

The following overview of laws pertaining to supervised visitation and exchange contains dated information, may not be all-inclusive, and is intended for educational and research purposes only. Although we try to maintain these lists on a regular basis, it is the responsibility of each party receiving this information to verify the laws for accuracy and currency. If you need legal research on an issue involving supervised visitation or exchange and domestic violence or you know of laws that should be included in this section, please contact Michele Robinson at (800) 527-3223.

Laws

State Legislation: SUPERVISED VISITATION PROVISIONS (DISCRETIONARY AND MANDATED), INCLUDING FAMILY LAW ORDERS AND ORDERS FOR PROTECTION

Current through 5/20/11

ALA. CODE § 30-3-135

ALASKA STAT. § 25.20.061

ARIZ. REV. STAT. ANN. § 25-403

CAL. FAM. CODE §§ 3100, 3202, 3203 (protection order)

COLO. REV. STAT. ANN. § 13-14-102 (protection order)

DEL. CODE ANN. tit. 10 § 1045 (protection order)

FLA. STAT. ANN. §§ 741.2902, 753.001-753.004

GA. CODE ANN. § 19-9-7

19 GUAM CODE ANN. § 8404

HAW. REV. STAT. ANN. § 571-46

725 ILL. COMP. STAT. ANN. 5/112A-14

IND. CODE ANN. §§ 31-17-2-8.3, 31-14-14-5 (mandatory; rebuttable presumption that the noncustodial parent's visitation with the child must be supervised)

IOWA CODE ANN. §§ 236.5, 598.41 (protection order)

KY. REV. STAT. ANN. § 403.320 (general language regarding taking all necessary measures to protect the parent and child when determining visitation)

LA. REV. STAT. ANN. § 9:364 (mandatory; if the court finds that a parent has a history of perpetrating family violence, the court shall allow only supervised child visitation with that parent)

ME. REV. STAT. ANN. tit. 19-A § 1653

MD. CODE ANN., FAM. LAW § 4-506 (protection order)

MASS. GEN. LAWS ANN. ch. 208 § 31A, MASS. GEN. LAWS ANN. ch. 208 § 28,

MASS. GEN. LAWS ANN. ch. 209 § 38, MASS. GEN. LAWS ANN. ch. 209A § 3, MASS.

GEN. LAWS ANN. ch.209C § 10

MICH. COMP. LAWS ANN. § 722.27a

MINN. STAT. ANN. § 518.175

MISS. CODE ANN. § 93-5-24

MO. ANN. STAT. § 452.400

MONT. CODE ANN. § 40-4-218

NEV. REV. STAT. ANN. § 125C.230 (general language regarding taking all necessary measures to protect the parent and child when determining visitation)

N.H. REV. STAT. ANN. § 173-B:5 (protection order)
N.J. STAT. ANN. § 2C:25-29 (protection order)
N.M. STAT. ANN. § 40-13-5 (protection order; general language regarding taking all necessary measures to protect the parent and child when determining visitation)
N.C. GEN. STAT. ANN. § 50-13.2
N.D. CENT. CODE § 14-05-22 (mandatory; if the court finds that a parent has perpetrated domestic violence and that parent does not have custody, ... the court shall allow only supervised visitation with that parent ...)
OHIO REV. CODE ANN. § 3113.31
OKLA. STAT. ANN. tit. 43 § 112.2 (mandatory; if the occurrence of ongoing domestic abuse is established by clear and convincing evidence, there shall be a rebuttable presumption that it is not in the best interests of the child to have custody, guardianship, or unsupervised visitation granted to the abusive parent)
OR. REV. STAT. § 107.718 (protection order)
23 PA. CONS. STAT. ANN. § 6108 (protection order)
R.I. GEN. LAWS ANN. § 15-5-16
S.C. CODE ANN. § 20-7-1535
TEX. FAM. CODE ANN. § 153.004 (mandatory; there is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child if credible evidence is presented of a history or pattern of past or present ... physical or sexual abuse by that parent directed against the other parent, spouse, or a child)
UTAH CODE ANN. § 78B-7-106 (protection order)
VT. STAT. ANN. tit. 15 § 1103 (protection order; general language regarding taking all necessary measures to protect the parent and child when determining visitation)
WASH. REV. CODE ANN. § 26.10.160
W. VA. CODE § 48-27-509
WYO. STAT. ANN. § 35-21-105 (protection order)

State Legislation: SUPERVISED VISITATION PROVISIONS TO PROTECT
AGAINST ABUDUCTION

Current through 5/20/11

ALA. CODE § 30-3C-9
ARK. CODE ANN. § 9-13-406
CAL. FAM. CODE § 3048
COLO. REV. STAT. ANN. § 14-13.5-108
D.C. CODE § 16-4604.08
KAN. STAT. ANN. § 38-13a08
LA. REV. STAT. ANN. § 13:1858
MISS. CODE ANN. § 93-29-15
NEB. REV. STAT. § 43-3908
NEV. REV. STAT. § 125.480
S.D. CODIFIED LAWS § 26-18-8
TENN. CODE ANN. § 36-6-608
TEX. FAM. CODE ANN. § 153.503

UTAH CODE ANN. § 78B-16-108

State Legislation: SUPERVISED VISITATION CENTERS – AUTHORIZATION TO ESTABLISH

Current through 5/20/11

CAL. FAM. CODE § 3200 *et seq.*; STANDARDS OF JUD. ADMIN. § 26.2

COLO. REV. STAT. ANN. § 14-10.5-104

CONN. GEN. STAT. ANN. § 17a-1011

FLA. STAT. ANN. §753.03

19 GUAM CODE ANN. § 8404.1

HAW. REV. STAT. ANN. § 571-46

KAN. STAT. ANN. § 75-720

MINN. STAT. ANN. § 119A.37 (provides for grants to fund supervised visitation centers)

N.J. STAT. ANN. § 2A:12-7 *et seq.*

N.M. STAT. ANN. § 40-12-5.1

OKLA. STAT. ANN. tit.43§110.1a

TEX. FAM. CODE ANN. § 153.014

W. VA. CODE ANN. § 48-26-1001

State Legislation: MANDATORY DOMESTIC VIOLENCE TRAINING FOR SUPERVISED VISITATION PROVIDERS

Current through 5/20/11

CAL. RULES OF CT., STANDARDS OF JUD. ADMIN., STANDARD 5.20 (suggests that professional and therapeutic providers receive training on, among other things, issues relating to substance abuse, child abuse, sexual abuse, and domestic violence)

FLA. ADMIN. ORDER RE: SUPERVISED VISITATION DATED NOV. 18, 1999 (requires visitation supervisors and monitors/observers to demonstrate proficiency in competency based training as specified by the Florida Clearinghouse on Supervised Visitation, which shall include the areas of child development, child abuse indicators, mental health, substance abuse, parental alienation, domestic violence, cultural diversity, and crisis intervention)

IDAHO RULES OF CIV. PRO. RULE 16 (requires professional providers of supervised access to complete 13 hours of training in supervised access, which includes the dynamics of domestic violence, child abuse, sexual abuse, and substance abuse)

Other Resources

GUIDING PRINCIPLES OF THE SAFE HAVENS: SUPERVISED VISITATION AND SAFE EXCHANGE GRANT PROGRAM (DEC. 2007) – PRINCIPLE III, P. 25 (provide visitation center staff and volunteers with comprehensive training on domestic violence prior to or within the first few weeks of employment, and additional training periodically throughout the duration of employment; design the training workshops in partnership with domestic violence victim advocates and include information on, but not limited to the following: fundamentals of power and control; tactics of battering and coercive control; post-separation violence and domestic violence, including child sexual assault; intersection of domestic violence and substance abuse; adult sexual assault, particularly the intersection

with domestic violence; stalking; working with child(ren) and adult victims; working with batterers; providing culturally-responsive services; interrupting and redirecting conversations during visits; child development; and systems within which families come into contact)

SUPERVISED VISITATION NETWORK STANDARDS FOR VISITATION PRACTICE (JULY 2006)
SECTIONS 12.3 & 12.4 (section 12.3 requires any person who provides direct service to a client or who does clinical supervision of a person providing direct service to complete 24 hours of training covering at least, among other things, family violence, including domestic violence and the effects of domestic violence on children; section 12.4 requires any person providing only supervised exchange services to complete 16 hours of training to include, among other things, family violence, including domestic violence and the effects of domestic violence on children)