Answers To Your

A GUIDE

for the

Non-Professional Provider

of Supervised Visitation

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We would like to acknowledge the Superior Court of Orange County 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 and a child. You have been asked because supervised visitation has been ordered by the court, and because the parents feel they can 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 these guidelines available to help you in making the right decisions. In accepting this responsibility, it is clear that you care about the children and family involved, and are willing to perform the tasks of a supervisor.

Please read the following guide carefully before deciding to supervise visits. If, after reading it, you agree to act as a supervised visitation provider, it will give you information you MUST know in order to properly do the job.

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 even after a divorce, separation or if never married.

Sometimes, based on certain circumstances, a judge will decide that in order for a child to have contact with a parent, it is better for all concerned that a third person be present. This arrangement is called *supervised visitation*, and the person who does this very important work is called *the provider*. That person is you.

In 1996, the California legislature required that standards be written for anyone who acts in the capacity of a supervised visitation provider. In this

booklet, we will cover those guidelines for you and answer questions we think you might have regarding your responsibilities as a provider.

Do I Qualify?

Unless the judge decides differently, or the parents agree otherwise, the following are the minimum qualifications that would apply to you. Please read them carefully.

1. Be 21 years of age or older.

2. Have no conviction for driving under the influence (DUI) within the last five years.

3. Have not been on probation or parole for the last ten years.

4. Have no record of a conviction for child molestation, child abuse or other crimes against a person.

5. Have proof of automobile insurance if transporting the child.

6. Have no civil, criminal or juvenile restraining orders within the last ten years.

7. Have no current or past court order in which the provider is the person being supervised.

8. Not be financially dependent upon the person being supervised.

9. Have no conflict of interest regarding the parent being supervised.

   Conflict of Interest means you should not:
   - be in an intimate relationship with the person being supervised;
   - be financially dependent on the person being supervised;
   - be an employee of or affiliated with any superior court in the county in which the supervision is ordered unless specified as a duty to be performed in the employment contract.

10. Agree to adhere to and enforce the court order regarding supervised visitation.

What Are My Responsibilities?

- **Do everything you can do to make sure that the child has a safe visit.**

- **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, and that you keep your opinions about any aspect of the case to yourself.

- **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, insist that you see the court order before you supervise a visit. Ask one of the parents or their attorney to provide you with a copy or you can get a copy by taking the case number to the Court Clerk's office.

If you saw the court order but don't have your own copy, take notes regarding the times, places, restrictions and conditions of the visits. The judge has considered how to best protect the child. Even if you do not agree with the order, 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 non-custodial parent**. This also means that you must understand the language they are using. As you cannot leave the location of the visit, it would be helpful for you to make arrangements regarding such distractions as answering the phone or the door, preparing food, or attending to events that would take your attention from the visit.

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, especially when those involved may be hurt or upset by the divorce or separation. During the time you are supervising the visits with the child, however, the court expects you to provide an environment for the child that is free from anger and unkind remarks. This is the time for the non-custodial parent to build a positive relationship and create a pleasant experience with the child involved.

Allow no discussion of the court case or possible outcomes. The visits are about the relationship between the non-custodial parent and the child. It can be very stressful for children to hear about the court case. 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, personal possessions or papers. Again, the court recognizes that when families and friends are those involved in the visitations it can be more difficult for you to establish firm rules. However, know that you have its support in keeping the interaction between the child and the parent focused on the visit and their relationship.

Allow no spanking, hitting or threatening the child.

Allow no visits to occur when the parent appears to be under the influence of alcohol or illegal drugs. This is grounds for ending a visit.

Allow no emotional, physical or sexual abuse. Spanking and hitting is prohibited. Physical abuse could also include such things as pinching, pulling the child, tickling too hard, and playing too rough.

Emotional and verbal abuse 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.

Sexual abuse includes inappropriate touching of the child's body and inappropriate or suggestive language.

It is most important for you, the provider, to pay close attention to the child's responses during the visit. Something in the child's experience may cause him or her to be particularly scared or sensitive to a person, place, animal, TV show, etc. If the child begins to seem afraid or upset, even if you don't know what has caused it, change the situation so the visit can again be comfortable for everyone.

As the provider, you may decide on some rules of your own. For example, if the visits occur in your home, you may require the parent and child to stay within a certain area of the house or yard. If riding in the car, or playing in the park, you may want to establish certain rules so that the child and non-custodial parent will know what you expect.

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

The following rules apply to all providers of supervised visitation in cases where there are allegations of sexual abuse, unless the court has made other orders. These cases are very painful to everyone involved. The court recognizes this fact. The court also understands that enforcement of the following rules may be even more difficult among friends and family members. However, until the issues in the case are resolved by the court, the following restrictions are to apply:

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 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;
5. Allow no supervised visitation in the location where the alleged sexual abuse occurred.

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 is at risk, you must take action. Depending on the situation, you may temporarily interrupt the visit, talk to the parent about the problem, and let the visit continue if the parent is cooperative; 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.

2. Take notes about the visit, including time, date, location and reasons for the interruption or termination in the event you are asked at a later date. You could be required to take these notes to court so make sure you accurately record what has happened.

Do I have Additional Obligations?

YES, you have these additional obligations:

1. Tell the parents before the supervised visitation begins that no confidentiality in communication exists. Any communication including conversations, letters, cards, etc. are not confidential. Although it does not happen often, you may be asked about the visits by a judge. Anything that you see, hear, read or are told is not confidential. Tell each of the parents about this rule.

2. Inform the parents prior to the first visit that you have to report any suspected child abuse. If you suspect any child abuse you must report it to the:

   Child Abuse Hotline at 1 (800) 540-4000

   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 and there is or has been bruising, or that someone was touching them inappropriately — or — if you are not sure whether you should be reporting something or not, call the above

number and a social worker will assist you. If you do make a report, your confidentially is protected by law.

3. End the visit if you decide it is necessary to be in compliance with the guidelines.

TIPS

For A Successful Visit!

- Make sure you read and follow the court order. If the parents want to change the visitation schedule or the conditions of the visit, they will need to get a new court order. If they need assistance in filing the proper paperwork, have them contact their attorney or the Family Law Facilitator.

If the parents cannot agree on how to modify the court's order 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 they call your Family Court Services to schedule an appointment at no cost.

- Explain the rules for the visits to both parents before you supervise any visits. If the parents are clear about what you expect from them, chances are the visits will go more smoothly.

- 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. Don't get into an argument or discussion with them about the problem, just state the problem and tell them what they should do if they want the visit to continue.

- Keep notes about each visit, if you interrupt or end a visit, write down what specific behavior, action, words or conversation you observed that caused you 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 situation.

If the visit seems strained between the parent and child, especially if they have not seen each other for some time, suggest activities that the parent and child might do or ask the child some questions about their interests, friends, sports or other activities so that they have to answer with more than a yes or no.

So, Are You The Person For The Job?

As you can see from reading this guide, supervising visitations 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, or for whatever reason don't want to do this, then for the child's sake, don't accept.

If you decide to supervise visits, it can be rewarding. Watching a relationship between a parent and child mend and grow can be very satisfying. There is no more important work than contributing to the welfare of 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. The opinions expressed in this publication are not necessarily those of the Federal Government or the Judicial Council or the Administrative Office of the Courts. Permission is granted to nonprofit institutions to reproduce and distribute for educational purposes if the copies credits the Administrative Office of the Courts and the Center for Families, the Children & the Courts.

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