



Subject Text

Meeting materials
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File #: 22-134, Version: 1

Title

Rules and Forms | Family Law: Child Custody and Visitation in Cases Involving Abuse by Parent and Child Testimony (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends amending four California Rules of Court and revising three forms to comply with Senate Bill 654 (Stats. 2021, ch. 768). The bill amended Family Code section 3011 by extending the requirement that a court state its reasons when granting sole or joint custody to someone despite allegations of abuse or substance abuse against that person to orders granting unsupervised visitation to someone against whom there are allegations of abuse or substance abuse. The bill also amended Family Code section 3042 regarding child testimony to prohibit allowing the child to testify in front of the parties unless specific findings are made, and to require that certain court professionals provide notice if a child changes their choice about addressing the court.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend rule 5.210 of the California Rules of Court, Court-connected child custody mediation, to include the obligations of a child custody recommending counselor to give notice about a child's desire to provide input and a child's change of choice about addressing the court under section 3042.
2. Amend rule 5.220, Court-ordered child custody evaluations, to include the obligations of a child custody evaluator to give notice about a child's desire to provide input and a child's change of choice about addressing the court under section 3042.
3. Amend rule 5.242, Qualifications, rights, and responsibilities of counsel appointed to represent a child in family law proceedings, to update counsel's obligations to give notice about a child's desire to provide input and include counsel's obligation to give notice if the child has changed their choice about addressing the court under section 3042.
4. Amend rule 5.250, Children's participation and testimony in family court proceedings, to include the obligations of all court professionals required to give notice under Family Code section 3042.
5. Revise *Child Custody and Visitation (Parenting Time) Application Attachment* (form FL-311) to add a request for child custody and unsupervised visitation orders involving allegations of a history of abuse or substance abuse under Family Code section 3011, and make other formatting changes.
6. Revise *Order Appointing Counsel for a Child* (form FL-323) to include counsel's duties under Family Code section 3042 to give notice about a child's desire to provide input and a child's change of choice about addressing the court, and make other formatting changes.
7. Revise *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) to make formatting changes, and include a new section for the court to make orders on a request for child custody and unsupervised visitation orders involving allegations of a history of abuse or substance abuse under Family Code section 3011.