

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

Judicial Ethics Advisory Opinions

Arizona Advisory Opinion 92-01 (1992): At issue was whether a judge could order supervised visitation in a custody case to an agency administered by the judge's immediate family. The opinion found that it would be improper because it would create an appearance of impropriety. The opinion was based, in part, on the fact that the agency was the only available agency so the judge was directly responsible for referrals.

Florida Advisory Opinion 97-11 (1997): At issue was whether a judge may sit on the board of directors for a non-profit agency that operates a supervised visitation center. The opinion found that since judges may serve on organizations devoted to the improvement of the law, legal system or the administration of justice, the judge could sit on the board. However, the opinion held that it would be the judge's duty to ensure that the agency and its employees did not become frequently involved in litigation. If the agency became frequently involved it would be the judge's duty to leave the board.

New York Advisory Opinion 04-133 (2004): At issue was what a judge's duty was when the judge had participated in an educational video for a supervised visitation center and the video was being used for fund-raising purposes. The opinion found that the judge had a duty to register his or her objection to the use of the video for fund-raising in writing. No other action is required.

New York Advisory Opinion 06-83(2006): At issue was whether a judge who presides over an integrated domestic violence court could serve on the advisory board of an organization that provides litigation assistance and services to victims of domestic violence including supervised visitation. The opinion found that it is ethically impermissible for a judge to sit on the board of an agency that participates actively in court matters on behalf of individual parties.

New York Advisory Opinion 07-02(2007): At issue was whether a judge could serve on the board of directors of a non-profit agency that provides supervised visitation to families who may be referred by the court. The opinion found that such a position creates at least the appearance of a conflict between the judge's adjudicative duties and his or her role as a board member.

New York Advisory Opinion 08-175(2009): At issue was whether a judge who refers families to a supervised visitation agency may write a letter of support for that agency to

get an award at the request of the bar association. The opinion found that such a letter was permissible as it could not reasonably be viewed as using judicial prestige to advance the interests of a private agency.