



## JUDICIAL COUNCIL OF CALIFORNIA

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# MEMORANDUM

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<b>Date</b> March 30, 2020	<b>Action Requested</b> Please review
<b>To</b> Access to Visitation Grant Recipients	<b>Deadline</b> COVID-19 Response
<b>From</b> Shelly La Botte, California Access to Visitation Grant Program Coordinator  Center for Families, Children & the Courts	<b>Contact</b> Shelly La Botte, Access to Visitation Grant Program Coordinator  916-643-7065 phone; shelly.labotte@jud.ca.gov
<b>Subject</b> Supervised Visitation and Exchange Services and COVID-19	Gregory Tanaka, Supervising Attorney 415-865-7671; gregory.tanaka@jud.ca.gov

**DISCLAIMER:** The information shared in this memorandum is not legal advice. Decisions on how and if to provide services needs to be made by each individual and agency pursuant to local city, county, state, and the Center for Disease Control (CDC) guidelines on COVID-19. Information about the evolving health situation is available at the CDC website, click [here](#) and the California Department of Public Health website, click [here](#). Additionally, providers should check their local courts website and talk to their court contacts for information on COVID-19 emergency announcements regarding court operations. The authority to adjust or suspend court operations rests with local court leadership, considering local health authority guidelines. To visit your local court website, click [here](#).

### **Additional Resources**

- For more court updates, see the California Judicial Branch Self Help Site, click [here](#).
- For information about California's "stay-at-home" order, click [here](#).
- For information on COVID-19 symptoms and risks, click [here](#).
- Social distancing guidelines, click [here](#).
- Testing and treatment of COVID-19, click [here](#).
- If a parent has legal questions or need help finding a lawyer, click [here](#) for information.

As the current COVID-19 pandemic has impacted all of us, our primary concern is keeping everyone safe during this difficult time. This includes our state Access to Visitation Grant recipients in family law and all California families and children. With COVID-19, many providers of supervised visitation and exchange services statewide—supervised visitation agencies / centers and private independent providers—have either stopped all in-person supervised visitation sessions as set forth under state directive orders to “stay-at-home” or “shelter-in-place” and/or based upon other local, state, and/or county directives. As such, some statewide providers and supervised visitation centers are assessing whether to provide visitation services using mobile, remote, or digital tech-based services.

Because every local jurisdiction and court response to COVID-19 varies, we are unable to provide specific guidance or advice for every situation. Accordingly, each agency and professional provider needs to make their own decision on the provision of services pursuant to their own local city and county directives as well as the state and CDC guidelines or orders on COVID-19. We understand that each court has different challenges and is working with local stakeholders to craft the best protections and safeguards.

**In California, the professional provider of supervised visitation may cancel and/or temporarily suspend or terminate supervised visitation and exchange services** 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). See [Standard 5.20](#) here.

Moreover, Family Code section 3200.5(h) states that the provider shall temporarily suspend or terminate supervised visitation as follows:

- (h)(1) Each provider shall make every reasonable effort to provide a safe visit for the child and the noncustodial party.
- (2) If a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated.
- (3) All interruptions or terminations of visits shall be recorded in the case file.
- (4) All providers shall advise both parties of the reasons for the interruption or termination of a visit.

Also, under Family Code section 3200.5 (i), a professional provider shall state the reasons for temporary suspension or termination of supervised visitation in writing and shall provide the written statement to both parties, their attorneys, the attorney for the child, and the court.

[Standard 5.20](#) section (g) [safety and security procedures] requires that all providers of supervised visitation must make every reasonable effort to assure the safety and welfare of the child and adults during the visitation. And under section (l) [Delineation of terms and conditions], the provider bears the sole responsibility for enforcement of all the terms and conditions of any supervised visit. See [Standard 5.20](#).

## Possible Mobile, Remote, Tech-Based Services, and Digital Communication

**DISCLAIMER:** The Judicial Council Center for Families, Children & the Courts' Access to Visitation Grant Program has not reviewed and does not in any way endorse, certify, or recommend any specific technology, software, applications, or products. Any such description or mention of a specific technology, software, application, or product is intended for informational purposes only.

During this public health crisis, we recognize that providers may be considering how to use technology remotely, when possible in order to protect the health and safety of families and comply with mandatory social distancing mandates. These various options may include, but are not limited to: Skype, Web Ex meetings, iPhone, telephonic sessions, Global Meet, Zoom, Blue jeans, GoToMeetings, instant messaging, Web-cam chats, video-calls and video-conferencing. In addition, Gruevo is offering a free trial of videoconferencing for 45 days to non-profits as result of COVID-19. Click [here](#) for more information about Gruevo. Tech Soup is a non-profit that helps other non-profits access and use technology including hardware, software, and training information, click [here](#). The following remote communication technologies represent that they provide Health Insurance Portability and Accountability Act (HIPAA) compliant video communication products: Skype for Business; Zoom; Cisco Web Ex Meetings; GoToMeetings; Amazon Chime, Doxy.Me; and Google G Suites.

While providing continuity of services for families is important, **it is essential that providers first determine whether the use of technology remotely will ensure the health, safety and welfare of children and families, especially in cases of child abuse, sexual abuse, and domestic violence.** This must be determined on a case-by-case basis.

Based on the information we've received, we have not identified any evidence-based practices (or best practices) for providing virtual or digital supervised visitation or exchange services.

However, in our communications with other state AV program partners as well as national supervised visitation, domestic violence and technology safety experts, we have identified some important recommendations for providers:

- Before choosing a platform (e.g. Skype), providers should understand how different applications operate and perform (with different purposes), including the platform's privacy, security and safety policies.
- Providers must possess the requisite skills and knowledge of the functionality of these applications. They must also understand the limitations of the applications to help reduce the risk of harm to parents and children.
- Providers should have policies established regarding remote services prior to offering them. These policies should include steps to safeguard each parent's information, including location, phone number or other information that if revealed to the other parent, could endanger the safety of a family member.

- Consult with an information technology expert for assistance, including ensuring security and firewall issues have been addressed, prior to the use of the platform.

To help you in determining whether to offer remote services we have developed a few materials for consideration by the professional provider of supervised visitation (see enclosures):

1. Information Sheet–Supervised Visits with your Child During COVID-19 (this information is intended to prepare parents for the virtual visit);
2. Checklist for a provider considering virtual visitation during COVID-19; and
3. Please note that the Florida Clearinghouse on Supervised Visitation will be developing several resources regarding virtual visitation. For more information, click [here](#).

Like many, we are in uncharted territory. While incarcerated parents and military families have used different versions of these methods to address custody and visitation issues; at this time there does not appear to be any existing national, state, or local policies and procedures specifically for supervised visitation and exchange services. If you know of any policies, please feel free to share with me. Thank you for the work that you do in keeping families safe.

If you have any questions or need additional information, feel free to contact Shelly La Botte, Access to Visitation Grant Program Coordinator at 916-643-7065 or email to [shelly.labotte@jud.ca.gov](mailto:shelly.labotte@jud.ca.gov).