



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-182
For business meeting on September 25, 2020

Title	Agenda Item Type
Family Law: Changes to Supervised Visitation Standard and Form	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Stds. Jud. Admin., standard 5.20; adopt form FL-324(P); approve form FL-324(NP), and revoke FL-324	January 1, 2021
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	August 23, 2020
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Gabrielle D. Selden, 415-865-8085 gabrielle.selden@jud.ca.gov Shelly La Botte, 916-643-7065 shelly.labotte@jud.ca.gov

Executive Summary

To comply with the statutory changes to Family Code section 3200.5, enacted by Assembly Bill 1165 (Bauer-Kahan; Stats. 2019, ch. 823), the Family and Juvenile Law Advisory Committee recommends amending standard 5.20 of the Standards of Judicial Administration, adopting *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)), approving *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)), and revoking *Declaration of Supervised Visitation Provider* (form FL-324).

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend standard 5.20 of the California Standards of Judicial Administration to reflect additional requirements for professional supervised visitation providers that are mandated by Family Code section 3200.5;

2. Adopt *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)) to serve as the mandatory form for professional providers under section 3200.5;
3. Approve optional form *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)) to implement the requirements of section 3200.5 and standard 5.20 for nonprofessional providers; and
4. Revoke *Declaration of Supervised Visitation Provider* (form FL-324), which previously served as the form used by both professional and nonprofessional providers.

The text of the proposed amended standard and the forms are attached at pages 10–16.

Relevant Previous Council Action

Effective January 1, 1998, the Judicial Council adopted standard 5.20 of the California Standards of Judicial Administration to implement the guidelines of Family Code section 3200, first enacted in 1996, concerning supervised visitation providers in contested child custody cases in family court.

In 2012, the Legislature enacted Family Code section 3200.5, which incorporated much of the language in standard 5.20, but elevated many of the suggested best practices provisions of standard 5.20 to mandatory requirements in section 3200.5. The legislation requires that any standards for supervised visitation providers adopted by the Judicial Council conform to sections 3200 and 3200.5.

Analysis/Rationale

The most recent changes to Family Code section 3200.5 create additional requirements for professional supervised visitation providers. Effective January 1, 2020, in addition to current requirements, a professional supervised visitation provider must:

- Complete a Live Scan criminal background check before providing supervised visitation services;
- Register as a TrustLine provider;¹
- Complete a minimum of 12 hours of classroom instruction in the subjects listed in the statute;
- Complete training on conflicts of interest, including the acceptance of gifts;
- Complete a minimum of 3 hours of training on the screening, monitoring, and termination of visitation; 3 hours on the developmental needs of children; 3 hours on issues relating to substance abuse, child abuse, sexual abuse, and domestic violence; and 1 hour on basic knowledge of family and juvenile law; and

¹ TrustLine was created by the California Legislature in 1987. It is a state registry of in-home childcare providers, tutors, in-home counselors, and childcare staff at ancillary childcare centers who have passed a background screening. For more information, visit www.trustline.org. Under the Health and Safety Code, a person will be prohibited from being a professional supervised visitation provider if that person is either denied TrustLine registration by the California Department of Social Services or the person's TrustLine registration is revoked.

- Sign the *Declaration of Supervised Visitation Provider* (form FL-324) to declare that the professional provider meets training and qualification requirements, and sign a separate, updated form FL-324 each time the provider submits a report to the court.

In addition, effective January 1, 2021, professional providers must complete training relating to child abuse reporting laws through an online training course required for mandated reporters provided by the California Department of Social Services.

The author of AB 1165 stated the rationale for the amendments as follows:

The combination of these enhanced requirements will help ensure that paid visitation monitors are adequately trained to look for warning signs, to understand whether and how they can intervene or report problems, when they might need to terminate a visitation in the interest of child safety, and ensure that these monitors pose no risks to children.²

Standard 5.20

The standard is proposed to be amended as follows:

- Reorganize subdivision (b) (Definitions) to include all definitions that are currently in subdivisions (d) and (e), and include and define the term “TrustLine provider.”
- Amend subdivision (e) (Qualifications of professional providers) as follows:
 - Require that a professional provider complete a Live Scan criminal background check before providing supervised visitation services;
 - Require a professional provider to register as a TrustLine provider;
 - Add subdivision (e)(11)(A) and (B) to specify that a person is ineligible to be a professional provider if the Department of Social Services denies or revokes that person’s TrustLine registration;
 - Require the professional provider to sign and submit to the court a *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)); and
 - Add subdivision (e)(14) to specify that the professional provider must sign a separate, updated form FL-324(P) each time the provider submits a report to the court.
- Amend subdivision (f) (Training for providers) as follows:
 - Change the title to “Training for professional providers”;
 - Re-letter subdivision (f)(1) as (r) and rename it “Informational materials; procedures”;
 - Add subdivision (r)(2) to read that, by January 1, 2022, each court should develop local rules that establish procedures for processing and maintaining form FL-324(P), along with the professional provider’s original report required in standard 5.20(j)(3);

² Off. of Assem. Floor Analyses, analysis of Assem. Bill No. 1165 (Sept. 5, 2019), p. 2, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1165.

- Re-letter subdivision (f)(2) as (f)(1) and add that, before providing services, a professional provider must complete 24 hours of training, including at least 12 hours of classroom instruction in the subjects listed in (f)(1)(A) through (K);
- Clarify in subdivision (f)(1)(H) that training on conflicts of interest must include training regarding the acceptance of gifts;
- Add subdivision (f)(2) to provide that at least 3 hours of the 24 hours training requirement must be in the specific subjects listed in the statute; and
- Add subdivision (f)(3) to require a professional provider to complete training relating to child abuse reporting laws through an online training course required for mandated reporters that is provided by the Department of Social Services.

Declaration of Supervised Visitation Provider (form FL-324)

This form circulated for comment proposing just a few changes to reflect additional statutory requirements for professional providers. However, based on comments received, the committee proposes that this form be revoked. In its place, two forms will be created; one mandatory for professional providers and one optional form for nonprofessional providers.

Policy implications

The legislative mandate would result in additional costs to professional supervised visitation providers for one-time fees to complete a Live Scan background check and register with TrustLine. For Live Scan, there is a fee required to be paid to the state Department of Justice for the criminal history record checks. Other fees may vary, including fees to cover the Live Scan operator's cost for rolling the fingerprint images.³ Currently, the fee payable to the Department of Social Services for TrustLine registration is \$124.

In addition, the statutory requirement for classroom training could result in increased costs for professional providers' training. However, the new costs are outweighed by the interest in maintaining a pool of professional providers who are adequately trained and skilled in providing family court-ordered supervised visitation and exchange services.

The impact to the courts includes costs to accept and review updated form FL-324(P) submitted by professional providers of supervised visitation. This cost is outweighed by the benefit to judicial officers that the professional provider was qualified to make the report regarding the parent-child contact for the supervised visit at the time the report was submitted to the court.

Comments

This proposal was circulated for public comment from April 10 to June 9, 2020, as part of the regular spring comment cycle. Fifteen organizations submitted comments on this proposal. Six commenters agreed with the proposal. Six organizations agreed if the proposal is modified. One commenter expressed no concerns with the proposed changes, as they are made to conform with AB 1165; two others stated that the proposal appropriately addresses the stated purpose. One

³ For a list of Live Scan processing fees, visit <https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/fees.pdf>.

commenter did not agree with the proposal. A chart with the full text of the comments received and the committee's responses is attached at pages 17–31.

Standard 5.20

The committee received four comments about the proposed changes to the standards of practice. One commenter, Rally Family Visitation Services, stated, “The changes to the standard are good[,] as they meet the requirements of the bill.” However, the commenter also had questions about oversight of the providers, as this issue is not addressed in the standard. Specifically, the commenter asked, “Who will be responsible for [e]nsuring that they have met the minimum training requirements?” and “Who will approve the type of training or trainers?” One other commenter, Safe Haven Child Visitations, raised the same issue, stating:

I do[,] however, believe there needs to be a “Governing Board” overseeing all Professional Providers. Professional Providers should be occasionally [a]udited for report accuracy, professionalism, and ethical guidelines. [¶] Lastly, trainings for Professional Providers should be treated as Trade/Vocational Schooling, like Pharmacy Technicians, Behavioral Therapist, etc. There needs to be a proper credentialing website, just like the BACB [Behavior Analyst Certification Board] website.

Similarly, Andrea Armstrong, a supervised professional monitor, suggested that the standard be amended to provide that mandated reporter training must be completed every five years.

While the committee understands that the commenters' suggestions would support the stated goal of the Legislature to help ensure that paid visitation monitors are adequately trained for the protection of the children involved, these actions are outside the scope of the proposal.

Under Family Code section 3200.5, providers of supervised visitation are responsible for ensuring that they have met the minimum training requirements. Providers are encouraged to check with their local court to determine if the court has any guidance or requirements regarding meeting training requirements for appointment. For example, some courts that maintain a list of professional supervised visitation providers may require that professional providers complete only trainings conducted by the Judicial Council or by those individuals or organizations that have worked closely with the council's Access to Visitation Grant Program. Professional providers may also contact Access to Visitation Grant Program staff in the Judicial Council's Center for Families, Children & the Courts with any questions about trainings.

Further, the committee received one comment from the Superior Court of Orange County, Family Law Division, in support of the proposal to amend the standard to require local courts to develop local rules by January 1, 2022, that establish procedures for processing and maintaining form FL-324, along with the professional provider's original report.

To reflect the committee's recommendation to create separate forms for professional and nonprofessional providers (discussed below), subdivision (r)(2) of standard 5.20 is proposed to be amended to reference the new forms, as follows:

By January 1, 2022, each court must develop and adopt local rules that establish procedures for processing and maintaining:

- (A) *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)), along with the professional provider's original report required in (j)(3) of this standard; and
- (B) The nonprofessional supervised visitation provider's declaration regarding qualifications, whether the provider uses the court's local form or *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)).

In addition, subdivision (d)(3) would be added to specify that the nonprofessional provider must also "[s]ign a local court form or *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP) stating that all requirements to be a nonprofessional provider have been met."

Revised form FL-324

The committee received four comments about the form. One commenter, Rich Moscovitz, MSW, stated that form FL-324 (*now forms FL-324(NP) and FL-324(P)*) is not needed and should not be required because local courts have their own forms for providers to complete. Effective January 1, 2020, Family Code section 3200.5(e)(12) specifically requires that the professional provider of supervised visitation sign a separate, updated *Declaration of Supervised Visitation Provider* each time the provider submits a report to the court. Further, because local courts may not adopt local rules and forms regarding family law actions and proceedings that are in conflict with or inconsistent with California law or the California Rules of Court, under rule 5.4, local courts will be required to accept only the form adopted by the Judicial Council for professional providers.

Another commenter, the Family Violence Appellate Project, suggested that the form should include check boxes for the professional provider to specify if (1) the form is being submitted to demonstrate eligibility before providing initial services in the case or (2) whether the provider is complying with the new requirement of Family Code section 3200.5 to update the form when submitting a report to the court. The committee agreed with this suggestion and proposed form FL-324(P) incorporates the addition.

Two commenters, the Family Violence Appellate Project and the Superior Court of Riverside County, noted that Family Code section 3200.5 mandates that professional providers complete form FL-324 but does not require nonprofessional providers to do so. For this reason, they stated that the Judicial Council needs to have two forms: one for professional supervision providers and one for nonprofessional supervision providers. The committee agreed with the commenters and

in response proposes that the Judicial Council adopt a mandatory form for the professional provider and an optional form for the nonprofessional provider.

To reflect the requirement of the statute that the professional provider sign a *Declaration of Supervised Visitation Provider*, each form is proposed to maintain that title, but include a parenthetical on each form and a separate numbering convention to indicate the type of provider. Specifically, the mandatory form is proposed to be titled and numbered *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)) and the optional form is proposed to be titled and numbered *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)).

The Family Violence Appellate Project also suggested revising form FL-324 to require the professional provider to “solicit[] the name and contact information of the organization that employs the professional provider.” The commenter stated that “it can be useful to know not only the name of each supervisor [professional provider] but also their employer.” In response, the committee noted that while the information could be useful, it is not relevant to the form’s purpose, which is to serve as the provider’s declaration of their own individual qualifications and not those of the provider’s employer. In addition, the information about the professional provider’s employment is not mandated by the statute to be disclosed. For this reason, the committee prefers not to revise the form as the commenter suggested.

The committee was unable to address some of the comments and suggestions received regarding technical and procedural issues about completing the form, submitting the form to the court, and delivering copies to the parties or their attorneys. The committee suggests that local courts review the comments in this report to assist in the drafting of local rules that would respond to the concerns of the commenters about these issues.

New form FL-324(NP)

As previously described, the committee proposes this new form for nonprofessional supervised visitation providers to complete before providing services in the case. Because the statute only mandates that professional providers use *Declaration or Supervised Visitation Provider*, having a separate form for nonprofessional providers will benefit local courts that have relied on form FL-324 and have no local form to implement the requirements of Family Code section 3200.5 for nonprofessional providers.

The content of the new form is substantially the same as that which appears in the current version of form FL-324, except that content relating only to professional providers has been removed. The information has also been reorganized to improve its readability. For example, information is sorted under the headings “Purpose” and “Qualifications.” The “Qualifications” section is further divided into “Standard Qualifications” and “Alternative Qualifications” to better illustrate the requirements for nonprofessional providers. In addition, hyperlinks to Family Code section 3200.5 and standard 5.20 are included in item 1b and the notice at the bottom of the form is rewritten in plain language. In light of the above, and because these are minor changes

unlikely to cause controversy, the committee recommends approval of the form without soliciting further public comment.

Other comments

In response to specific questions to local courts:

- Four commenters stated that the proposal appropriately addresses the stated purpose;
- Two commenters stated the proposal would not provide any cost savings;
- One court stated that three months from Judicial Council approval of this proposal until its effective date would provide sufficient time for implementation. Another court stated that this time would be sufficient if the final version of the forms is provided to the court at least 30 days before the effective date to allow time for courts to update their procedures and train staff.
- Two commenters stated that the proposal will work for courts of various sizes.
- Two commenters shared their thoughts about implementation requirements and how the proposal would work for courts of different sizes. Their responses are included below in Fiscal and Operational Impacts.

Alternatives considered

In response to comments received about form FL-324, the committee considered whether to separate the requirements for professional and nonprofessional supervised visitation providers into two different forms. Because Family Code section 3200.5 mandates the use of *Declaration of Supervised Visitation Provider* for professional providers and does not require nonprofessional providers to sign the form, the committee decided that the nonprofessional qualifications must be removed from form FL-324. Therefore, the committee decided to propose *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)) for optional use.

Fiscal and Operational Impacts

The impact to the courts includes costs to accept and review new forms FL-324(NP) and FL-324(P) submitted by providers of supervised visitation and remove references to form FL-324 from local rules and training materials. One local court identified the implementation requirements as “updating the case management system, internal procedures, and notifying staff.” The other court that responded added other implementation requirements, including configuring the forms as confidential based on the content and name on the form and creating email notices and other internal publications to advise judicial officers, Family Court Services, and Court Operations about the changes to the standard and forms. On balance, these implementation costs are outweighed by the benefit to judicial officers that the provider was qualified to make the report regarding the parent-child contact for the supervised visit at the time the report was submitted to the court.

Attachments and Links

1. Cal. Stds. Jud. Admin., standard 5.20, at pages 10–13
2. Forms FL-324(NP), FL-324(P), and revoked form FL-324, at pages 14–16

3. Chart of comments, at pages 17–31
4. Link A: Senate Bill 368 (Stats. 2011, ch. 471),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB368&search_keywords=

Standard 5.20 of the California Standards of Judicial Administration is amended, effective January 1, 2021, to read:

Standard 5.20. Uniform standards of practice for providers of supervised visitation

(a) * * *

(b) Definitions

~~Family Code section 3200 defines the term “provider” as including any individual or supervised visitation center that monitors visitation. Supervised visitation is contact between a noncustodial party and one or more children in the presence of a neutral third person.~~ For purposes of this standard, the following definitions apply:

(1) A “nonprofessional provider,” as defined in Family Code section 3200.5, is any person who is not paid for providing supervised visitation services.

(2) A “professional provider,” as defined in Family Code section 3200.5, is any person who is paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency.

(3) A “provider,” as defined in Family Code section 3200, includes any individual who functions as a visitation monitor, as well as supervised visitation centers.

(4) “Supervised visitation” is contact between a noncustodial party and one or more children in the presence of a neutral third person.

(5) A “TrustLine provider,” is a professional supervised visitation provider who is registered on TrustLine, a database that is administered by the California Department of Social Services.

(c) * * *

(d) Qualifications of nonprofessional providers

~~A “nonprofessional provider” is any person who is not paid for providing supervised visitation services.~~ Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider must:

~~(1)–(2) * * *~~

1 (3) Sign a local court form or *Declaration of Supervised Visitation Provider*
2 (*Nonprofessional*) (form FL-324(NP)) stating that all requirements to be a
3 nonprofessional provider have been met.

4
5 (e) **Qualifications of professional providers**

6
7 ~~A “professional provider” is any person paid for providing supervised visitation~~
8 ~~services, or an independent contractor, employee, intern, or volunteer operating~~
9 ~~independently or through a supervised visitation center or agency. The professional~~
10 ~~provider must:~~

11
12 (1)–(9) * * *

13
14 (10) ~~Meet the training requirements stated in (f); and~~ Complete a Live Scan
15 criminal background check, at the expense of the provider or the supervised
16 visitation center or agency, before providing visitation services;

17
18 (11) ~~Sign a declaration or *Declaration of Supervised Visitation Provider* (form~~
19 ~~FL-324) stating that all requirements to be a professional provider have been~~
20 ~~met. Be registered as a TrustLine provider under chapter 3.35 (commencing~~
21 ~~with section 1596.60) of division 2 of the Health and Safety Code.~~
22 Notwithstanding any other law, a person is ineligible to be a professional
23 provider if the California Department of Social Services either:

24
25 (A) Denies that person’s TrustLine registration under Health and Safety
26 Code sections 1596.605 or 1596.607; or

27
28 (B) Revokes that person’s TrustLine registration under Health and Safety
29 Code section 1596.608;

30
31 (12) Meet the training requirements listed in (f);

32
33 (13) Sign a *Declaration of Supervised Visitation Provider (Professional)* (form
34 FL-324(P)) stating that all requirements to be a professional provider have
35 been met; and

36
37 (14) Sign a separate, updated form FL-324(P) each time the professional provider
38 submits a report to the court.

39
40 (f) **Training for professional providers**

41
42 (1) ~~Each court is encouraged to make available to all providers informational~~
43 ~~materials about the role of a provider, the terms and conditions of supervised~~

1 visitation, and the legal responsibilities and obligations of a provider under
2 this standard.

3
4 ~~(2)~~(1) In addition, Before providing services, professional providers must receive
5 complete 24 hours of training, including at least 12 hours of classroom
6 instruction in the following subjects:

7
8 (A)–(G) * * *

9
10 (H) Conflicts of interest, including the acceptance of gifts;

11
12 (I)–(K) * * *

13
14 (2) Of the 24 hours of training required in (1), the training must include at least:

15
16 (A) Three hours on the screening, monitoring, and termination of visitation;

17
18 (B) Three hours on the developmental needs of children;

19
20 (C) Three hours on issues relating to substance abuse, child abuse, sexual
21 abuse, and domestic violence; and

22
23 (D) One hour on basic knowledge of family law.

24
25 (3) On or after January 1, 2021, to complete the required training in child abuse
26 reporting laws under (1)(B), a professional provider must complete an online
27 training required for mandated reporters that is provided by the California
28 Department of Social Services. This mandatory online training is not
29 intended to increase the total of 24 hours of training required in (1).

30
31 (g)–(q) * * *

32
33 **(r) Informational materials; procedures**

34
35 (1) Each court is encouraged to make available to all providers informational
36 materials about the role of a provider, the terms and conditions of supervised
37 visitation, and the legal responsibilities and obligations of a provider under
38 this standard.

39
40 (2) By January 1, 2022, each court must develop and adopt local rules that
41 establish procedures for processing and maintaining:
42

- 1 (A) Declaration of Supervised Visitation Provider (Professional) (form FL-
2 324(P)), along with the professional provider's original report required
3 in (j)(3) of this standard; and
4
5 (B) The nonprofessional supervised visitation provider's declaration
6 regarding qualifications, whether the provider uses the court's local
7 form or Declaration of Supervised Visitation Provider
8 (Nonprofessional) (form FL-324(NP)).
9
10

1. **Purpose.** I submit this form to declare that *(check all that apply)*:
 - a. ☐ I am not being paid to provide supervised visitation services.
 - b. ☐ I am in compliance with all mandatory requirements for a nonprofessional provider of supervised visitation as defined in Family Code [section 3200.5](#) and [standard 5.20](#) of the Standards of Judicial Administration.
 - c. ☐ I am in compliance with the alternative qualifications specified in 2b.
2. **Qualifications** *(complete a or b)*:
 - a. ☐ **Standard qualifications.** I meet the qualifications to provide nonprofessional supervised visitation services under Family Code section 3200.5 as follows *(check all that apply)*:
 - (1) ☐ I have no record of a conviction for child molestation, child abuse, or other crimes against a person.
 - (2) ☐ I will not be transporting the child.
 - (3) ☐ I will be transporting the child by automobile and I have proof of automobile insurance.
 - (4) ☐ I agree to adhere to and enforce the court order regarding supervised visitation.
 - (5) ☐ There is no current or past court order in which I (the nonprofessional provider) was the person being supervised.
 - b. ☐ **Alternative qualifications.** I meet other qualifications to provide nonprofessional supervised visitation services, as follows *(check all that apply)*:
 - (1) ☐ The court has ordered other qualifications and I meet those qualifications *(see attached copy of the court order)*.
 - (2) ☐ The parties have stipulated (agreed) to different qualifications and I meet those qualifications *(see attached copy of the parties' stipulation (agreement), which was approved and signed by the court)*.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

NOTICE: Additional requirements may apply to be able to serve as a nonprofessional supervised visitation provider. See Standard 5.20 of the Standards of Judicial Administration.

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

NOTICE: See standard 5.20 of the California Standards of Judicial Administration for further requirements that may apply.

- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

SIGNATURE OF DECLARANT

Page 1 of 1

SPR20-18**Family Law: Changes to Supervised Visitation Standard and Form (Amend Cal. Stds. Jud. Admin, standard 5.20, revise form FL-324)**

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	Andrea Armstrong Supervised Professional Monitor	AM	See comments on specific provisions below.	See responses to specific comments below.
2.	Association of Certified Family Law Specialists by Avi Levy, Legislative Director Woodland	A	No specific comment.	No response required.
3.	California Association of Supervised Visitation Service Providers by Debbie Comstock, Board Chair El Cajon	A	See comments on specific provisions below.	See responses to specific comments below.
4.	California Partnership to End Domestic Violence by Christine Smith, Public Policy Coordinator Sacramento	AM	<p>The proposal addresses its stated purpose and seems straightforward to fill out.</p> <p>However, we are concerned about the requirements of potential supervisors not needing attached evidence to support their assertions, including proof of a clean background check. Without this requirement, this could be an area ripe for conflict and further discovery demands.</p> <p>We recommend requiring attached evidence be attached to support assertions where appropriate.</p>	<p>No response required.</p> <p>Providers who do not have a “clean background check” will not be listed in the Trustline state registry of qualified care providers. By completing the <i>Declaration of Supervised Visitation Provider (Professional)</i> (form FL-324(P) that the provider is registered as a Trustline provider, that person’s assertion can be verified through a search on the Trustline web site.</p>
5.	Gary Cyr Orange County	AM	See comments on specific provisions below.	See responses to specific comments below.
6.	The Executive Committee of the Family Law Section of the California Lawyers Association	A	No specific comment.	No response required.

SPR20-18**Family Law: Changes to Supervised Visitation Standard and Form (Amend Cal. Stds. Jud. Admin, standard 5.20, revise form FL-324)**

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
	(FLEXCOM) by Saul Berkovitch Director of Governmental Affairs			
7.	Family Violence Appellate Project by Cory Hernandez, Staff Attorney Oakland	AM	See comments on specific provisions below.	See responses to specific comments below.
8.	Los Angeles County Department of Children and Family Services and Office of County Counsel	N/I	There are no concerns with the proposed changes as they are being made to conform with AB 1165.	No response required.
9.	Rich Moscowitz, MSW Corona	N	See comments on specific provisions below.	See responses to specific comments below.
10.	Orange County Bar Association by Scott B. Garner, President Newport Beach	A	No specific comment.	No response required.
11.	Rally Family Visitation Services of Saint Francis Memorial Hospital by Sonia Melara, Executive Director San Francisco	A	See comments on specific provisions below.	See responses to specific comments below.
12.	Safe Haven Child Visitations by Therran Todd Robinson Torrance	A	I absolutely agree with the proposed changes! I do however, believe there needs to be a 'Governing Board' overseeing all Professional Providers. Professional Providers should be occasionally Audited for report accuracy, professionalism, and ethical guidelines. Lastly, trainings for Professional Providers should be treated as Trade/Vocational	No response required. The proposed changes would likely require action from the California Legislature. The proposed changes would require action from the California Legislature.

SPR20-18**Family Law: Changes to Supervised Visitation Standard and Form (Amend Cal. Stds. Jud. Admin, standard 5.20, revise form FL-324)**

All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>Schooling, like Pharmacy Technicians, Behavioral Therapist, etc. There needs to be a proper credentialing website, just like the BACB website</p> <p>https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.bacb.com%2Frbt%2F&data=02%7C01%7CGabrielle.Selden%40jud.ca.gov%7Cee120015b6384442be1208d80bd10da2%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C637272339790587991&amp;p:sdata=riZ1Q91lbCDIAi9ytRWS34heuIaKjqDBYY5xcL8l%2BdQ%3D&reserved=0).</p> <p>There has to be proper training programs in place, to ensure generalized Standards across all Professional Providers.</p>	<p>Providers of supervised visitation are encouraged to check with their local court to determine if the court has any guidance or requirements regarding meeting training requirements for standard 5.20. For example, some courts that maintain a list of professional supervised visitation providers may require that professional providers complete only trainings conducted by the Judicial Council or by those individual or organizations that have worked closely with the Judicial Council's Access to Visitation Grant Program.</p> <p>Professional providers may contact the Access to Visitation Grant Program in the Judicial Council's Center for Families, Children & the Courts for any questions about trainings.</p>
13.	Superior Court of Orange County Family Law Division Orange	N/I	<p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Would the proposal provide cost savings? If so,</p>	<p>No response required.</p> <p>No response required.</p>

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>please quantify. No.</p> <p>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?</p> <ul style="list-style-type: none"> Case Management system <p>Create a new event code for the filing, making sure it is configured as a confidential document based on the content and name.</p> <ul style="list-style-type: none"> Family Court Services (FCS) <p>Inform all staff of the amended rule and new form.</p> <ul style="list-style-type: none"> Training <p>Judicial officers to be informed of the amended rule and new form via memorandum.</p> <p>Case Processing and Courtroom Operations to be informed at their monthly meeting and by weekly email Blast of the new form, event code and purpose.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			<p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, 3 months is sufficient time for implementation.</p> <p>How well would this proposal work in courts of different sizes?</p> <ul style="list-style-type: none"> The impact in small courts is less, not only because they have less staff members to facilitate the information to, but also the amount of cases where they will apply these changes is potentially small too. 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
14.	Superior Court of Riverside County by Susan Ryan	AM	See comments on specific provisions below.	See responses to specific comments below.
15.	Superior Court of San Diego County by Michael Roddy, Executive Director		<p>* The proposal appropriately addresses the stated purpose.</p> <p>* The proposal does not provide cost savings.</p> <p>* The implementation requirements for courts would be updating case management system, internal procedures, and notifying staff.</p> <p>* Three months from Judicial Council approval of this proposal until its effective date would provide sufficient time for implementation, provided the final version of the form is</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>It is the Judicial Council's goal to post the forms to the Judicial Resources Network no later than 30 days before effective date.</p>

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			provided to courts at least 30 days prior to the effective date. This will give courts sufficient time to update their procedures and provide training to staff. It appears that the proposal will work for courts of various sizes.	No response required.

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Standard 5.20		
Commenter	Comment	Committee Response
Andrea Armstrong Supervised Professional Monitor Thousand Oaks	*The commenter recommends amending subdivision (f)(3) to provide that mandated reporter training must be completed every 5 years.	The committee does not recommend that the Judicial Council amend the standard as proposed. The proposed language is not required by Family Code section 3200.5.
Gary Cyr Orange County	The cost for providers to obtain a live scan is around \$40. If the Trustline registration is required at a cost of around \$130, which also utilizes a background check with fingerprints, it seems the live scan is redundant.	The Judicial Council is not authorized to change the requirements of the statute. The cost of live scans and Trustline registration were addressed by the California Legislature in Family Code section 3200.5 (c)(11), which requires providers to complete a Live Scan criminal background check, at the expense of the provider or the supervised visitation center or agency, prior to providing visitation services. Further, under section (c)(13)(A), beginning January 1, 2021, each provider must be registered as a TrustLine provider.
Rally Family Visitation Services of Saint Francis Memorial Hospital by Sonia Melara, Executive Director San Francisco	<p>The changes to the 5.20 standards are good as they meet the requirements in the bill.</p> <p>However, there are still a few questions to be answered regarding oversight. The vast majority of providers are independent providers. Who will be responsible for insuring that they have met the minimum training requirements?</p> <p>Who will approve the type of training or trainers?</p>	<p>No response required.</p> <p>Under standard 5.20, each provider of supervised visitation is responsible for ensuring that they have met the minimum training requirements before providing services.</p> <p>Providers of supervised visitation are encouraged to check with their local court to determine if the court has any guidance or requirements regarding meeting training requirements for standard 5.20. For example, some courts that maintain a list of professional supervised visitation providers may require that professional providers complete only trainings conducted by the Judicial Council or by those individuals or organizations</p>

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Standard 5.20		
Commenter	Comment	Committee Response
		<p>that have worked closely with the Judicial Council's Access to Visitation Grant Program.</p> <p>Professional providers may contact the Access to Visitation Grant Program in the Judicial Council's Center for Families, Children & the Courts for any questions about trainings.</p>
Superior Court of Orange County Family Law Division Orange	<p>Should the standard be amended to require courts to have a local rule to handle form FL-324? Is there an alternative that your court would suggest?</p> <ul style="list-style-type: none"> Standard 5.20(r) (2) indicates "By January 1, 2022, each court must develop local rules that establish procedures for processing and maintaining form FL-324, along with the professional provider's original report required by (j)(3) of this standard." <p>The proposed changes meet the needs of the court and allow time to develop local rules.</p> <ul style="list-style-type: none"> In the alternative the court will act to properly maintain and incorporate the form to cases when used, as described in a previous question regarding implementation requirements. 	No response required.

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Form FL-324		
Commenter	Comment	Committee Response
California Association of Supervised Visitation Service Providers by Debbie Comstock, Board Chair El Cajon	Requiring an FL-324 form to be attached to each court report reinforces that there is accountability of a Provider to meet all the mandated requirements for Standard 5.20. Each time a report is filed, that Provider is reaffirming their commitment to the professionalism being expected in this service.	No response required to the commenter's statement.
	We would encourage the Courts to be mindful of some attempts to submit reports by Providers who have not obtained the necessary training as outlined by the Standards. As an Organization invested in providing quality, affordable training we are still facing opposition within the State from Providers who do not believe the training mandates are necessary or really required.	No response required to the commenter's statement.
	We would further ask that there be support of the different court jurisdictions to lead through the process of providing a list by the courts of the names of Providers. While we recognize that Courts do not endorse Providers, they are able to hold to accountability to all the training requirements including the FL-324 concerning training requirements. We would hope that there would be some consistency between court jurisdictions regarding how often and how these forms are submitted along with any other requirements to "raise the bar" in the professionalism of Supervised Visitation Services	No response required, as this does not relate to the requirements of Family Code section 3200.5.

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California Association of Supervised Visitation Service Providers by Debbie Comstock, Board Chair El Cajon (continued)	<p>There be some consideration of support for an oversight group within the State who could receive reports of providers who are negligent in providing their services established through Standard 5.20. This could include, but not be limited to, writing and providing minimum security procedures prior to visits occurring. Demonstrate and document a comprehensive intake and screening that identifies that the Provider can determine the nature and degree of risk for each case.</p> <p>We would further ask that there begin to be consideration of the qualifications of those individuals in the State who are providing the required training for providers. Would support a demonstrable means that the trainer has experience, is able to articulate an understanding of the Standards through curriculum based content reflecting evidence informed or evidence based instruction practice, as well that significant parts of the training be in person where there is opportunity for participants to demonstrate learning skills and competency skills in their profession.</p>	<p>The proposed changes are not within the purview of the Judicial Council, but would require action from the California Legislature.</p> <p>The proposed changes are not within the purview of the Judicial Council, but would require action from the California Legislature.</p>
Family Violence Appellate Project By Cory Hernandez, Staff Attorney Oakland	<p>There should be two forms, one for professional supervision providers and one for nonprofessional supervision providers.</p> <p>Having one form for both types of providers can be confusing, and cramping all of the information onto one page, unnecessarily, makes the form much harder to read and use. Moreover, the requirements for the different types of providers are a bit different, and the likely level of education, training, and sophistication between the two types are distinct. There is information the form should request of professional supervisors that is not necessary for nonprofessional supervisors, such as the name and contact information of the organization, if any, that employs the professional supervisor.</p>	<p>The committee agrees with the commenter and recommends that the Judicial Council revoke form FL-324, and adopt <i>Declaration of Supervised Visitation Provider (Professional)</i> (form FL-324(P)) and approve a new, optional form titled and numbered <i>Declaration of Supervised Visitation Provider (Nonprofessional)</i> (form FL-324(NP)).</p>

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	<p>Nonprofessional supervisors are primarily family members or friends of one or both of the parties. They are likely to be known to, and may have contact with, one or both parties outside the context of any supervised visitation.</p> <p>Nonprofessional supervision is not always a choice because costs and lack of availability of professionals force many to go nonprofessional. In some case, parties feel caught between allowing nonprofessional supervisor or unsupervised visitation. Additionally, nonprofessional supervisors may be more likely to have changes in their circumstances over time, which will require the need to amend the form as time goes on.</p> <p>Form FL-324 should be filed for each visitation report. Form FL-324 serves multiple purposes. One is to have a written statement in the record declaring the requirements have been met, including regarding training and background checks. Another is to inform the parties of the same, so they know the provider's responsibilities, like providing an interpreter. Requiring this form to be filed with each visitation report would advise the parties and court of any changes since the original or last form was filed, and would confirm for the record that the statutory requirements have been met for each visit. To best achieve these purposes, form FL-324 should use plain language, and should solicit information from professional supervisors regarding their compliance with visitation requirements during the visits themselves.</p> <p>Since multiple forms FL-324 may be filed, there should be an item added, perhaps at the top of the form, to allow designation whether this is an initial form or an amended form (like with the form CLETS-001). If the form is being submitted with a report, there should be a checkbox for that which includes</p>	<p>The commenter's observation does not require a response.</p> <p>Same as above response.</p> <p>The form is consistent with Family Code section 3200.5(e)(12), which does not require the professional provider to file a <i>Declaration of Supervised Visitation Provider</i> for each visitation report. Instead, (e)(12) requires that the professional provider of supervised visitation sign a separate, updated <i>Declaration of Supervised Visitation Provider</i> each time the provider submits a report to the court.</p>
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	<p>filling in the date of the report. Adopting this modification will be helpful to distinguish between what will likely be multiple copies of the same form for the same provider. Unrepresented parties may find the form overwhelming and having to distinguish the differences between multiple dates of the same form should be made as easy as possible.</p> <p>Form FL-324 should be modified in additional ways to improve usability.</p> <p>As mentioned briefly above, form FL-324 should have space in item 1 that solicits the name and contact information of the organization that employs the professional supervisor. Many agencies employ multiple providers, and it can be useful to know not only the name of each supervisor but also their employer.</p>	<p>The committee agrees with the suggestion to change the form to indicate whether the form is the initial or updated submission, whether a report is attached, and the date of the report.</p> <p>The committee agrees to recommend additional changes to the form to improve usability.</p> <p>The committee does not agree to recommend the change proposed by the commenter. The form meets the requirements of the statute to specify information about the provider. The statute does not require information about the provider's employer or organization. Therefore, the information is not relevant for purposes of the declaration.</p>
Rich Moscovitz, MSW	<p>Will a FL-324 be needed if the report is being emailed to a parent and their attorney because I am not the one filing it with the court?</p> <p>If the FL-324 is going to be required with every report, even if the report is going to be emailed to a parent and their attorney, will the form be provided in a format where the boxes able to be typed in? Most PDF forms don't allow you to type in them. The reason I ask about this is most professional supervisors work from home and while we all have computers and printers many of us do not have scanners. If I fill out a FL324 and sign</p>	<p>Family Code section(e)(12) requires that the professional provider of supervised visitation sign a separate, updated Declaration of Supervised Visitation Provider each time the provider submits a report to the court. Further, standard 5.20 provides that:</p> <p>the original report must be sent to the court if so ordered, or to the requesting party or attorney, and copies should be sent to all parties, their attorneys, and the attorney for the child.</p>

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	<p>it and do not have the ability to scan it into the computer how can I email the form to the client or their attorney?</p> <p>Many years ago I faxed a report to the Indio Family Law court only to get a call from a clerk there telling me to have the family or the attorney file it because they would not take faxes from providers because they could not confirm authenticity as to who was faxing it.</p> <p>Will the courts expect the professional monitors to deliver and file the reports and FL-324's in person? I live in Corona. The Riverside Family Law court is only 15 miles away but the Hemet Family Law Court is over 60 miles away and the Indio Family Law court is about 75 miles away.</p> <p>Currently we all have to submit a FL 012 and FL 013 annually to the family law court manager to maintain our names on the monitoring list. These forms have essentially the same info as is being required by the FL324. The only difference is that the "324" asks for the specific case info as to names and case number and the "012 / 013" forms are more generalized.</p> <p>The FL-324 is just an additional requirement which becomes a time, effort and energy burden to the monitor to fill out with every report and it is also a burden to the court and clerical to have to deal with when a report is filed. It serves no independent purpose or need because to be on the list the FL 012 and FL 013 captures all of that info already.</p>	<p>Neither the statute nor the standard specify the method for delivering the report to the court, parent, or attorney. Local courts may wish to draft local rules that address the issue of how the mandatory form is to be submitted to the court.</p> <p>Same as above response.</p> <p>Local courts will be required to use form FL-324(P) for cases involving professional providers under Family Code section 3200.5(e)(12). Further, rule 5.4 of the California Rules of Court provides that:</p> <p>Each local court may adopt local rules and forms regarding family law actions and proceedings that are not in conflict with or inconsistent with California law or the California Rules of Court. Effective January 1, 2013, local court rules and forms must comply with the Family Rules.</p> <p>Effective January 1, 2020, Family Code section 3200.5(e)(12) requires that the professional provider of supervised visitation sign a separate, updated <i>Declaration of Supervised Visitation Provider</i> each time the provider submits a report to the court. Thus, the law now requires the form to be used by all professional providers of supervised visitation services.</p>
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	<p>Is it reasonable to ask the judicial council to look at the FL 324 and consider dropping the requirement it be submitted with each and every report?</p> <p>If the judicial council is going to keep the "324" as a requirement can the form at least be provided in a "Word" format to make the boxes fill-able and so an original signature can be saved by each provider for repeated use?</p> <p>My recommendation is deleting the requirement for the "324". I have considerable experience working with the court system as I spent 15 years with Riverside CPS and have learned that when new requirements are added to the process rarely if ever is anything deleted from the process.</p> <p>The FL 324 is really not needed. Most judicial officers read our reports which have our name, the names of the parties and the case number on the heading on the first page. In the rare instance I'm called to court to testify in person I'm always asked if I was the one who wrote the report after being sworn in and deemed an expert witness.</p>	<p>The Judicial Council is required to implement the law that professional providers use the Judicial Council's <i>Declaration of Supervised Visitation Provider (Professional)</i> (form FL-324(P)).</p> <p>Judicial Council forms are not made available to the public as Word documents.</p> <p>For the reasons previously stated, the Judicial Council cannot delete the requirement that professional providers use <i>Declaration of Supervised Visitation Provider</i>.</p> <p>The form is required by law. See Family Code section 3200.5(e)(12).</p>
Superior Court of Orange County Family Law Division Orange	Recommendation: Header/parties names area; ALL Petitioner/Respondent and Other Parent/Party items can be indented to the left to be consistent with all other JCC forms.	The caption is consistent with current standard Judicial Council forms, which align the last letter (and colon) of the terms Petitioner, Respondent, and Other Parent/Party.
Superior Court of Riverside County by Susan Ryan	While the new form clearly provides the additional requirements for supervised visitation provider, it goes further and mandates non-professionals to use the form to report they have meet Family Code section 3200.5 qualifications. We do not agree that the form should become mandatory. The form or equivalent declaration could be required of the professionals.	The committee agrees with the commenter and recommends that the Judicial Council approve a new, optional form for nonprofessional providers of supervised visitation services.

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	The nonprofessional supervisor is such a varied group that self-represented litigants in regard to English literacy or consistency of use, that it may be challenging to get their supervisors to sign this court form.	Training materials and online content in several language created by the Judicial Council's Center for Families, Children & the Courts can help educate the parents and nonprofessional providers about their roles and responsibilities for supervised visitation.
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