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March 31, 2023

The Honorable Anna Caballero
Member of the Senate, 14th Assembly District
1021 O Street, Suite 7620
Sacramento, CA 95814

Re: SB 599 (Caballero)
Position: Oppose unless amended

Dear Senator Caballero,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 694 members who are certified family law specialists by the State Bar of California, Board of Legal Specialization, I write to oppose Senate Bill 599 unless it is amended.

Although judges already order virtual visitation in appropriate circumstances, SB 599 would all but make virtual visitation the norm – the default – between a child and a parent who is restrained pursuant to a protective order. For example, where a domestic violence restraining order is issued against a mother due to coercive control of the father, the practical default would be the mother would only have virtual visitation with their children. This result is due to the following language that ACFLS proposes be deleted from the new language in Family Code section 3100, subdivision (b)(1) (proposed deleted portion struck through):

~~... including virtual visitation if such visitation provides a safer alternative to any in-person visitation.~~

Without deleting this portion, it is likely that virtual visitation is always ordered based on it always being “safer” than in-person

visitation. Judges may err on the side of caution; after all, when could it ever be absolutely guaranteed that in-person visitation is safer than virtual visitation?

Also, ACFLS proposes that the new Family Code section 3100, subdivision (b)(2) be deleted in its entirety. This provision adds a redundant layer of unnecessary findings. Moreover, the language continues to intimate that a judge should consider virtual visitation as the default and work out from there through factual findings to determine if in-person visitation is appropriate. This could result in significant negative impact on parent-child relations where in-person visits would not be harmful to a child. There might be unintended consequences, as well. Judges do not always grant or modify orders that a protected party wants. So, where a protected party has no concerns about the safety of their child, and requests in-person visits occur, a judge might feel constrained by the new language in SB 599 to only allow virtual visits as a presumptively safer alternative.

Also, ACFLS proposes that the language in the first paragraph of Family Code 3100, subdivision (d) (preceding the new list) be as follows (new language in bold):

If the court finds a party is staying in a place designated as a shelter for victims of domestic violence or other confidential location, the court's order for time, day, place, and manner of transfer of the child for visitation shall be designed to prevent disclosure of the location of the shelter or other confidential location. **The court shall consider the following if the court orders in-person visitation:**

This change addresses further redundancy in findings a judge must make and to again remove the implication that in-person visits are presumptively not as safe as virtual visits.

Judges already order virtual visits in appropriate circumstances, though statutory guidance might be warranted. However, SB599 – as drafted – might lead judges to only order in-person visitation between a parent and child in exceptional circumstances, and in all other cases order a presumptively “safer” alternative of virtual visitation. Casting a net this broadly has the potential to detrimentally affect many healthy parent-child relationships by cutting off in-person parental contact for which virtual visitation is not a substitute for.

Respectfully submitted,



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