



Judicial Council of California

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INVITATION TO COMMENT

SPR26-20

Title

Family Law: Domestic Violence Training
Standards for Court-Appointed Child
Custody Investigators and Evaluators

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 5.215 and
5.230

Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Action Requested

Review and submit comments by May 18,
2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

Gabrielle D. Selden, 415-865-8085
gabrielle.selden@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending two California Rules of Court in response to legislation. Assembly Bill 1974 (Stats. 2024, ch 303) amended Family Code section 1816 by expanding the advanced training requirements for court-appointed child custody investigators and evaluators. To align the rules with the statute, the committee proposes revising rules 5.215 and 5.230 to reference Family Code section 1816 directly rather than duplicating the statute's list of required training topics. The proposed changes would ensure that these court professionals are directed to the most current training requirements and eliminate the need to amend the rules whenever the Legislature amends the statutory list. The committee also proposes additional substantive and technical amendments to improve legal accuracy and readability.

Background

Family Code section 1816 (Link A) provides the basic, advanced, and continuing education requirements for court-appointed child custody investigators and evaluators. Subsection (d) requires child custody investigators, evaluators, and mediators to complete 16 hours of advanced

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

training within a 12-month period, 12 hours of which must cover five specific topics enumerated in the statute.¹

Assembly Bill 1974 amended the fifth topic—“[t]he unique issues in a family and psychological assessment in a domestic violence case”—by adding a new subtopic. This amendment requires court-appointed child custody investigators and evaluators to receive training on the risks associated with access to firearms and strategies to mitigate those risks.²

The legislative change affects rules 5.215 and 5.230. Rule 5.215, Domestic violence protocol for Family Court Services (Link B), references rule 5.230 for the applicable advanced training requirements. Rule 5.230, Domestic violence training standards for court-appointed child custody investigators and evaluators (Link C), in turn mirrors the advanced training requirements listed in Family Code section 1816.

The Proposal

The committee proposes the following substantive and technical amendments to rules 5.215 and 5.230:

Rule 5.215

To comply with AB 1974, the committee proposes amending the current content of subdivision (j)(2) (*Advanced domestic violence training*) by replacing the reference to rule 5.230 with a reference to Family Code section 1816. The committee also proposes removing outdated language in this subdivision relating to staff members employed by Family Court Services on January 1, 2002.

In addition, the committee proposes reorganizing subdivision (d)(6) (Separate sessions) into two subparts: (A) cases involving a history of domestic violence between the parties, and (B) cases in which domestic violence between the parties is discovered after the mediation or evaluation has begun. This reorganization is intended to clarify the procedures that Family Court Services staff must follow in each circumstance. As part of this revision, the committee also proposes making the language gender neutral by replacing the phrase “his or her lack of cooperation” in the last sentence of the current rule with “evidence of a party’s lack of cooperation” in proposed subdivision (d)(6)(A)(iii).

The committee proposes amending subdivision (f)(2)(a) (*Procedures for identification*) to clarify that the procedures for identifying domestic violence should not be limited to determining if there are *existing* emergency protective orders or domestic violence restraining orders

¹ The topics under Family Code section 1816(d)(5) are (1) the appropriate structuring of the child custody evaluation process; (2) the relevant section of local, state, and federal laws, rules, or regulations; (3) the range, availability, and applicability of domestic violence resources available to victims; (4) the range, availability, and applicability of domestic violence intervention available to perpetrators; and (5) the unique issues in a family and psychological assessment in a domestic violence case.

² Fam. Code § 1816(d)(5)(L).

concerning the parties or their minor children. The committee proposes striking the word “existing” from the rule to underscore that child custody mediators and evaluators may consider all such orders, whether they are currently in effect or have expired. This change makes the subdivision consistent with the overall goal of understanding the history of domestic violence between the parties. However, the committee requests specific comment about this proposed amendment to allay any concern that striking “existing” in (f)(2)(a) would have any unintended consequences.

Finally, the committee proposes reformatting the content of subdivision (i)(1) (*Language accessibility*) into smaller subparts (A)–(D). The restructuring is intended to improve clarity by emphasizing that Family Court Services must consider multiple factors to ensure the availability of safe and accessible services for the parties. The committee does not anticipate that this reformatting will create confusion; however, it seeks specific comment on the proposed changes in subdivisions (d)(6) and (i)(1).

Rule 5.230

The committee proposes amending rule 5.230 to eliminate duplicative statutory language and to clarify that the training requirements for court-appointed child custody investigators and evaluators are governed by Family Code section 1816. Specifically, subdivision (d) (Mandatory training) would be redrafted to provide a brief, high-level description of the training obligation and to incorporate by reference the basic, advanced, and annual update training requirements set forth in Family Code section 1816, rather than restating those requirements in the rule. As part of this revision, subdivisions (d)(1) and (d)(2), which currently repeat the detailed statutory training standards, would be stricken.

The committee also proposed deleting subdivision (g) (Previous training accepted). This provision references portions of subdivision (d) proposed for removal and duplicates the prior training credit provision already contained in Family Code section 1816(h).

In addition, the committee proposes making technical, nonsubstantive amendments to ensure that the rule’s statutory references are current and legally accurate. Specifically:

- Subdivision (a) currently references subdivisions (d) and (e) of Family Code section 3111, which were amended effective 1998 and are no longer applicable. The committee proposes replacing those references with Family Code section 1816.
- Subdivision (b) would be amended to replace the reference to Family Code section 3111 with a reference to Family Code section 1816. Additionally, the last sentence in this subdivision, beginning “Effective January 1, 1998...” would be stricken as obsolete.
- Subdivision (c) would be amended to align the definition of “child custody evaluator” with the definitions in rules 5.220 and 5.225. Because only one term is defined, the title of the subdivision would be amended from “Definitions” to “Definition.”

Alternatives Considered

The committee considered amending only rule 5.230 to add the new training topic required by AB 1974. However, to promote efficiency and consistency, the committee rejected this approach and instead proposes amending both rules as described above.

In developing the proposal, the committee also reviewed all title 5 rules of court that reference Family Code sections 1816 and 3111, including rules 5.210, 5.220, and 5.225, to determine whether amendments to the rules other than 5.215 and 5.230 were necessary. The committee concluded that no additional rule amendments are required.

The committee further considered whether revisions were needed to the *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications* (form FL-325) (Link D) and *Declaration of Private Child Custody Evaluator Regarding Qualifications* (form FL-326) (Link E). The committee determined that no changes to these forms are necessary to comply with AB 1974.

Fiscal and Operational Impacts

The impact associated with courts include costs related to educating judicial officers and court staff about the changes in the law, as well as implementing related procedural updates. Courts may also incur costs associated with participating in or accessing training programs developed to support implementation of the amendments to Family Code section 1816.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

1. Does the proposal appropriately address the stated purpose?
2. The committee has proposed reformatting rule 5.215(d)(6) and (i)(1) to make these subdivisions easier to read and understand. Would there be any risk of potential confusion caused by renumbering and relettering the existing content as proposed?
3. The committee proposes striking the word “existing” from rule 5.215(f)(2)(a). Would this amendment have any unintended consequences? (If so, please explain why the rules should not be amended as proposed.)

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

1. Would the proposal provide cost savings? If so, please quantify.
2. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
3. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
4. How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.215 and 5.230, at page 6–12
2. Link A: Assembly Bill 1974,
[leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1974](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1974)
3. Link B: Cal. Rules of Court, rule 5.215,
courts.ca.gov/cms/rules/index/five/rule5_215
4. Link C: Cal. Rules of Court, rule 5.230,
courts.ca.gov/cms/rules/index/five/rule5_230
5. Link D: form FL-325,
<https://courts.ca.gov/sites/default/files/courts/default/2024-11/fl325.pdf>
6. Link E: form FL-326,
courts.ca.gov/sites/default/files/courts/default/2024-11/fl326.pdf

Rules 5.215 and 5.230 of the California Rules of Court would be amended, effective January 1, 2027, to read:

1 **Rule 5.215. Domestic violence protocol for Family Court Services**

2
3 (a)–(c) * * *

4
5 (d) **Family Court Services: Description and duties**

6
7 (1)–(5) * * *

8
9 (6) *Separate sessions*

10
11 ~~In a Family Court Services case in which there has been a history of domestic~~
12 ~~violence between the parties or in which a protective order as defined in~~
13 ~~Family Code section 6218 is in effect, at the request of the party who is~~
14 ~~alleging domestic violence in a written declaration under penalty of perjury~~
15 ~~or who is protected by the order, the Family Court Services mediator,~~
16 ~~counselor, evaluator, or investigator must meet with the parties separately~~
17 ~~and at separate times. When appropriate, arrangements for separate sessions~~
18 ~~must protect the confidentiality of each party's times of arrival, departure,~~
19 ~~and meeting with Family Court Services. Family Court Services must~~
20 ~~provide information to the parties regarding their options for separate~~
21 ~~sessions under Family Code sections 3113 and 3181. If domestic violence is~~
22 ~~discovered after mediation or evaluation has begun, the Family Court~~
23 ~~Services staff member assigned to the case must confer with the parties~~
24 ~~separately regarding safety-related issues and the option of continuing in~~
25 ~~separate sessions at separate times. Family Court Services staff, including~~
26 ~~support staff, must not respond to a party's request for separate sessions as~~
27 ~~though it were evidence of his or her lack of cooperation with the Family~~
28 ~~Court Services process.~~

29
30 (A) In a Family Court Services case in which there has been a history of
31 domestic violence between the parties, or in which a protective order is
32 in effect, the following procedures apply:

33
34 (i) Family Court Services must provide information to the parties
35 regarding their options for separate sessions under Family Code
36 sections 3113 and 3181.

37
38 (ii) At the request of the party who is protected by a protective
39 order, or who is alleging domestic violence in a written
40 declaration under penalty of perjury, the Family Court Services
41 mediator, counselor, evaluator, or investigator must meet with
42 the parties separately and at separate times.

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(iii) Family Court Services staff, including support staff, must not respond to a party’s request for separate sessions as though it were evidence of the party’s lack of cooperation with the Family Court Services program.

(iv) When appropriate, arrangements for separate sessions must protect the confidentiality of each party’s times of arrival, departure, and meeting with Family Court Services.

(B) If domestic violence is discovered after mediation or evaluation has begun, then:

(i) The Family Court Services staff member assigned to the case must confer with the parties separately regarding safety-related issues and the option of continuing in separate sessions at separate times; and

(ii) If the mediation or evaluation will continue in separate sessions at separate times, the procedures in (6)(A) must be applied.

(7)–(8) * * *

(e) * * *

(f) **Screening**

(1) * * *

(2) *Procedures for identification*

Procedures for identifying domestic violence may include, but are not limited to: (a) determination of an ~~existing~~ emergency protective order or domestic violence restraining order concerning the parties or minor; (b) review of court papers and declarations; (c) telephone interviews; (d) use of an intake form; (e) **orientation**; (f) information from attorneys, shelters, hospital reports, Child Protective Services, police reports, and criminal background checks; and (g) other collateral sources. Questions specific to incidents of domestic violence should request the following information: date of the parties’ separation, frequency of domestic violence, most recent as well as past incidents of domestic violence, concerns about future domestic violence, identities of children and other individuals present at domestic violence

1 incidents or otherwise exposed to the domestic violence, and severity of
2 domestic violence.

3
4 (3) * * *

5
6 **(g)–(h)** * * *

7
8 **(i) Accessibility of services**

9
10 To effectively address domestic violence cases, the court must make reasonable
11 efforts to ensure the availability of safe and accessible services that include, but are
12 not limited to:

13
14 (1) *Language accessibility*

15
16 (A) Whenever possible, Family Court Services programs should be
17 conducted in the languages of all participants, including those who are
18 deaf.

19
20 (B) When the participants use only a language other than spoken English
21 and the Family Court Services staff person does not speak their
22 language, an interpreter—certified whenever possible—should be
23 assigned to interpret at the session.

24
25 (C) A minor child of the parties must not be used as an interpreter.

26
27 (D) An adult family member may act as an interpreter only when
28 appropriate interpreters are not available. ~~When a~~ Before a family
29 member ~~is acting~~ acts as an interpreter, Family Court Services staff
30 should attempt to establish, away from the presence of the potential
31 interpreter and the other party, whether the person alleging domestic
32 violence is comfortable with having that family member interpret for
33 the parties.

34
35 (2) * * *

36
37 **(j) Training and education**

38
39 (1) * * *

40
41 (2) *Advanced domestic violence training*

42

1 Family Court Services staff must complete 16 hours of advanced domestic
2 violence training within the first 12 months of employment and 4 hours of
3 domestic violence update training each year thereafter. The content of the 16
4 hours of advanced domestic violence training and 4 hours of domestic
5 violence update training must be the same as that required for court-
6 appointed child custody investigators and evaluators as stated in rule 5.230.
7 Those staff members employed by Family Court Services on January 1, 2002,
8 who have not already fulfilled the requirements of rule 5.230 must participate
9 in the 16-hour training within one year of the rule's effective date.

10
11 Family Court Services staff must complete 16 hours of advanced domestic
12 violence training within the first 12 months of employment and 4 hours of
13 domestic violence update training each year thereafter. The content of the 16
14 hours of advanced domestic violence training and 4 hours of domestic
15 violence update training must be the same as that required for court-
16 appointed child custody investigators and evaluators as stated in subdivisions
17 (d) and (e) of Family Code section 1816.

18
19 (3) * * *

20
21 **Rule 5.230. Domestic violence training standards for court-appointed child custody**
22 **investigators and evaluators**

23
24 **(a) Authority**

25
26 This rule of court is adopted under Family Code sections 211 and ~~3111(d) and (e)~~
27 1816.

28
29 **(b) Purpose**

30
31 Consistent with Family Code sections 1816 and 3020 ~~and 3111~~, the purposes of
32 this rule are to require domestic violence training for all court-appointed persons
33 who evaluate or investigate child custody matters and to ensure that this training
34 reflects current research and consensus about best practices for conducting child
35 custody evaluations by prescribing standards that training in domestic violence
36 must meet. ~~Effective January 1, 1998, no person may be a court-appointed~~
37 ~~investigator under Family Code section 3111(d) or Evidence Code section 730~~
38 ~~unless the person has completed domestic violence training described here and in~~
39 ~~Family Code section 1816.~~

40
41 **(c) Definitions**
42

1 For purposes of this rule, “court-appointed investigator” is considered to be
2 synonymous with “court-appointed evaluator” as defined in Family Code section
3 3110. A “child custody evaluator” is a court-appointed investigator as defined in
4 Family Code section 3110.
5

6 **(d) Mandatory training**
7

8 Persons appointed as child custody ~~investigators under Family Code section 3110~~
9 ~~or Evidence Code section 730~~ evaluators, and persons who are professional staff or
10 trainees in a child custody or visitation evaluation or investigation, must complete
11 basic training in domestic violence issues as the basic, advanced, and annual update
12 training in domestic violence issues (within the time periods) specifically described
13 in Family Code section 1816, ~~and in addition:~~

14
15 (1) ~~Advanced training~~

16
17 Sixteen hours of advanced training must be completed within a 12-month
18 period, ~~including but not limited to, the specific subjects identified in Family~~
19 ~~Code section 1816.~~ The training must include the following:

20
21 (A) ~~Twelve hours of instruction, as approved by Judicial Council staff, in:~~

22
23 (i) ~~The appropriate structuring of the child custody evaluation~~
24 ~~process, including, but not limited to, maximizing safety for~~
25 ~~clients, evaluators, and court personnel; maintaining objectivity;~~
26 ~~providing and gathering balanced information from both parties~~
27 ~~and controlling for bias; providing for separate sessions at~~
28 ~~separate times (as specified in Family Code section 3113); and~~
29 ~~considering the impact of the evaluation report and~~
30 ~~recommendations with particular attention to the dynamics of~~
31 ~~domestic violence;~~

32
33 (ii) ~~The relevant sections of local, state, and federal law or rules;~~

34
35 (iii) ~~The range, availability, and applicability of domestic violence~~
36 ~~resources available to victims, including, but not limited to,~~
37 ~~battered women’s shelters, specialized counseling, drug and~~
38 ~~alcohol counseling, legal advocacy, job training, parenting~~
39 ~~classes, battered immigrant victims, and welfare exceptions for~~
40 ~~domestic violence victims;~~

41
42 (iv) ~~The range, availability, and applicability of domestic violence~~
43 ~~intervention available to perpetrators, including, but not limited~~

1 to, arrest, incarceration, probation, applicable Penal Code
2 sections (including Penal Code section 1203.097, which
3 describes certified treatment programs for batterers), drug and
4 alcohol counseling, legal advocacy, job training, and parenting
5 classes; and
6

7 (v) The unique issues in family and psychological assessment in
8 domestic violence cases, including the following concepts:
9

10 a. The effects of exposure to domestic violence and
11 psychological trauma on children; the relationship between
12 child physical abuse, child sexual abuse, and domestic
13 violence; the differential family dynamics related to parent-
14 child attachments in families with domestic violence;
15 intergenerational transmission of familial violence; and
16 manifestations of post-traumatic stress disorders in
17 children;
18

19 b. The nature and extent of domestic violence, and the
20 relationship of gender, class, race, culture, and sexual
21 orientation to domestic violence;
22

23 c. Current legal, psychosocial, public policy, and mental health
24 research related to the dynamics of family violence, the
25 impact of victimization, the psychology of perpetration,
26 and the dynamics of power and control in battering
27 relationships;
28

29 d. The assessment of family history based on the type, severity,
30 and frequency of violence;
31

32 e. The impact on parenting abilities of being a victim or
33 perpetrator of domestic violence;
34

35 f. The uses and limitations of psychological testing and
36 psychiatric diagnosis in assessing parenting abilities in
37 domestic violence cases;
38

39 g. The influence of alcohol and drug use and abuse on the
40 incidence of domestic violence;
41

42 h. Understanding the dynamics of high-conflict relationships
43 and abuser/victim relationships;

- 1
2 i.—~~The importance of, and procedures for, obtaining collateral~~
3 ~~information from probation departments, children’s~~
4 ~~protective services, police incident reports, restraining~~
5 ~~order pleadings, medical records, schools, and other~~
6 ~~relevant sources;~~
7
8 j.—~~Accepted methods for structuring safe and enforceable child~~
9 ~~custody and parenting plans that assure the health, safety,~~
10 ~~welfare, and best interest of the child, and safeguards for~~
11 ~~the parties; and~~
12
13 k.—~~The importance of discouraging participants in child custody~~
14 ~~matters from blaming victims of domestic violence for the~~
15 ~~violence and from minimizing allegations of domestic~~
16 ~~violence, child abuse, or abuse against any family member.~~

17
18 (B)—~~Four hours of community resource networking intended to acquaint the~~
19 ~~evaluator with domestic violence resources in the geographical~~
20 ~~communities where the families being evaluated may reside.~~

21
22 ~~(2)—Annual update training~~

23
24 ~~Four hours of update training are required each year after the year in which~~
25 ~~the advanced training is completed. These four hours must consist of~~
26 ~~instruction focused on, but not limited to, an update of changes or~~
27 ~~modifications in local court practices, case law, and state and federal~~
28 ~~legislation related to domestic violence, and an update of current social~~
29 ~~science research and theory, particularly in regard to the impact on children~~
30 ~~of exposure to domestic violence.~~

31
32 (e)–(f) * * *

33
34 ~~(g)—Previous training accepted~~

35
36 ~~Persons attending training programs offered after January 1, 1996, that meet all of~~
37 ~~the requirements set forth in subdivision (d)(1)(A) of this rule are deemed to have~~
38 ~~met the minimum standards set forth in subdivision (d)(1)(A) of this rule, but they~~
39 ~~must still meet the minimum standards listed in subdivisions (d)(1)(B) and (d)(2) of~~
40 ~~this rule.~~