

For additional copies or more information about this booklet, please call the Center for Families, Children & the Courts at 415-865-7739, or write to:

Judicial Council of California  
Center for Families, Children & the Courts  
Attn: Access to Visitation Grant Program  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

*Answers To Your*



**A GUIDE**

*for the*

*Non-Professional Provider  
of Supervised Visitation*

*(Revised September 2016)*



JUDICIAL COUNCIL  
OF CALIFORNIA

---

OPERATIONS AND PROGRAMS DIVISION  
CENTER FOR FAMILIES, CHILDREN & THE COURTS

**Judicial Council of California**

**Hon. Tani G. Cantil-Sakauye**  
*Chief Justice of California and  
Chair of the Judicial Council*

**Martin Hoshino**  
*Administrative Director*

**Millicent Tidwell**  
*Chief Operating Officer*

**CENTER FOR FAMILIES, CHILDREN & THE COURTS**

**Diane Nunn**  
*Director*

**Nancy Taylor**  
*Manager*

**Anna Maves**  
*Supervising Attorney*

**Shelly La Botte, J.D.**  
*Access to Visitation Grant Program Manager*

**Youn Kim**  
*Associate Analyst*

***We would like to acknowledge the Superior Court of Orange County  
and the California Child Abduction Task Force for their efforts in  
developing this publication.***

---

---

## ***A Guide for the Non-Professional Provider of Supervised Visitation***©



### ***What Am I Being Asked To Do?***

You have been asked to do a very important job — to supervise visits between a parent (referred to as the noncustodial parent) and his/her child. You have been asked because supervised visitation has been ordered by the court, and because the parents agreed that they could trust you in ensuring the health, safety, and welfare of their child. The court recognizes that you are playing a very important role and has made this brochure available to help assist you making the decision regarding whether you should act as a nonprofessional provider of supervised visitation. In accepting this responsibility, you must understand what you are being asked to do and whether you are willing to perform the duties as required by law and the court.

Please read the following guide carefully before agreeing to be a nonprofessional provider of supervised visitation. If, after reading it, you agree to accept the role of a nonprofessional supervised visitation provider then the booklet can provide you with general information you **MUST** know in order to supervise the visit between the noncustodial parent and the child. As a nonprofessional provider of supervised visitation, you must minimally follow the requirements under Family Code section 3200.5 and Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation).

If you decide to supervise the visit between the noncustodial parent and the child, make sure you get a copy of the Uniform Standards of Practice for Provider of Supervised Visitation. The Standards are located at: [www.courts.ca.gov/rules/standard5-20](http://www.courts.ca.gov/rules/standard5-20).

Also get a copy of Family Code section 3200.5, which is located at: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=03001-04000&file=3200-3204>



### ***Why Has The Court Ordered Supervised Visitation?***

The policy of the State of California is to promote the best interests of children whose parents, or other interested parties, have a custody or visitation matter in family court. The first step in doing this is to make sure the children are safe and protected. The second step is to help children have contact with each of their parents when it is safe to do so after a divorce, separation or if the parents were never married. Sometimes, based on certain circumstances, a judge will decide that in order for a child to have contact with one of the parents, it is better for all concerned that a third person be present during the parent-child contact. This arrangement is called *supervised visitation*, and the person who does this very important work is called *the provider*. Because you are not being paid for providing the supervised visit, you are referred to as a *nonprofessional provider* of supervised visitation.



### ***Do I Qualify?***

Unless the judge decides differently, or both parents agree otherwise, the following are the minimum qualifications for a nonprofessional provider as required under Family Code section 3200.5. Please read them carefully to see if you qualify to supervise the visit between the noncustodial parent and the child.

1. Have no record of a conviction for child molestation, child abuse or other crimes against a person.
2. Have proof of automobile insurance if transporting the child.
3. Have no current or past court order in which the provider is the person being supervised.
4. Agree to adhere to and enforce the court order regarding supervised visitation.

---

In 1996, the California legislature required that standards of practice be created for anyone who acts in the capacity as a supervised visitation provider. These standards were adopted as the *Uniform Standards of Practice for Providers of Supervised Visitation*. These standards are referred to as Standard 5.20 of the California Standards of Judicial Administration. Additionally, effective January 1, 2013, section 3200.5 was added to the Family Code relating to supervised visitation providers. Family Code section 3200.5 outlines certain required duties for supervised visitation providers. In this booklet, we will cover some of the duties and requirements you must agree to follow, as well as answer questions we think you might have regarding your responsibilities as a nonprofessional provider of supervised visitation.



### *What Are My Responsibilities?*

- ❖ **Follow the Uniform Standards of Practice for Providers of Supervised Visitation and the requirements under Family Code section 3200.5.**
- ❖ **Each provider is responsible for making every reasonable effort to provide a safe visit for the child and the noncustodial parent.**

**Remain Neutral.** The judge understands that you may have feelings and emotions about the children, parents, and circumstances in the case. Even if this is true, while you are supervising the visits, it is very important that you avoid taking sides with either parent. You should keep your opinions about any aspect of the case or about the other parent to yourself and do not discuss the court case with either parent.

**Read the Court Order.** You must read the parts of the court order that refer to supervised visitation so that you know what is being asked of you. Even though one of the parents may be close to you, you should get a copy of the court order before you do your first supervised visit. This is important because the court order will provide you with helpful information about what should or should not happen during the

---

---

supervised visit. Ask one of the parents or their attorney to provide you with a copy or you can get a copy of the court order by taking the case number to the Court Clerk's office. You should understand the times, places, restrictions, and other terms and conditions of the visits that may be in the court order because the judge has considered how to best keep everyone safe during the visit. Even if you do not agree with the order, you must do all that you can to make sure the visits occur as they are written in the court order.

**Make sure that you can see and hear all contact and conversations between the child and noncustodial parent.**

This also means that you must understand the language they are speaking. Because you cannot leave the location where the visit is taking place and the parent and child must be within your sight and hearing at all times, it would be helpful if you make arrangements ahead of time regarding who will answer the phone, or the door, and who will attend to other activities while you are supervising the visit. This also helps to ensure safety.

**Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's brothers and sisters .**

Sometimes it is difficult to set rules for a friend or family member because of your personal relationship with them. During the time you are supervising the visits with the child, you are responsible for making sure that the child is free from hearing any negative comments, unkind remarks, or any angry statements about the other parent, his/her family, or the child's siblings. During the supervised visit, it is helpful to remember that this is the noncustodial parents parenting time with the child and discussions should be focused on building a healthy relationship between the parent and child.

**Allow no discussion of the court case or possible outcomes .**

While supervised visitation is the noncustodial parent's parenting time with the child, it is important that the child does not hear any discussion about the court case or the parent's separation or divorce, including conversations about possible future outcomes. Children often experience anger, sadness, and rejection after parents separate so it is important that the visit between the parent and the child be focus on what is happening now. Children do not need to know about what happened in the adult

---

---

relationship. The court requires that children be free from such discussions.

**Do not allow yourself or the child to be used to gather information about the other parent, or transmit information, or personal possessions or papers.** Remember that the court recognizes that when families and friends are involved in the visitations it can be more difficult for you to establish firm rules. However, it is your responsibility to monitor and keep safe the interaction between the child and the parent during the visit.

**Allow no visits to occur when the parent appears to be under the influence of alcohol or illegal drugs.** If the parent appears to be under the influence of alcohol or illegal drugs when they show up for the supervised visit, you must not allow the visit to happen between the parent and the child because this would be unsafe for everyone involved.

**IMPORTANT:** You must end the supervised visit immediately if the one of the parents appears to be under the influence. You should also take caution when informing the parent that they will not be allowed to visit with their child. This discussion should be done in a safe and protected manner to help reduce the risk of possible harm or injury to anyone.

**Allow no emotional, physical or sexual abuse.** Spanking, hitting, or threatening the child (or you as the supervised visitation provider) is not allowed at any time. Physical abuse may include such things as pinching the child, pulling the child, tickling too hard, and playing too rough. Remember to follow the terms and conditions of the court order and any other additional rules you have put in place for everyone's safety.

The visit between the noncustodial parent and the child should also be free from emotional and verbal abuse. This includes such behavior as yelling and screaming; calling the child names such as "sissy", "stupid", or "dumb"; blaming and accusing the child; making fun of the child; threatening the child with physical abuse, harm to his or her loved ones and animals; or threatening, frightening situations for the child like abandonment or loss of a home and friends.



---

---

**As the provider, you may decide on some rules of your own.**

For example, if the visit is to occur in the home, you may require the parent and child to stay within a certain area of the house or yard to help keep everyone safe. This will also help to ensure that you are able to see and hear what is going on between the parent and the child at all times. If you decide to have the supervised visit in a public place such as a park, or restaurant or library, you may want to establish certain additional rules for safety. These rules should be discussed with the child and noncustodial parent before the first visit so that everyone understands what will and will not be acceptable and what behavior, activities, actions, and safety-related concerns determined by you that will end the visit between the parent and child. If you are visiting in a public place, you **MUST** understand the safety issues involved with this type of supervision because your role and responsibility as a provider is to reasonably keep everyone safe, and so you must properly plan for safety ahead of time.



***Are There Special Rules For Cases In Which There Are Allegations Of Sexual Abuse?***

The following rules apply to providers of supervised visitation in cases where there are allegations of sexual abuse, unless the court has made a different order. These cases are very painful to everyone involved and the court recognizes and understands that enforcement of the following rules may be even more difficult for friends and family members. However, until the issues in the case are resolved by the court or other appropriate authority, the following restrictions are to apply during the supervised visit:

1. Allow no exchanges of gifts, money, or cards;
2. Allow no photographing, audio-taping, or videotaping of the child;

- 
- 
3. Allow no physical contact with the child even if the child initiates the contact with the parent, such as lap sitting, hair combing, stroking, hand holding, prolonged wrestling, tickling, horse playing, 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.

Remember that sexual abuse includes inappropriate touching of the child's body and inappropriate or suggestive language or sexualized behavior by the parent.

**IMPORTANT:** As the supervised visitation provider for these types of cases, it is most important that you pay close attention to the child's responses and actions during the visit. In sexual abuse cases, you should understand that something resulting from the child's experience may cause him/her to be particularly scared or sensitive to a person, place, animal, TV show, etc. If the child appears to be afraid or upset, even if you don't know what has caused it, you must determine whether to continue the visit or end the visit because of safety concerns.



### *Can I Interrupt Or End A Visit If Necessary?*

YES, if the rules of the visit have been broken, the child has become very distressed, or your safety or the safety of the child or noncustodial parent is at risk, you must take immediate action. Depending on the situation, you may temporarily interrupt or stop the visit, talk to the parent about the problem, if it safe to do so, and let the visit continue if there is no safety issue or rule violation; or you may end the visit for that day. If you decide to interrupt or end the visit, you must do two things:

- 
- 
1. Tell both parents why you decided to interrupt or end the visit; and
  2. Take notes about the visit, including time, date, location and reason/s for the interruption or termination of the visit in case you are asked about it at a later date. You may be required to take your notes to court so make sure you accurately record what happened and why you determined to interrupt or terminate the visit between the parent and child.



### ***Is There Anything Else I Should Know as a Provider?***

Your role as a nonprofessional provider is very important and requires that you agree to follow the court order, keep everyone safe, and monitor the behavior, communication, activities, and contact between the parent and the child at all times. The following may be helpful additional information in thinking about your role as a supervised visitation provider.

1. Get information about the child's health needs or any medical condition in case of an emergency.
2. Know law enforcement contact information in case of an emergency. For example, if the parent makes a threat to harm the child, the other parent, others, or you, you may need to call for assistance.
3. Explain in an age appropriate manner, any rules for the supervised visit to the child before the first visit.
4. Tell the parents before the first visit that no confidentiality exists between you as the provider and the parent. This means that any communication, conversations, letters, cards, phone calls, email messages, etc. are not confidential and you may be asked by the judge about the supervised visit. Remember that anything you

---

---

see, hear, read, or are told by the parent may be disclosed to others so each of the parents should know about this rule.

5. End the visit if you decide it is unsafe for any reason or the noncustodial parent does not follow the rules or terms and conditions of the court order. Remember to do this in a safe way so that you do not put yourself, the child, or the other parent at risk of possible harm.

***Child Abuse Reporting.*** Every visitation supervisor is encouraged to inform the parents prior to the first visit about child abuse reporting. Visitation supervisors who are compensated are required by law (mandated) to report any suspected child abuse or neglect (see Penal Code section 11165.7(a)(30)). As a visitation supervisor who is NOT compensated, the law encourages you to obtain training in identifying and reporting child abuse and neglect, and also encourages you to report any known or suspected instances of child abuse or neglect (see Penal Code section 11165.7(a)(35)).

Reports of suspected child abuse or neglect should be made to the child abuse agency or your county child abuse hotline. You do not have to witness child abuse to report it. If you notice unexplained marks or bruises on the child, if a child tells you that they are being hit or have been hit, or that someone was touching them inappropriately — all of these may lead you to suspect possible abuse and to report. If you are not sure whether you should be reporting something or not, call the child abuse agency or hotline in your county and ask the social worker for assistance. If you do make a report, your confidentiality is protected by law. An uncompensated visitation supervisor who makes a report may remain anonymous but it is helpful to give your name and telephone number to the social worker or law enforcement officer taking the report in the event he or she needs to obtain more information later. Anyone who reports known or suspected child abuse is legally protected from civil or criminal liability, unless it can be proven the report was false and the person who made the report knew it was false.

***Safety Planning.*** It is important to remember why the court has ordered supervised visitation between the noncustodial parent and the child—to keep everyone safe during the parent and child contact. The role of the

---

---

supervised visitation provider is to monitor conditions to assure the safety and welfare of the child and to ensure that the parents follow any additional rules set forth by you or the court to keep everyone safe. While **supervised visitation is not a guarantee of safety**, you are responsible for reasonably ensuring the safety and welfare of the child during the visit. The following are some things to keep in mind regarding safety practices for the visit:

1. Make sure you read and follow the court order. There may be terms and conditions in the order that are intended to keep everyone safe.
2. Make sure you have a safety plan in place before you provide the first visit between the parent and child.
3. If the parents want to change the visitation schedule or the conditions of the visit, you need to make sure you have a new court order that provides for the new visitation schedule and/or terms and conditions of the visit.
4. Before the first visit, explain any rules for the visits and your role as nonprofessional provider. Sometimes when parents are clear about what is expected and what is acceptable and not acceptable behavior, this helps to ensure a safe visit and reduce potential conflict or possible risks of harm.
5. Remember if it becomes necessary for you to interrupt or end a visit, take the parent aside and quietly and calmly explain why you interrupted the visit—if this can be done safely. Don't get into an argument or discussion with the parent about the problem but simply tell the parent what they should do if they want the visit to continue in a safe manner. You should keep notes about each visit, especially if you interrupt or end a visit—write down what specific behavior, action, communication, or activities you observed that caused you to determine that you needed to interrupt or end the visit. Try to be objective and report to the parents what you saw and heard rather than what you feel or think about the visit between the parent and child.

- 
- 
6. Remember that there should be no contact between the parents during the supervised visit, including when the parents arrive and depart and when they pick-up and drop-off the child. Do not tell the other parent when the other parent is scheduled to arrive or drop-off or pick-up the child or provide information to one parent about the other parent because this may create an unsafe situation, especially in cases of domestic violence.

## **TIPS FOR PREVENTING ABDUCTION**

Family Code section 3200.5 requires *“each provider to make every reasonable effort to provide a safe visit for the child and the noncustodial parent and if you determine that the rules have been violated, or the safety of the child or you is at risk, then you should stop the visit and/or terminate visitation services with the parent.”* The possibility that the noncustodial parent may abduct the child from the supervised visit exists in *every* case. Therefore, it is important that you be prepared. During supervised visitation, you should be aware that something may happen that concerns you about the visit, so you must be prepared and adequately plan to help ensure the safety of everyone involved in the visit. The following are some prevention tips that you should be aware of that can help you keep the child safe in case of possible child abduction.

Before the first visit, find out what law enforcement agency (police or sheriff department) covers the location area where you will be providing the supervised visit. This will help in case of an emergency so have the address and telephone number handy. You should have a recent photograph of the child and the parent and a full description of what they are wearing for each supervised visit. Make sure you also write down the license plate number of any car you observe the noncustodial parent using. As the supervised visitation provider, you should have basic information available about the child and the parent, such as their age, race, gender, height, hair, eye, and skin color, and any physical features

---

---

(e.g., moustache, or glasses, tattoo or body piercings). This information will be very important if the child is abducted.

In the event the child is abducted during the supervised visit, immediately contact law enforcement and state the nature of the emergency, and request that (1) missing persons' reports regarding both the parent and the child be taken and entered into the Missing Persons system, and (2) a child abduction report also be taken. After the initial call to law enforcement, you should proceed to their location and present all the information to the law enforcement officer in person, especially provide them with a copy of the court order for supervised visitation, as well as the photograph, clothing description and vehicle information about the child and the parent.

During the supervised visit, it is important that you make sure there is no whispering between the child and parent/s, no exchange of body signals between the parent and the child that are unfamiliar to you, and there should be no communication between the parent and the child in a language that you do not understand fluently even if for a few moments. The parent is also not allowed to pass any notes to the child unless you have already viewed it. Actions such as these can lead to a possible abduction during the visit, or plans for abduction after the visit, or the parent may be encouraging or "setting up" a situation for future abduction of the child.

Remember that as the supervised visitation provider, you may decide to have some rules of your own to keep everyone safe. It is important that you be strict in your rule-setting and do not let the parent violate any of the rules, or conditions that may be in the court order, or that you have set up for the visit. For example, the parent cannot be allowed to take the child into an area that the court has restricted in the court order, or into a room that is off-limits, or into the yard while you watch from the house, and the parent cannot be allowed to take the child to the street to purchase food from the ice cream truck or outside to play unless you are right at their side. These actions of the other parent may suggest that child abduction might be planned. Your responsibility as the nonprofessional provider is that you must be with the parent and child at all times and plan for a safe visit.



## *So, Are You The Person For The Job?*

As you can see from reading this booklet, supervising visits between a parent and child is a very important responsibility that can be difficult at times. If you don't think you can put your personal feelings aside, don't have the time to supervise properly, you feel uncomfortable, or believe you cannot follow the court order and enforce the terms and conditions of the visit, then you should not agree to do this.

Supervised visitation allows the noncustodial parent to establish and/or maintain a relationship with their child by creating a structured reasonably safe setting for parent and child contact. Your role as a provider can be helpful to families in contributing to the welfare of the child/children. We thank you for taking the time to read this guide and for carefully considering your decision.

*The preparation of these materials was **financially** assisted through a grant from the Federal Government and the State of California. Production of the brochure was assisted with additional funding from the California Governor's Office of Emergency Services (Cal OES), with Children's Justice Act funds received from the U.S. Department of Health and Human Services, Administration for Children & Families. The opinions expressed in this publication are not necessarily those of the Federal Government or the Judicial Council of California. Permission is granted to nonprofit institutions to reproduce and distribute for educational purposes if the copies credits the Judicial Council and the Center for Families, the Children & the Courts.*