



SENATOR ANNA CABALLERO

CALIFORNIA STATE SENATE DISTRICT FOURTEEN

California's SB 599 (Caballero): new parenting time law effective January 1, 2024

SB 599 included several legislative findings that help place the bill in context, including:

- (A) Approximately 1 in 15 children in the U.S. are exposed to domestic violence each year.
- (B) Most child abuse in the U.S. is perpetrated in the family and by a parent. Intimate partner violence and child abuse overlap in the same families at rates between 30 and 60 percent. A child's risk of abuse increases after a perpetrator of intimate partner violence separates from a domestic partner, even when the perpetrator has not previously directly abused the child. Children in the U.S. who have witnessed intimate partner violence are approximately four times more likely to experience direct child maltreatment than children who have not witnessed intimate partner violence.
- (C) According to the California Office of Emergency Services, in 2020-21, domestic violence survivors and their children were sheltered for 608,658 nights in domestic violence programs.
- (D) Nearly 60 percent of intimate partner violence-related homicides involve firearms, often involving children as well. When perpetrators of intimate partner violence, including physical violence, sexual abuse, stalking, and psychological aggression of a current or former intimate partner, have access to firearms, women and children are especially at risk of serious or deadly harm.

Existing law in California requires the family court, for purposes of deciding custody or visitation, to determine the best interests of the child based on certain factors, including the health, safety, and welfare of the child, and the nature and amount of contact with both parents, except as specified. Existing law also requires the court to determine, under certain circumstances, whether to require that visitation to be supervised, suspended, limited, or denied. If the court finds that a party is staying in a domestic violence shelter or other confidential location, the court is required to design a visitation order to prevent disclosure of the location of the shelter or other confidential location. SB 599 makes several changes to this and other code section to increase safety and reduce risks in these matters.

First, it requires the court, in determining whether to require the above-described limitations on visitation, to consider virtual visitation, as defined. If the court finds that a party is staying at a confidential location due to domestic violence or fear of domestic violence from the other parent, the court should order in-person visitation only if the court finds that in-person visitation is in the best interest of the child and taking into consideration, among other things, the potential for disclosure of the confidential location.

The bill also authorizes superior court locations to serve as supervised visitation and exchange locations, and to designate employees and contractors to provide services. This change is designed to increase the options for counties where access to secure supervised visitation locations is limited.

Lastly, when there are allegations of domestic violence or habitual illegal use of controlled substances or alcohol abuse, and the court orders sole or joint custody or unsupervised visitation to the parent alleged to have engaged in that behavior, the court must state its reasons in writing or on the record that the order is in the best interest of the child and protects the safety of the parties and of the child. Under SB 599, the court must ensure the order or any stipulation be in the best interest of the child and is specific as to time, day, place, and manner of transfer of the child.

Giffords sponsored the bill; other organizations in support included AFCC, California Association of Certified Family Law Specialists, California Legislative Women's Caucus, California Partnership to End Domestic Violence, Family Violence Appellate Project, and more.