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May 19, 2021

The Honorable Senator Dave Min
Member of the Senate, 37th Senate District
State Capitol, Room 2048
Sacramento, CA 95814

Re: SB 654 (Min)
Position: Oppose Unless Amended

Dear Senator Min,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 646 members who are certified family law specialists by the State Bar of California, Board of Legal Specialization, I write in opposition of the most current version of Senate Bill 654 ("SB 654"), unless amended.

While our concerns regarding the changes to Family Code §3042 have been addressed, further amendments to the bill propose changes to Family Code §3011, which give us further concern.

Existing law requires, when an allegation about a parent relating to a history of abuse or substance abuse by the parent has been brought to the attention of the court in the current proceeding, the court to state its reasons in writing or on the record if the court makes an order for sole or joint custody to that parent.

This bill would also require the court in those circumstances to state its reasons in writing or on the record if the court makes an order for unsupervised visitations to that parent.

First, any parent can make any allegation against the other parent in a custody dispute. It should not be enough that a parent simply makes an allegation about the other parent pursuant to paragraphs (2) or (4). The Court must first make a finding that such allegations are substantiated. Otherwise, the burden of proof becomes misplaced onto the parent defending against such allegations as opposed to the parent making any such allegations against the other parent.

Second, unsupervised visitation between a parent and their child is the norm. If the statute requires that a Court make findings any time unsupervised visitation is ordered, then Courts will err on the side of supervised visitation instead. By requiring findings only if unsupervised visitation orders are made (as opposed to when a Court makes an order for supervised visitation), the legislature is telling judicial officers that supervised visitation is the norm as no findings are needed in those circumstances. Supervised visitation orders made when allegations of abuse or drug use are unsubstantiated can cause irreparable harm to the parent-child relationship. ACFLS believes that when there are substantiated allegations about a parent pursuant to paragraphs (2) and (4), then findings should be made any time a parenting plan is ordered. The requirement to make findings should apply to when a Court makes orders for supervised visitation as well, not just to when a Court makes orders for unsupervised visitation. As such, the 1st sentence of Family Code §3011(a)(5)(A) should be amended to read “When **substantiated** allegations about a parent pursuant to paragraphs (2) and (4) have been brought to the attention of the court in the current proceeding, and the court makes an order for sole or joint custody **or supervised** or unsupervised visitation to that parent, the court shall state its reasons in writing or on the record.”

For these reasons, ACFLS opposes SB 654 unless amended.

Respectfully submitted,



AVI LEVY, CFLS
Legislative Director, ACFLS