

# STANDARDS OF PRACTICE for Professional Providers of Supervised Visitation



**Superior Court of California  
County of Orange County**

This booklet is written for anyone who acts as a professional provider of supervised visitation. It delineates the minimum responsibilities, duties and obligations as required in *The Uniform Standards of Practice for Providers of Supervised Visitation*, and any additional conditions that the Superior Court of California, County of Orange, is requiring of professional providers. The Uniform Standards of Practice can be found in its entirety in the California Rules of Court, Standards of Judicial Administration, Section 5.20.

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# **STANDARDS OF PRACTICE for Professional Providers of Supervised Visitation**

## **Introduction**

In 1996, the California Legislature passed a bill requiring that standards of practice be written for anyone who acts in the capacity as a monitor of supervised visits between a parent and child. These standards were written and then adopted by the Judicial Council OF California. Effective January, 1998, *The Uniform Standards of Practice for Providers of Supervised Visitation* became Standards of Judicial Administration, Section 5.20.

The public policy of the State of California is to promote the best interests of the children whose parents, or other interested parties, have a custody or visitation matter in Family Court. It is also public policy to assure that both parents have frequent and continuing contact with their children after a separation or divorce, as long as the child can be safe. In cases where there are concerns for the emotional or physical well-being of a child, the Court may order that visits between a parent and child be supervised by a neutral person. At times the Court will order that this person be a professional provider.

The goal of *The Uniform Standards of Practice for Providers of Supervised Visitation* is to assure the safety and welfare of the child, adults and providers during these visits. Once safety is assured, the best interest of the child is the paramount consideration. This goal is accomplished by:

- Having quality services that are available to parents;
- Setting minimum qualifications for providers;
- Establishing minimum training requirements for providers;
- Setting forth clear expectations for providers;
- Insuring that providers know what is required of them in each individual case;
- Informing parents and children of what to expect from providers of supervised visitation.

## **ROLE OF THE PROFESSIONAL PROVIDER**

The professional provider is required to:

1. Make every effort to provide a safe visit for the child; and
2. Remain neutral at all times, including not discussing the merits of the case and not supporting or being in agreement with one parent over the other.

## **MINIMUM QUALIFICATIONS FOR THE PROFESSIONAL PROVIDER**

You must meet and maintain the following minimum qualifications to be a professional provider:

- Be 21 years of age or older;
- Have no conviction for driving under the influence (DUI) within the last 5 years;
- Have not been on probation or parole for the last 10 years;
- Have no record of a conviction for child molestation, child abuse, or other crimes against a person;
- Have proof of automobile insurance if transporting a child;
- Have no civil, criminal, or juvenile restraining orders within the last ten years;
- Have no current or past court order in which the provider is or has been the person being supervised;
- Be able to speak the language of the parent being supervised and of the child or provide a neutral interpreter over the age of 18;
- Have no conflict of interest.

A conflict of interest exists if the provider is;

1. Financially dependent on the person being supervised;
2. An employee of either parent;
3. In an intimate relationship with either parent; or
4. An employee of or affiliated with any Superior Court in the county in which the supervision is ordered unless specified in the employment contract.

- Agree, adhere to and enforce the court order regarding supervised visitation;
- Be currently cleared by TrustLine; and
- Be an approved provider.

## **SAFETY AND SECURITY PROCEDURES**

- Establish and set forth in writing minimum security procedures and inform the parents of these procedures prior to supervising any visits.
- Establish written protocols to follow in the event a child is abducted during a supervised visit.
- Conduct a separate comprehensive intake and screening interview with each parent to assess the nature and degree of risk in each case. During this interview you must:
  - ❖ Obtain relevant information from each of the parents.
  - ❖ Gather pertinent information about each child you will be supervising including specific medical and dietary needs such as allergies, diabetes, epilepsy, etc.

- ❖ Explain and give a copy to each parent of the terms and conditions of the visits.
  - ❖ Obtain and review any protective order or other court orders relating to custody and visitation or any declaration containing allegations of domestic violence or child abuse.
  - ❖ Inform each parent of the circumstances under which a visit will be interrupted or terminated.
- Provide an explanation to any child of sufficient age and capacity, about supervised visitation, prior to the first visit.
  - Set additional rules, if necessary, to assure the child's safety.
  - Interrupt or terminate a visit if you think the child's emotional well-being or physical safety is at risk.
  - Decline to provide services for any family if the safety or welfare of the child is in jeopardy.

### **RATIO OF CHILDREN TO A PROVIDER**

The ratio of children to each provider must be contingent upon:

- The degree of risk in each case.
- The number and ages of children to be supervised during a visit.
- The number of people visiting the child during the visit.
- The duration and location of the visit.
- Your experience as a provider of supervised visitation.

### **RECORD KEEPING AND REPORT WRITING**

You must keep accurate documentation on each case you supervise. These records must be limited to facts, observations and direct statements made by the parents, not personal conclusions, suggestions or opinion. Your records must reflect neutrality and objectivity.

Maintain a written detailed record of:

- ❖ Each contact or visit with a parent, child, attorney, mental health professional, etc., whether in person, writing or telephone including the content, date, time and duration.
- ❖ Who attends each visit.
- ❖ A summary of activities during the visit.
- ❖ Actions taken by you, the provider, including any interruptions or termination of the visit and reasons for these actions.

- ❖ An account of critical incidents including physical or verbal altercations and threats.
- ❖ Anything that appears to conflict with a protective or court visitation order.
- ❖ Any failure to comply with the terms and conditions of the visits as specified by these standards or any other terms or conditions.
- ❖ Any incidence of child abuse as required by law.

Provide written reports when:

- ❖ A visit is interrupted (temporary suspended) or terminated.
- ❖ Ordered or requested by the court, either parent, their attorneys or any attorney for the child.

Omit from these reports:

- ❖ Any identifying information such as addresses, school and phone numbers.

Provide all written reports to:

- ❖ Both of the parents, their attorneys, and any attorney for the child.

## **CONFIDENTIALITY**

You must advise the parents at the intake interview and prior to the first visit that you are not protected by any privilege of confidentiality. As a professional, however, you are expected to maintain confidentiality, whenever possible, regarding any case supervised except when:

1. Ordered by the court or subpoenaed to produce records and/or testify;
2. Requested by a Court Mediator, Court Investigator or Evaluator in conjunction with a court ordered mediation, investigation or evaluation;
3. Required by Child Protective Services; or
4. Requested by a law enforcement agency.

Information that is confidential includes identifying information about either of the parents or the child including addresses, telephone numbers, e-mail addresses, places of employment, and schools. This information must be deleted from all documents before they are released to anyone, except when reporting suspected child abuse.

## **TERMS AND CONDITIONS FOR SUPERVISED VISITATION**

As the provider, your responsibility is to enforce all of the terms and conditions of any supervised visit. To do that you must first:

- Read the court order, and comply with the frequency, duration or any other conditions of the visits as ordered.
- See and hear all contact between the child and the non-custodial parent. This also means that you must understand the language they are speaking or provide an interpreter over the age of 18.

The terms and conditions of all supervised visitations, unless otherwise ordered by the court are as follows:

- **No derogatory comments** about the other parent, his or her family, caretaker, child, or extended family.
- **No discussion of the court case** or possible outcomes.
- **No gathering of information about the other parent** or allowing the child to accept or take property, papers or legal documents to or from one parent to the other.
- **No spanking, hitting, or threatening the child.**
- **No visits if the parent appears to be under the influence of alcohol or illegal drugs.**
- **No violation of any additional rules** that you, as the provider, have set.

### **ADDITIONAL RULES FOR CASES WITH ALLEGATIONS OF SEXUAL ABUSE**

The following rules apply to all cases of supervised visitation in which there are allegations of sexual abuse, unless the Court has ordered otherwise.

- **No exchanges of gifts, money, or cards.**
- **No photographing, audio taping or video taping of the child.**
- **No physical contact with the child** such as lap sitting, hair combing, stroking, hand holding, prolonged wrestling, tickling, horseplaying, changing of diapers, or accompanying the child to the bathroom.
- **No whispering, passing notes, hand signals, or body signals.**
- **No visits in the location where the alleged sexual abuse occurred.**

### **INTERRUPTING OR TERMINATING A VISIT**

If a parent violates the terms and conditions of the visit, if the child becomes distressed, or if the child's safety or well-being is at risk, you **MUST** take action. Depending upon the situation, you must either:

1. Interrupt the visit and talk to the parent about the problem. If the parent cooperates and agrees to follow the rules, the visit may continue; or
2. Immediately terminate the visit.

## **CHILD ABUSE REPORTING**

Section 11166 of the *Penal Code* defines a professional provider of supervised visitation as a legally mandated reporter of child abuse. You must:

- Inform the parents at the intake interview, or prior to the first visit, of your responsibility to report suspected child abuse.
- Report all suspected child abuse to the CHILD ABUSE HOTLINE at (714) 940-1000.

Telephone the Child Abuse Hotline for assistance if you are unsure of whether or not you should be reporting an incident.

## **LIMITATIONS OF A PROVIDER**

Your responsibility is to follow the court order. A provider cannot change the conditions set forth on that order. If one or both parents want to change the visitation schedule or the conditions of the visit, they will need to get a new court order. Advise the parents to contact their attorney or the Office of the Family Law Facilitator if they need assistance in filing the proper paperwork. The Office of the Family Law Facilitator is located at:

Lamoreaux Justice Center  
341 The City Drive, 7<sup>th</sup> Floor, Room C-705  
Orange, CA

If the parents cannot agree on how to modify the court's orders, and they are both willing to meet with a Court Mediator to assist them in reaching an agreement that can then be filed with the Court and become an order, suggest that they call Family Court Services at (714) 935-6550 to schedule an appointment at no cost.