § 3204(b)(3).

and 2004–2005). This funding cap was also approved for fiscal years 2005–2006 and 2006–2007. The current maximum grant amounts are as follows:

- $45,000 for counties or collaborative regions in which the population is less than 250,000;
- $60,000 for counties or collaborative regions in which the population is 250,000 to 999,999; and
- $100,000 for counties or collaborative regions in which the population is 1 million or more.

Grant Amounts

The federal funds received in California for fiscal years 2004–2005 and 2005–2006 totaled $1,959,141. In 2003 and 2005 (i.e., the grant years for fiscal years 2003–2004 and 2004–2005 *and* for 2005–2006 and 2006–2007), the Judicial Council approved the multiyear funding allocation of $780,000 per fiscal year for programs in 14 superior courts, involving 27 counties—the Superior Courts of Butte, Fresno, Los Angeles, Madera, Mendocino, Napa, Orange, San Francisco, Santa Clara, Santa Cruz, Shasta, Sonoma, Tulare, and Yuba Counties.

Table 1 shows the federal grant allocation to California and the range of grants awarded to applicant courts. Table 2 lists the superior courts that were awarded grant funding and their grant awards. Descriptions of the court grantees, their programs, and their collaborating partners for fiscal years 2004–2005 and 2005–2006 are included in Appendix A.

TABLE 1. FUNDING ALLOCATION AND RANGE OF GRANT AWARDS

Grant Fiscal Year	Federal Grant Allocation to State	Range of Grant Awards	Number of Grant Awards to Applicant Courts[a]	Number of Court/County Collaborations[b]
2004–2005	$970,431	$45,000 to $100,000; maximum awards based on population size	14	27
2005–2006	988,710	Same as above	13	26

[a] The Superior Court of Madera County and its subcontractor, Madera County Community Action Agency, were awarded grant funding for fiscal years 2003–2004 and 2004–2005; however, they voluntarily chose to suspend their services for the SEE ROOM—Supervised Visitation and Child Exchange Program in fiscal year 2004. In November 2004, the Judicial Council, as a result of the Superior Court of Madera County program's closure, approved the redistribution of $8,642 to two other grantees—the Superior Courts of Mendocino and Shasta Counties. The grant funds were divided equally between the two courts.

[b] In California's Access to Visitation Grant Program grant applications for fiscal years 2005–2006 and 2006–2007, the Superior Court of Siskiyou County was not included as part of the Superior Court of Shasta County's application for fiscal years 2005–2006 and 2006–2007.

TABLE 2. COURTS' GRANT AWARDS

Court	Fiscal Year 2004–2005	Fiscal Year 2005–2006
Superior Court of Butte County	$ 60,000	$ 60,000
Superior Court of Fresno County	59,928	59,928
Superior Court of Los Angeles County	100,000	100,000
Superior Court of Madera County	8,462[a]	—
Superior Court of Mendocino County	49,231[a]	49,231[a]
Superior Court of Napa County	27,000	27,000
Superior Court of Orange County	86,978	86,978
Unified Family Court of San Francisco County	60,000	60,000
Superior Court of Santa Clara County	100,000	100,000
Superior Court of Santa Cruz County	60,000	60,000
Superior Court of Shasta County	64,231[a]	64,231[a, b]
Superior Court of Sonoma County	34,000	34,000
Superior Court of Tulare County	36,844	36,844
Superior Court of Yuba County	41,788	41,788

[a] The Superior Court of Madera County and its subcontractor, Madera County Community Action Agency, were awarded grant funding for fiscal years 2003–2004 and 2004–2005; however, they voluntarily chose to suspend their services for the SEE ROOM—Supervised Visitation and Child Exchange Program in fiscal year 2004. In November 2004, the Judicial Council, as a result of the Superior Court of Madera County program's closure, approved the redistribution of $8,642 to two other grantees—the Superior Courts of Mendocino and Shasta Counties. The grant funds were divided equally between the two courts.

[b] In California's Access to Visitation Grant Program grant applications for fiscal years 2005–2006 and 2006–2007, the Superior Court of Siskiyou County was not included as part of the Superior Court of Shasta County's application for fiscal years 2005–2006 and 2006–2007.

Program Funding Preference for Fiscal Years 2005–2006 and 2006–2007

The funding preference for fiscal years 2005–2006 and 2006–2007 was designed to support the continuation of existing access to visitation programs for the multiyear grant cycle.[21] This preference is in line with the statewide goal of effective model programs that can be replicated in jurisdictions across the state. Many of the existing continuation programs have been developing model best-practice programs. In addition, the funding

[21] To address concerns about designating new programs to receive funds from the Access to Visitation Grant Program, the Judicial Council's Family and Juvenile Law Advisory Committee recommended, and the Judicial Council approved, the administering of a separate request-for-proposals and grant application process to allocate those funds to new programs or programs not currently funded by the grant if additional federal funds become available during fiscal years 2005–2006 and 2006–2007.

allocation and program preference continue the numerous multicourt-county collaborations, reflecting the legislative intent of the grant program.[22]

Furthermore, continuation funding was justified by the fact that these courts received the highest scores and rankings for their population size categories, demonstrated a history of sound fiscal management and program administration, and demonstrated diversity in population and in court size during the initial review process (i.e., fiscal years 2003–2004 and 2004–2005).

Replication of Effective Best-Practice Programs

Since the inception of the grant program, many of the court and community service providers have established high-quality service approaches and have become best-practice programs. The numerous challenges and successes of various courts and subcontractors in developing and maintaining their program services have contributed greatly to the overall improvement of court proceedings involving families and children. Knowledge of existing resources and familiarity with common experiences can significantly assist "new" courts and counties struggling with program design and implementation issues. The sharing of "lessons learned" with other courts can also assist in building greater program sustainability, because courts can learn from each other, be evaluated across sites, and produce effective practices.

Effective best-practice programs exemplify strong administrative expertise, solid fiscal and program administration, and the integration of the court and community in service delivery. When replicated statewide, these programs can serve as models for the nation. Funding for continuation programs can help reduce potential start-up risks associated with unspent funds, prevent expenditure of funds on implementation and program design rather than on direct services, and minimize overhead costs associated with staff training.

Furthermore, these continuation programs will be a foundation and resource for other courts seeking to start up grant-funded programs to provide supervised visitation and/or exchange services. This function is consistent with the Judicial Council's *Leading Justice Into the Future: Operational Plan for California's Judicial Branch, Fiscal Years 2003–2004 through 2005–2006* and with the proposed objective of identifying and evaluating effective models of practice and reporting to the Legislature and the Judicial Council on the implications of implementing such programs statewide (where appropriate), including the benefits of the programs and their potential impacts on judicial resources.

[22] The rationale for supporting multicourt collaborations included: (1) consistency with the intent of the Legislature to have courts and county regions participating as partners in order to maximize resources; (2) consistency with Family Code section 3204(b)(2)(A) in making service delivery available to a broad population; and (3) allowing for more geographically accessible programs statewide.

Review and Selection Process

Once the Judicial Council adopted and approved the Family and Juvenile Law Advisory Committee's recommendation to continue existing funding levels for all programs funded in federal fiscal years 2003–2004 and 2004–2005, those awards were initially subject to a stringent review and selection process, described below. Because the amount of funds requested by California courts each year far exceeds the amount available to award, and because demand for the types of services funded under the grant program is high, the grant review and selection methodology was designed to maximize the availability of services and resources, consistent with the funding and evaluation criteria set forth in Family Code section 3204(b)(2).

To ensure that the proposals were subject to a fair and unbiased selection process, the Family Law Subcommittee approved the establishment of the Selection Review Committee (SRC), consisting of members from the Family and Juvenile Law Advisory Committee and one CFCC staff attorney, to review the grant proposals and to submit funding recommendations directly to the Executive and Planning Committee of the Judicial Council. CFCC staff members acted as individual group facilitators and recorders for SRC but did not score or rate the proposals. SRC members also did not review and score any proposals from their own counties or courts. SRC members utilized both a reviewer rating sheet—which provided clear, quantifiable measures for evaluating and scoring the proposals—and a rating scale to tabulate the applicants' responses to each question.

For fiscal year 2005–2006 and 2006–2007, the grant proposals were evaluated with the goal of funding continuation programs that demonstrated a strong history of sound fiscal management and program administration, compliance with federal and state grant reporting requirements, and documentation of beneficial and model services that satisfy the overall goals of the grant program.

FUTURE PROGRAM GOALS AND ACTIVITIES

In seeking to help meet the continuous needs of the courts and families receiving Access to Visitation Grant Program services,[23] the grant program proposes to spend fiscal years 2005–2006 and 2006–2007 focused on these goals and activities:

- Providing technical assistance and offering training and education to courts statewide that are seeking to establish supervised visitation and exchange services where programs do not currently exist;

[23] See Judicial Council reports to the state Legislature: *A Report to the Legislature: California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents—The First Five Years* (March 2002) and *California's Access to Visitation Grant Program, Fiscal Years 2002–2003 and 2003–2004* (March 2004).

- Using the research findings from the grant program's data collection and reporting system to create a profile of the demographic and population characteristics of families receiving Access to Visitation Grant Program services;

- Developing and disseminating an Access to Visitation Grant Program Resource Binder containing, for instance, a compilation of court/subcontractor program policies and procedures and best-practice forms;

- Developing an informational directory of statewide supervised visitation service providers; and

- Identifying model programs using best practices that can be replicated on both national and state levels.

The overall objectives will be to enhance court and community outreach, improve information sharing and resources, and reinforce the goal of maximizing the use of program resources statewide. Additionally, in anticipation of the 10-year anniversary of the federal Child Access and Visitation Grant program in fiscal year 2007, several activities are being planned to showcase the significance and importance of this funding program. These activities include a statewide conference on "lessons learned" and model best-practice programs, and a collaboration partnership training (or a co-sponsored conference) with the Supervised Visitation Network—the only national organization focused specifically on the field of practice related to child access/supervised visitation and exchange services. These events will highlight the efforts of courts and communities that are working together and working in partnership with other entities that share a common mission and purpose.

CONCLUSION

Despite the many accomplishments of California's Access to Visitation Grant Program and the tireless efforts of the courts and subcontractors to identify and secure additional funding to support their services, inadequate funding continues to impede the courts' and subcontractors' ability to maintain current service delivery levels. The reduction of "access to services" means that the courts, together with their subcontractors, must struggle to meet the ever-increasing demand for services, the ever-increasing needs of families for *subsidized* financial assistance, and the limitations on affordable, available, and accessible services statewide.

However, the Access to Visitation Grant Program will continue to actively seek diverse supplementary funding while ensuring the administration and operation of high-quality program services. It will also work with other programs in the Administrative Office of the Courts and the federal Administration for Children and Families to expand and improve its service to the families of California.

APPENDIX A

List of Court Grantees, Program Summaries, and Collaborative Partners for Fiscal Years 2004–2005 and 2005–2006

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$60,000**
Superior Court of Butte County	$4,900
Parent Education Network (collaborative agency for all the county partners)	$55,100

Population (total collaboration): 269,252
Single-Parent Households (total collaboration): 9,911

Counties Served
Butte, Glenn, and Plumas

Collaborating Partners
Butte County District Attorney
Facilitator's Office (Butte County)
Facilitator's Office (Glenn County)
Family Court Services Mediators
Family Law Bar Association
Glenn County District Attorney
Superior Court of Butte County, Family Court Services
Superior Court of Glenn County
Superior Court of Plumas County

Program Summary
All About Kids is a multisite, multicounty program providing a variety of supervised visitation and exchange services for families, including supervised exchanges, group supervision, and therapeutic supervised visitation for families with special needs. The program also provides transportation vouchers for families to help ensure accessibility of services. The goals of the program are to (1) provide parents with increased access to and visitation with their children through supervised visitation and exchange services, (2) enrich the parent-child relationship, (3) develop a quarterly newsletter to help parents with tips for planning visitation and understanding how conflict between parents can affect children, and (4) improve the well-being of children.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$59,928**
Superior Court of Fresno County	$3,338
Comprehensive Youth Services	$56,590

Population: 799,407
Single-Parent Households: 32,863

Counties Served
Fresno

Collaborating Partners
Comprehensive Youth Services
Superior Court of Fresno County, Family Court Services

Program Summary
The *Safe Watch* program is designed to promote and encourage healthy relationships between noncustodial parents and their children while ensuring the health, safety, and welfare of the child. Safe Watch is a collaboration between Comprehensive Youth Services, a nonprofit, community-based provider serving families in need, and the Superior Court of Fresno County's Family Court Services Department to provide supervised and therapeutic visitation and parent education services.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$100,000**
Superior Court of Los Angeles County	$1,650
A Change of Faces	$10,000
Bienvenidos Family Services	$36,000
Los Angeles Wings of Faith	$13,000
Richstone Family Center	$22,000
The Ness Center	$17,350

Population: 9,519,338
Single-Parent Households: 340,980

Counties Served
Los Angeles

Collaborating Partners
A Change of Faces
Beinvenidos Family Services
Los Angeles Wings of Faith
Richstone Family Center
Superior Court of Los Angeles County, Family Court Services
The Ness Center

Program Summary
The *Safe Access and Friendly Exchanges (S.A.F.E.) for Kids Program* is a single program with multiple sites (not a court collaboration or partnership) proposing to continue to offer children safe, ongoing access to their noncustodial parents by providing on-site, low-fee supervised visitation and neutral exchange services for families throughout Los Angeles County. The program collaborates with five S.A.F.E. for Kids community-based, nonprofit agency sites to address the needs of parents and children who may be at risk for emotional and/or physical harm as a result of difficulties or conflict following divorce or separation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA

Years Funded	Fiscal Year 2003–2004	Fiscal Year 2004–2005
Total Grant Awarded	**$8,462**	**Program Closed**
Superior Court of Madera County	$43	
Madera County Community Action Agency	$8,419	

Population: 123,109
Single-Parent Households: 3,909

Counties Served
Madera

Collaborating Partners
Madera County Community Action Agency
Superior Court of Madera County, Family Court Services

Program Summary
The *SEE ROOM:—Access to Visitation and Exchange Program* is a single program with a single site (not a partnership) proposing to continue to offer supervised visitation and exchange services for parents and children going through family court. The goals of the program are to (1) preserve the parent-child relationship; (2) establish neutral, safe havens for parents to conduct orderly, stress-free exchanges; and (3) provide educational interventions to improve overall family life for at-risk children.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$49,321**
Superior Court of Mendocino County	$1,744
Del Norte Child Care Council	$11,300
S.A.F.E. for You (CASA of Humboldt County)	$11,300
Mendocino Family and Youth Services	$24,887

Population (total collaboration): 240,290
Single-Parent Households (total collaboration): 10,327

Counties Served
Del Norte, Humboldt, and Mendocino

Collaborating Partners
Del Norte Child Care Council
Mendocino Family and Youth Services
S.A.F.E. for You (CASA of Humboldt County)
Superior Court of Del Norte County
Superior Court of Humboldt County
Superior Court of Mendocino County, Family Court Services

Program Summary
The *North Coast Family Access and Opportunities Program* is part of a comprehensive, multisite, tricounty partnership program proposing to continue providing supervised visitation and exchange services and parent education for families and children experiencing separation or divorce. The program offers a distance-learning parent education component to meet the needs of community members who do not have access to transportation or who reside outside Mendocino County. The goals of the program are to (1) ensure safe and positive regular contact between parents and their children and (2) provide parents with essential tools to develop the necessary interpersonal skills to have healthy, ongoing relationships with their children, while facilitating their ability to comply with custody or visitation orders of the court regardless of their ability to pay for services.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$27,000**
Superior Court of Napa County	$0
Cope Family Center	$27,000

Population: 124,279
Single-Parent Households: 3,652

Counties Served
Napa

Collaborating Partners
Cope Family Center
Health and Human Services, Napa County
Napa Police Department
Superior Court of Napa County

Program Summary
Napa Access is a single-county program that is part of a comprehensive partnership proposing the continuation of supervised visitation, exchange, parent education, and group counseling services for parents and children in Napa County. The goals of the program are to (1) serve families who are ordered by the court to participate in supervised visitation or monitored exchange services, (2) make appropriate referrals to agencies serving both custodial and noncustodial parents, and (3) provide educational resources and support networks for parents.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Years Funded	**Fiscal Years 2004–2005 and 2005–2006**
Total Grant Awarded	**$86,978**
Superior Court of Orange County	$7,165
La Familia	$24,734
Family Assessment, Counseling, and Educational Services (F.A.C.E.S.)	$31,145
Korean Community Services (K.C. Services)	$23,934

Population (total collaboration): 2,846,289
Single-Parent Households: 53,184

Counties Served

Orange

Collaborating Partners

Family Assessment, Counseling, and Educational Services (F.A.C.E.S.)
Korean Community Services (K.C. Services)
La Familia
Superior Court of Orange County, Family Court Services

Program Summary

The *Keeping Kids Safe Program* is a single program that is part of a comprehensive partnership seeking to collaborate with three nonprofit agencies throughout Orange County to provide supervised visitation and exchange services, parent education, group counseling for parents and children, group counseling for low-income children who have witnessed domestic violence, and parent education services for families going through family court. This program has developed several publication brochures related to the practice of supervised visitation and monitored exchange services. The goals of the program are to (1) provide subsidized visitation and monitored exchange services for parents and (2) create a parent education curriculum focused on learning adaptive coping skills and understanding the emotional aspects of separation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$60,000**
Rally Family Visitation Services of Saint Francis Memorial Hospital	$60,000
Superior Court of San Francisco County, Unified Family Court	$0

Population: 776,733
Single-Parent Households: 14,438

Counties Served
San Francisco

Collaborating Partners
Rally Family Visitation Services of Saint Francis Memorial Hospital
Superior Court of San Francisco County, Unified Family Court

Program Summary
The *Family Cohesion Collaborative* is a single-county, single-site program (not a partnership) providing supervised visitation and exchange services under the umbrella of the local community hospital (Saint Francis Memorial Hospital). The overall goals of the program are to (1) provide high-quality, affordable supervised visitation and monitored exchange services as a means of improving the well-being of children involved in court-ordered parent visitation arrangements; (2) assist divorcing parents in beginning to establish new, positive parenting relationships; and (3) strengthen both custodial and noncustodial parents as caregivers while lessening negative impacts on children. The program has developed policies and procedures manuals and offers program services and educational materials in five languages (Spanish, Cantonese, Portuguese, Hindi, and Gujarati).

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$100,000**
Superior Court of Santa Clara County	$3,800
Family Service Agency of San Mateo County	$38,000
Community Solutions for Families, Children and Individuals, Inc.	$55,000
Family Service Agency of San Mateo (project management)	$3,200

Population (total collaboration): 2,389,746
Single-Parent Households (total collaboration): 56,413

Counties Served
San Mateo and Santa Clara

Collaborating Partners
Community Solutions for Families, Children and Individuals, Inc. (Santa Clara County)
Family Service Agency of San Mateo County
Superior Court of San Mateo County, Family Court Services
Superior Court of Santa Clara County, Family Court Services

Program Summary
The *Connections for Kids Program* is part of a partnership, multisite, multicounty comprehensive application seeking the continuation of safe access for children and their parents through supervised visitation and exchange services. The goals of the program are to (1) provide stable and safe situations for children in relationships with their parents and support healthy functioning for parents and children through supervised visitation; (2) promote parental responsibility, including financial support; (3) reduce trauma for children caused by family dissolution and conflict; and (4) improve parenting skills through modeling and education. The program has developed a five-county collaborative Supervised Visitation Training Module.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CRUZ

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$60,000**
Superior Court of Santa Cruz County	$1,200
Chamberlain's Children's Center	$14,000
Family Service Agency of Monterey County	$22,400
Walnut Avenue Women's Center	$22,400

Population (total collaboration): 710,598
Single-Parent Households (total collaboration): 56,413

Counties Served
Monterey, San Benito, and Santa Cruz

Collaborating Partners
Chamberlain's Children's Center (San Benito County)
Family Service Agency of Monterey County
Superior Court of Monterey County
Superior Court of San Benito County
Superior Court of Santa Cruz County, Family Court Services
Walnut Avenue Women's Center (Santa Cruz County)

Program Summary
The *Tri-County Collaboration (TCC)—Connections for Kids Program* is a multisite, tricounty collaborative between supervised visitation agencies and family courts in Monterey, San Benito, and Santa Cruz Counties that is proposing to offer the continuation of easy access, low-cost services to responsibly unite noncustodial parents with their children in a safe, supportive, and professional supervised visitation environment. The goals of the program are to (1) assist children and their noncustodial parents in staying connected through the utilization of supervised visitation and exchange services, (2) expand and enhance services in the three counties, (3) continue to provide supervised visitation services for low-income families with a sliding fee scale in the three counties, and (4) expand the number of sites at which supervised visitation and exchange services are offered.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SHASTA

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$64,231**
Superior Court of Shasta County	$490
Alternatives to Violence	$7,540
Kids' Connection—Trinity Court Program, Family Court Services	$5,800
Kids' Turn (Northern California Center for Family Awareness)	$20,162
Northern California Center for Family Awareness (Grant Project Coordinator)	$10,962
Parenting Center (Family Service Agency of Shasta County)	$19,277

Population (total collaboration): 276,618
Single-Parent Households (total collaboration): 20,857

Counties Served
Shasta, Tehama, and Trinity

Collaborating Partners
Alternative to Violence (Tehama County)
Family Service Agency of Shasta County
Kids' Connection (Trinity County)
Kids' Turn Shasta–Cascade
Superior Court of Shasta County, Family Court Services
Superior Court of Tehama County, Family Court Services
Superior Court of Trinity County, Family Court Services

Program Summary
The *Unified Parent Access Program* is a multisite, multicounty collaborative program, encompassing three family courts and several nonprofit agencies, to continue providing supervised visitation and exchange for nonresidential parents, parent education, and group counseling for parents and children. The overall goals of the program are to (1) facilitate noncustodial parental access and (2) improve visitation through education and counseling to help build healthy parent-and-child relationships. The program involves support, intervention, education, and therapeutic services to prevent future conflict and harm to children.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$34,000**
California Parenting Institute	$15,500
Sonoma County Legal Services Foundation	$18,500

Population: 458,614
Single-Parent Households: 14,950

Counties Served
Sonoma

Collaborating Partners
California Parenting Institute
Sonoma County Legal Services Foundation
Superior Court of Sonoma County, Family Court Services

Program Summary
The *Visitation Enhancement Program* is a single-county application, part of a comprehensive partnership with two local nonprofit agencies providing supervised visitation and exchange services and parent education. The program goals are to (1) provide safe, positive contact for children with their parents in order to encourage parents to support and care for their children; (2) provide parents with opportunities to show compliance with court orders; (3) offer referrals to parent education and other helpful services; and (4) assist parents in the transition to unsupervised visits. This program offers off-site visitation, which is coordinated through the local county legal aid clinic. The local Parenting Institute provides an array of parent education services for families.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$36,844**
Superior Court of Tulare County	$600
Family Services of Tulare County	$36,244

Population (total collaboration): 497,482
Single-Parent Households (total collaboration): 19,112

Counties Served
Kings and Tulare

Collaborating Partners
Family Services of Tulare County
Kings County Probation Department
Superior Court of Kings County, Family Court Services
Superior Court of Tulare County, Family Court Services

Program Summary

The Superior Court of Tulare County, in partnership with the Kings County Probation Department's—Family Court Services and the Superior Court of Kings County, contracts with Family Services of Tulare County, a nonprofit agency, to provide families with supervised visitation and exchange services and parent education by reducing or eliminating fees for low-income parents. The goal of the program is to support noncustodial parents' access to and visitation with their children in a manner that is safe and reduces harm or trauma to the children. The program produces a quarterly *Supervised Visitation* newsletter for participants.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF YUBA

Years Funded	Fiscal Years 2004–2005 and 2005–2006
Total Grant Awarded	**$41,788**
Superior Court of Yuba County	$1,788
Parent Education Network	$40,000

Population (total collaboration): 139,149

Single-Parent Households (total collaboration): 5,237

Counties Served
Sutter and Yuba

Collaborating Partners
Parent Education Network
Superior Court of Sutter County, Family Court Services
Superior Court of Yuba County, Family Court Services

Program Summary
The *Kids First Yuba–Sutter Family Visitation and Exchange Program* is a multisite, multicounty program offering supervised visitation and parent education, with sites in Marysville and Yuba City. This program utilizes trained visitation monitors from a nonprofit agency, Parent Education Network of Butte County, to provide supervised visitation services for the multicounty collaboration. The goals are to (1) provide access services to noncustodial parents through low-cost, widely available supervised visitation and exchange services; (2) promote healthy parent and child relationships by providing a safe, fun environment for children to have acceptable visitation contact; and (3) reduce the incidence of violence in adjudicated domestic violence disputes.

APPENDIX B

Section 669b of Title 42 of the United States Code
(Section 469B of Social Security Act)

Subtitle I—Enhancing Responsibility and Opportunity for Non-Residential Parents

SEC. 391. GRANTS TO STATES FOR ACCESS AND VISITATION PROGRAMS.

Part D of title IV (42 U.S.C. 651-669), as amended by section 353 of this Act, is amended by adding at the end the following new section:

42 U.S.C. 669B, SEC. 469B. GRANTS TO STATES FOR ACCESS AND VISITATION PROGRAMS.

SEC. 469B. [42 U.S.C. 669b] (a) In General.—The Administration for Children and Families shall make grants under this section to enable States to establish and administer programs to support and facilitate noncustodial parents' access to and visitation of their children, by means of activities including mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision and neutral drop-off and pickup), and development of guidelines for visitation and alternative custody arrangements.

(b) AMOUNT OF GRANT.—The amount of the grant to be made to a State under this section for a fiscal year shall be an amount equal to the lesser of—

(1) 90 percent of State expenditures during the fiscal year for activities described in subsection (a); or

(2) the allotment of the State under subsection (c) for the fiscal year.

(c) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—The allotment of a State for a fiscal year is the amount that bears the same ratio to $10,000,000 for grants under this section for the fiscal year as the number of children in the State living with only 1 biological parent bears to the total number of such children in all States.

(2) MINIMUM ALLOTMENT.—The Administration for Children and Families shall adjust allotments to States under paragraph (1) as necessary to ensure that no State is allotted less than—

(A) $50,000 for fiscal year 1997 or 1998; or

(B) $100,000 for any succeeding fiscal year.

(d) NO SUPPLANTATION OF STATE EXPENDITURES FOR SIMILAR ACTIVITIES.—A State to which a grant is made under this section may not use the grant to supplant expenditures by the State for activities specified in subsection (a), but shall use the grant to supplement such expenditures at a level at least equal to the level of such expenditures for fiscal year 1995.

(e) STATE ADMINISTRATION.—Each State to which a grant is made under this section—

(1) may administer State programs funded with the grant, directly or through grants to or contracts with courts, local public agencies, or nonprofit private entities;

(2) shall not be required to operate such programs on a statewide basis; and

(3) shall monitor, evaluate, and report on such programs in accordance with regulations prescribed by the Secretary.

APPENDIX C

California Family Code Sections 3200–3204

3200 [Development of Standards for Supervised Visitation] The Judicial Council shall develop standards for supervised visitation providers in accordance with the guidelines set forth in this section. On or before April 1, 1997, the Judicial Council shall report the standards developed and present an implementation plan to the Legislature. For the purposes of the development of these standards, the term "provider" shall include any individual who functions as a visitation monitor, as well as supervised visitation centers. Provisions shall be made within the standards to allow for the diversity of supervised visitation providers.

(a) When developing standards, the Judicial Council shall consider all of the following issues:
  (1) The provider's qualifications, experience, and education.
  (2) Safety and security procedures, including ratios of children per supervisor.
  (3) Any conflict of interest.
  (4) Maintenance and disclosure of records, including confidentiality policies.
  (5) Procedures for screening, delineation of terms and conditions, and termination of supervised visitation services.
  (6) Procedures for emergency or extenuating situations.
  (7) Orientation to and guidelines for cases in which there are allegations of domestic violence, child abuse, substance abuse, or special circumstances.
  (8) The legal obligations and responsibilities of supervisors.

(b) The Judicial Council shall consult with visitation centers, mothers' groups, fathers' groups, judges, the State Bar of California, children's advocacy groups, domestic violence prevention groups, Family Court Services, and other groups it regards as necessary in connection with these standards.

(c) It is the intent of the Legislature that the safety of children, adults, and visitation supervisors be a precondition to providing visitation services. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided.

3201 [First Enacted Section] Supervised Visitation Administration. Any supervised visitation maintained or imposed by the court shall be administered in accordance with Section 26.2 of the California Standards of Judicial Administration recommended by the Judicial Council.

3201 [Second Enacted Section] Administration of Programs; Definitions.

(a) The programs described in this chapter shall be administered by the family law division of the superior court in the county.

(b) For purposes of this chapter, "education about protecting children during family disruption" includes education on parenting skills and the impact of parental conflict on children, how to put a parenting agreement into effect, and the responsibility of both parents to comply with custody and visitation orders.

3202 [Compliance with Requirements; Definitions]

(a) All supervised visitation and exchange programs funded pursuant to this chapter shall comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation set forth in Section 26.2 of the Standards of Judicial Administration as amended. The family law division of the superior court may contract with eligible providers of supervised visitation and exchange services, education, and group counseling to provide services under this chapter.

(b) As used in this section, "eligible provider" means:
   (1) For providers of supervised visitation and exchange services, a local public agency or nonprofit entity that satisfies the Uniform Standards of Practice for Providers of Supervised Visitation.
   (2) For providers of group counseling, a professional licensed to practice psychotherapy in this state, including, but not limited to, a licensed psychiatrist, licensed psychologist, licensed clinical social worker, or licensed marriage and family therapist; or a mental health intern working under the direct supervision of a professional licensed to practice psychotherapy.
   (3) For providers of education, a professional with a bachelor's or master's degree in human behavior, child development, psychology, counseling, family-life education, or a related field, having specific training in issues relating to child and family development, substance abuse, child abuse, domestic violence, effective parenting, and the impact of divorce and interparental conflict on children; or an intern working under the supervision of that professional.

3203 [Programs and Counseling Administered by the Family Law Division] Subject to the availability of federal funding for the purposes of this chapter, the family law division of the superior court in each county may establish and administer a supervised visitation and exchange program, programs for education about protecting children during family disruption, and group counseling programs for parents and children under this chapter. The programs shall allow parties and children to participate in supervised visitation between a custodial party and a noncustodial party or joint custodians, and to participate in the education and group counseling programs, irrespective of whether the parties are or are not married to each other or are currently living separately and apart on a permanent or temporary basis.

3204 [Administration of Grant Funds]

(a) The Judicial Council shall annually submit an application to the federal Administration for Children and Families, pursuant to Section 669B of the "1996 Federal Personal Responsibility and Work Opportunity Recovery Act" (PRWORA), for a grant to fund child

custody and visitation programs pursuant to this chapter. The Judicial Council shall be charged with the administration of the grant funds.

(b) (1) It is the intention of the Legislature that, effective October 1, 2000, the grant funds described in subdivision (a) shall be used to fund the following three types of programs: supervised visitation and exchange services, education about protecting children during family disruption, and group counseling for parents and children, as set forth in this chapter. Contracts shall follow a standard request for proposal procedure that may include multiple year funding. Requests for proposals shall meet all state and federal requirements for receiving access and visitation grant funds.

(2) The grant funds shall be awarded with the intent of approving as many requests for proposals as possible while assuring that each approved proposal would provide beneficial services and satisfy the overall goals of the program under this chapter. The Judicial Council shall determine the final number and amount of grants. Requests for proposals shall be evaluated based on the following criteria:

(A) Availability of services to a broad population of parties.
(B) The ability to expand existing services.
(C) Coordination with other community services.
(D) The hours of service delivery.
(E) The number of counties or regions participating.
(F) Overall cost effectiveness.
(G) The purpose of the program to promote and encourage healthy parent and child relationships between noncustodial parents and their children, while ensuring the health, safety, and welfare of the children.

(3) Special consideration for grant funds shall be given to proposals that coordinate supervised visitation and exchange services, education, and group counseling with existing court-based programs and services.

(c) The family law division of the superior court in each county shall approve sliding scale fees that are based on the ability to pay for all parties, including low-income families, participating in a supervised visitation and exchange, education, and group counseling programs under this chapter.

(d) The Judicial Council shall, on March 1, 2002, and on the first day of March of each subsequent year, report to the Legislature on the programs funded pursuant to this chapter and whether and to what extent those programs are achieving the goal of promoting and encouraging healthy parent and child relationships between noncustodial or joint custodial parents and their children while ensuring the health, safety, and welfare of children, and the other goals described in this chapter.

Assembly Bill 673 (Honda) (Stats. 1999, ch. 1004) repealed Fam. Code, §§ 10100–10102, and *added* Fam. Code, §§ 3201–3204.

APPENDIX D

Uniform Standards of Practice for Providers of Supervised Visitation
(Cal. Stds. Jud. Admin., § 26.2)

Section 26.2 [Uniform standards of practice for providers of supervised visitation]

(a) [Scope of service] This section defines the duties and obligations for providers of supervised visitation as set forth in Family Code section 3200. Unless specified otherwise, the standards are designed to apply to all providers of supervised visitation, whether the provider is a friend, relative, paid independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The goal of these standards is to assure the safety and welfare of the child, adults, and providers of supervised visitation. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided. Each court is encouraged to adopt local court rules necessary to implement these standards.

(b) [Definition] Family Code section 3200 defines a provider] as any individual or any supervised visitation center who monitors visitation. Supervised visitation is contact between a noncustodial party and one or more children in the presence of a neutral third person. These standards and this definition are not applicable to supervision of visitation exchanges only, but may be useful in that context.

(c) [Qualifications, experience, and training of the provider] Who provides the supervision and the manner in which supervision is provided depends on different factors including local resources, the financial situation of the parties, and the degree of risk in each case. While the court makes the final decision as to the manner in which supervision is provided and any terms or conditions, the court may consider recommendations by the attorney for the child, the parties and their attorneys, Family Court Services staff, evaluators, therapists, and providers of supervised visitation.

There are three kinds of providers: nonprofessional, professional, and therapeutic. The minimum qualifications for providers are as follows:

(1) The nonprofessional provider is any person who is not paid for providing supervised visitation services. Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider should: (i) be 21 years of age or older; (ii) have no conviction for driving under the influence (DUI) within the last 5 years; (iii) not have been on probation or parole for the last 10 years; (iv) have no record of a conviction for child molestation, child abuse, or other crimes against a person; (v) have proof of automobile insurance if transporting the child; (vi) have no civil, criminal, or juvenile restraining orders within the last 10 years; (vii) have no current or past court order in which the provider is the person being supervised; (viii) not be financially dependent upon the person being supervised; (ix) have no conflict of interest as per subdivision

(f) of this section; and (x) agree to adhere to and enforce the court order regarding supervised visitation.

(2) The professional provider is 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. The professional and therapeutic provider should: (i) be 21 years of age or older; (ii) have no conviction for driving under the influence (DUI) within the last 5 years; (iii) not have been on probation or parole for the last 10 years; (iv) have no record of a conviction for child molestation, child abuse, or other crimes against a person; (v) have proof of automobile insurance if transporting the child; (vi) have no civil, criminal, or juvenile restraining orders within the last 10 years; (vii) have no current or past court order in which the provider is the person being supervised; (viii) be able to speak the language of the party being supervised and of the child, or provide a neutral interpreter over the age of 18; (ix) have no conflict of interest as per subdivision (f) of this section; and (x) agree to adhere to and enforce the court order regarding supervised visitation.

(3) The therapeutic provider is a licensed mental health professional paid for providing supervised visitation services, including but not limited to the following: a psychiatrist, psychologist, clinical social worker, marriage and family counselor, or intern working under direct supervision. A judicial officer may order therapeutic supervision for cases requiring a clinical setting.

(4) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation as per subdivision (i) of this section, and the legal responsibilities and obligations of a provider as per subdivisions (k) and (l) of this section.
In addition, the professional and therapeutic providers of supervised visitation should receive training including but not limited to the following: (i) the role of a professional and therapeutic provider; (ii) child abuse reporting laws; (iii) record-keeping 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; (ix) confidentiality; and (x) issues relating to substance abuse, child abuse, sexual abuse, and domestic violence.

(d) [Safety and security procedures] All providers should make every reasonable effort to assure the safety and welfare of the child and adults during the visitation. Supervised visitation centers should establish a written protocol with the assistance of the local law enforcement agency that describes what emergency assistance and responses can be expected from the local police or sheriff's department In addition, the professional and therapeutic provider should do all the following:

(1) Establish and set forth in writing minimum security procedures and inform the parties of these procedures prior to the commencement of supervised visitation;

(2) Conduct a comprehensive intake and screening to assess the nature and degree of risk for each case. The procedures for intake should include separate interviews with the parties before the first visit. During the interview, the provider should obtain identifying information and explain the reasons for temporary suspension or termination of a visit as specified in subdivision (m) of this section. If the child is of sufficient age and capacity, the provider should include him or her in part of the intake or orientation process. Any discussion should be presented to the child in a manner appropriate to the child's developmental stage;

(3) Obtain during the intake process, (i) copies of any protective order, (ii) current court orders, (iii) any Judicial Council form relating to supervised visitation orders, (iv) a report of any written records of allegations of domestic violence or abuse, and (v) in the case of a child's chronic health condition, an account of his or her health needs;

(4) Establish written procedures to follow in the event a child is abducted during supervised visitation; and

(5) Suspend or terminate supervised visitation if the provider determines that the risk factors present are placing in jeopardy the safety and welfare of the child or provider as enumerated in subdivision (i) of this section.

(e) [Ratio of children to provider] The ratio of children to a professional provider should be contingent upon:

(1) The degree of risk factors presents 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; and

(6) The experience of the provider.

(f) [Conflict of interest] All providers should maintain a neutral role by refusing to discuss the merits of the case, or agree with or support one party over another. Any discussion between a provider and the parties should be for the purposes of arranging visitation and providing for the safety of the children. In order to avoid a conflict of interest, no provider should:

(1) Be financially dependent on the person being supervised;

(2) Be an employee of the person being supervised;

(3) Be an employee of or affiliated with any superior or municipal court in the county in which the supervision is ordered unless specified in the employment contract; or

(4) Be in an intimate relationship with the person being supervised.

(g) [Maintenance and disclosure of records] The professional and therapeutic provider should keep a record for each case, including but not limited to the following: (i) a written record of each contact and visit including the date, time, and duration of the contact or visit; (ii) who attended the visit; (iii) a summary of activities during the visit; (iv) actions taken by the provider, including any interruptions, termination of a visit, and reasons for these actions; (v) an account of critical incidents, including physical or verbal altercations and threats; (vi) violations of protective or court visitation orders; (vii) any failure to comply with the terms and conditions of the visitation as per subdivision (i) of this section; and (viii) any incidence of abuse as required by law.

(1) Case recordings should be limited to facts, observations, and direct statements made by the parties, not personal conclusions, suggestions, or opinions of the provider. All contacts by the provider in person, in writing, or by telephone with either party, the children, the court, attorneys, mental health professionals, and referring agencies, should be documented in the case file. All entries should be dated and signed by the person recording the entry.

(2) If ordered by the court, or requested by either party or the attorney for either party or the attorney for the child, a report about the supervised visit should be produced. These reports should include facts, observations, and direct statements and not opinions or recommendations regarding future visitation unless ordered by the court. A copy of any report should be sent to all parties, their attorneys, and the attorney for the child.

(3) Any identifying information about the parties and the child, including addresses, telephone numbers, places of employment, and schools, is confidential, should not be disclosed, and should be deleted from documents before releasing them to any court, attorney, attorney for the child, party, mediator, evaluator, mental health professional, social worker, or referring agency, except as required in reporting suspected child abuse.

(h) [Confidentiality] Communications between parties and providers of supervised visitation are not protected by any privilege of confidentiality. The psychotherapist-patient privilege does not apply during therapeutic supervision.

The professional and therapeutic provider should, whenever possible, maintain confidentiality regarding the case except when (i) ordered by the court; (ii) subpoenaed to produce records or testify in court; (iii) requested by a mediator or evaluator in conjunction with a court-ordered mediation, investigation, or evaluation; (iv) required by Child Protective Services; or (v) requested by law enforcement.

(i) **[Delineation of terms and conditions]** The sole responsibility for enforcement of all the terms and conditions of any supervised visitation is the provider's. The terms and conditions for any supervised visitation, unless otherwise ordered by the court, are as follows:

(1) Monitor conditions to assure the safety and welfare of the child;

(2) Enforce the frequency and duration of the visits as ordered by the court;

(3) Avoid any attempt to take sides with either party;

(4) Ensure that all contact between the child and the noncustodial party is within the provider's hearing and sight at all times, and that discussions are audible to the provider, unless a different order is issued by the court;

(5) Speak in a language spoken by the child and noncustodial party;

(6) Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's siblings;

(7) Allow no discussion of the court case or possible future outcomes;

(8) Allow no provider nor the child to be used to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;

(9) Allow no spanking, hitting, or threatening the child;

(10) Allow no visits to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;

(11) Allow no emotional, verbal, physical, or sexual abuse; and

(12) Ensure that the parties follow any additional rules set forth by the provider or the court.

(j) **[Safety considerations for sexual abuse cases]** In cases where there are allegations of sexual abuse, the following additional terms and conditions are applicable to all providers unless otherwise authorized by the court:

(1) Allow no exchanges of gifts, money, or cards;

(2) Allow no photographing, audiotaping, or videotaping of the child;

(3) Allow no physical contact with the child such as lap sitting, hair combing, stroking, hand holding, prolonged hugging, wrestling, tickling, horseplaying, changing diapers, or accompanying the child to the bathroom;

(4) Allow no whispering, passing notes, hand signals, or body signals; and

(5) Allow no supervised visitation in the location where the alleged sexual abuse occurred.

(k) [Legal responsibilities and obligations of a provider] All providers of supervised visitation have the following responsibilities and obligations:

(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 such reports;

(3) Implement the terms and conditions as per subdivision (i) of this section; and

(4) Suspend or terminate visitation as per subdivision (m) of this section.

(l) [Additional legal responsibilities for professional and therapeutic providers] In addition to the preceding legal responsibilities and obligations, the professional and therapeutic provider should:

(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) Implement an intake and screening procedure as per subdivision (d)(2) of this section; and

(4) Comply with additional requirements as per subdivision (n) of this section.

(m) [Temporary suspension or termination of supervised visitation] All providers should make every reasonable effort to provide a safe visit for the child and the noncustodial party. However, 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. All interruptions or terminations of visits should be recorded in the case file.

All providers should advise both parties of the reasons for interruption of a visit or termination.

(n) [Additional requirements for professional and therapeutic providers] The professional and therapeutic provider should also state the reasons for temporary suspension or termination of supervised visitation in writing and provide them to both parties, their attorneys, the attorney for the child, and the court.

Section 26.2 adopted effective January 1, 1998. *Drafter's Notes 1998:* This standard was adopted to comply with Family Code section 3200. The standard provides the first statewide framework for providers of supervised visitation, encompassing the areas mandated in the statute: qualifications, experience, and education; safety and security procedures; conflicts of interest; maintenance and disclosure of records; confidentiality; delineation of terms and conditions; procedures for termination; and legal responsibilities and obligations for providers of supervised visitation.