The background of the slide is a blurred image of several wooden chess pieces, including a king and a queen, arranged on a chessboard. The pieces are out of focus, creating a soft, bokeh effect.

# New Visitation Options and Requirements in Domestic Violence Cases

Allison Kephart, Esq., Chief Operations Officer, WEAVE, Inc.

Julia F. Weber, Esq., MSW, Consultant

Giffords Law Center to Prevent Gun Violence

# Land Acknowledgement

We acknowledge that we are on the traditional territory and homelands of California Native Peoples. These Nations include federally recognized tribes and many other non-recognized tribes that are all culturally diverse. We thank these Nations and we keep them in our hearts and thoughts as we are in this space today, this week, and every day.



# Office on Violence Against Women

This webinar was supported by Grant No. **15JOVW-22-GG-00865-STAT**, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this webinar are those of the author(s) and not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

“Domestic violence is still a secret in too many families and communities. **We must talk about it and not just use the words** <sup>s</sup> **‘domestic violence’**—we need to discuss what domestic and gun violence actually are, and talk about the emotional threats and mental scars that go with them.”

---

DANI ROBINSON | DOMESTIC VIOLENCE SURVIVOR

<https://giffords.org/issues/domestic-violence/>

16%

## FEWER INTIMATE PARTNER GUN HOMICIDES

Laws requiring people who have abused their partners to turn in their guns are linked to 16% fewer intimate partner gun homicides.

+

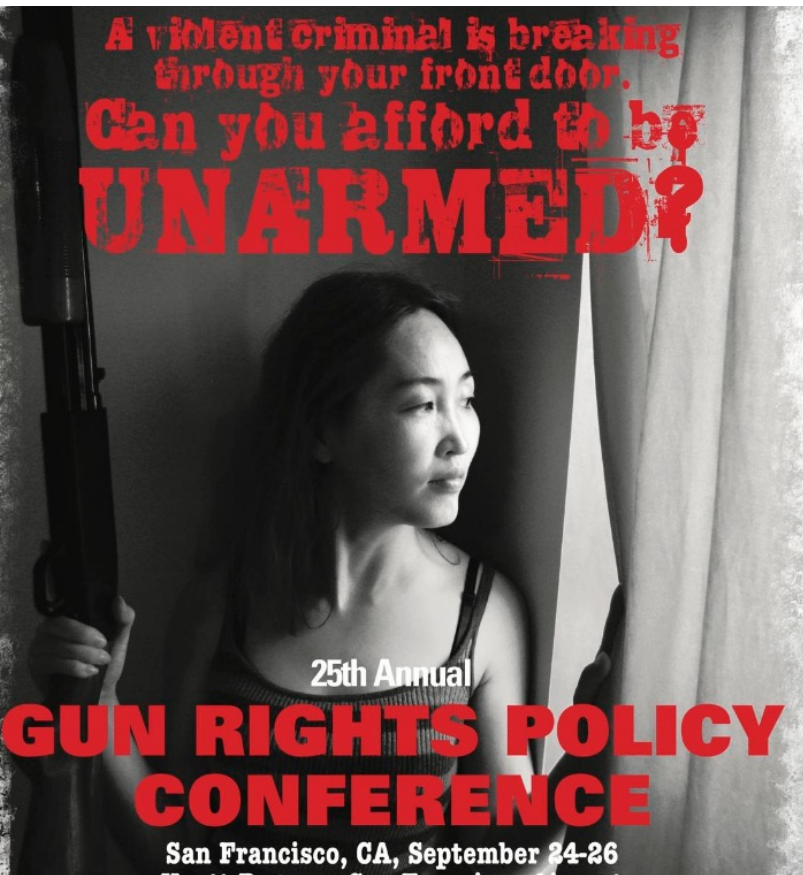




**GUNS  
PREVENT CRIMES  
AGAINST  
WOMEN**

**DID YOU KNOW?**  
In the year 1966, Orlando city started offering firearms training classes to women as a response to a wave of sexual assaults. As a result the number of rape cases dropped 90% the following year.

Have Thoughts? [Share with us](#)



**A violent criminal is breaking through your front door.  
Can you afford to be  
UNARMED?**

**25th Annual  
GUN RIGHTS POLICY  
CONFERENCE**

**San Francisco, CA, September 24-26**

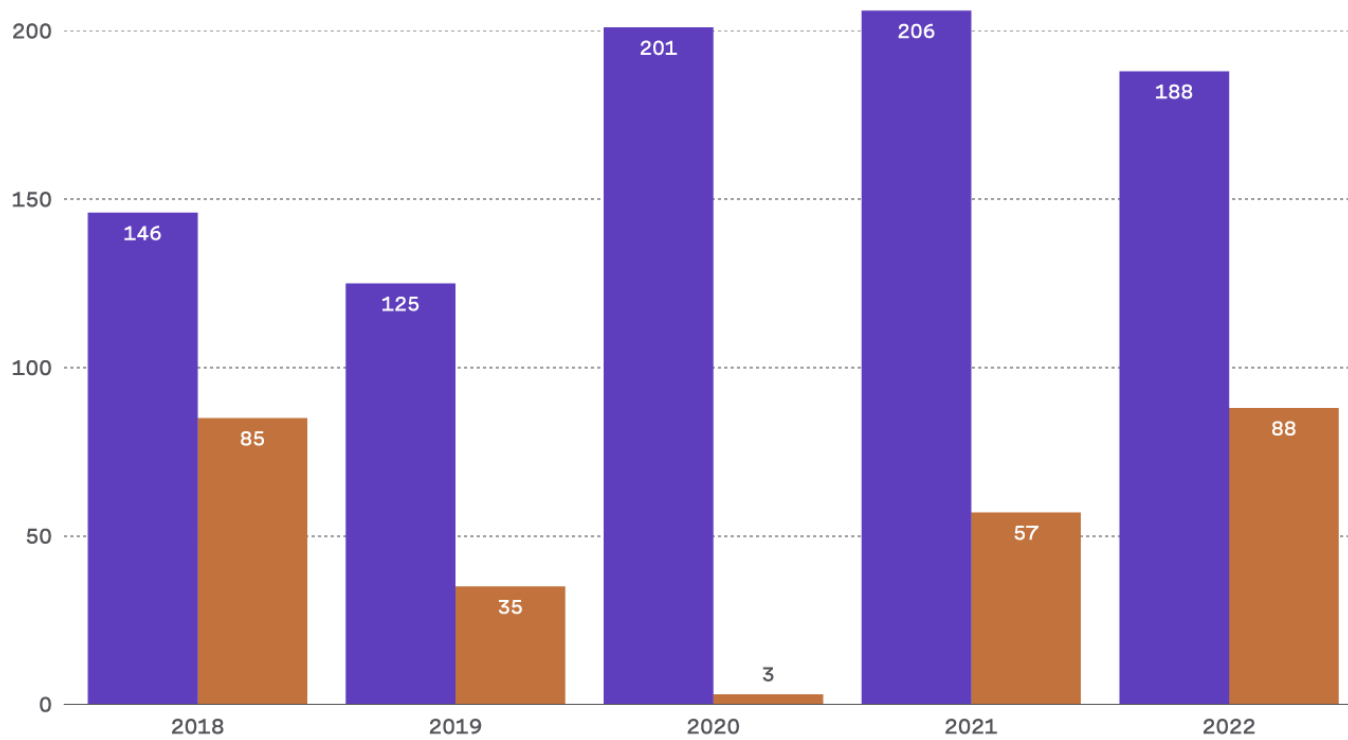
**Domestic violence victims are five times more likely to be killed when their abuser has access to a gun.<sup>13</sup>**

**25 million US adults have been threatened or nonfatally injured by an intimate partner with a firearm.<sup>14</sup>**

**Women in the United States are 21 times more likely to be killed with a gun than women in other high-income countries.<sup>15</sup>**

## Children Are Shot At Home More Often Than School

From 2018 to 2022, 866 children were **domestic violence** shooting victims. Over the same time period, 268 children were killed or wounded in **school shootings**.



THE  
TRACE

Source: Gun Violence Archive / CHDS School Shooting Safety Compendium



TIME

## Owning Guns Puts People in Your Home at Greater Risk of Being Killed, New Study Shows

“We detected much larger differences for particular types of homicide. Most notably, people living with handgun owners were seven times more likely to be shot by their spouse or intimate partner. In many of these cases, instead of being protective, the household gun probably operated as the instrument of death.”

June 3, 2022

USA  
TODAY

## A child dies every 6 days amid custody fights, family court lapses. Advocates want change.

“Nearly every six days in the U.S., a child is killed amid a custody dispute, family court lapse, or other mishaps. Each death is a tragedy. Collectively, these cases reveal a national crisis in the family court system that regularly misses warning signs and exposes too many kids to abuse and death, advocates say.”

July 17, 2023






## ***U.S. v. Rahimi – U.S. Supreme Court Decision on Domestic Violence Prohibition Expected by June***

What we went through in poverty. I will make sure for sure this time that when I finish my time being incarcerated to stay the faithful righteous person I am this day, to stay away from all drugs at all times, do probation & parole rightfully, to go to school & have a great career, have a great manufacturing engineering job, to never break any law again, to stay away from the wrong circle, to stay away from all firearms & weapons, & to never be away from my family again. I had firearms for the right reason in our place to be able to protect my family at all times especially for what we've went through in the past but I'll make sure to do whatever it takes to be able to do everything the right pathway & to be able to come home first as I can to take care of my family at all times.

## ***Mother of Children Killed by Their Father Said She Lived in Fear***

The woman obtained a restraining order in 2021 after telling a California court, “He has not killed me because he would not know where to go with the children.”

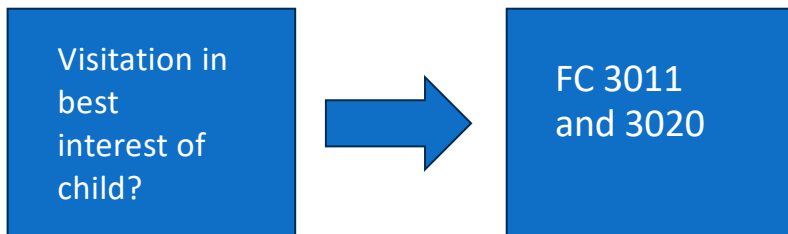
 Give this article



# California's Visitation Framework

Family Code section 3100

(a) In making an order pursuant to Chapter 4 (commencing with Section 3080), the court shall grant reasonable visitation rights to a parent when it is shown that the visitation would be in the best interest of the child, as defined in Section 3011, and consistent with Section 3020. In the discretion of the court, reasonable visitation rights may be granted to any other person having an interest in the welfare of the child.



## Updated Family Code § 3011

...(5) (A) When **allegations** about a parent pursuant to paragraph (2) or (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 unsupervised visitation to that parent, the court **shall 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 the child. In these circumstances, the court shall ensure that any order regarding custody or visitation is specific as to time, day, place, and manner of transfer of the child as set forth in subdivision (c) of Section 6323.

(B) **Nothing in this paragraph eliminates the requirement that the contents of the stipulation be in the best interest of the child and be specific as to time, day, place, and manner of transfer of the child if the parties do stipulate in writing or on the record regarding custody or visitation.**

(b) Notwithstanding subdivision (a), the court shall not consider the sex, gender identity, gender expression, or sexual orientation of a parent, legal guardian, or relative in determining the best interests of the child.

## Family Code § 3020 (no changes)

(a) The Legislature finds and declares that it is the public policy of this state to ensure that the health, safety, and welfare of children shall be the court's primary concern in determining the best interests of children when making any orders regarding the physical or legal custody or visitation of children. The Legislature further finds and declares that children have the right to be safe and free from abuse, and that the perpetration of child abuse or domestic violence in a household where a child resides is detrimental to the health, safety, and welfare of the child.

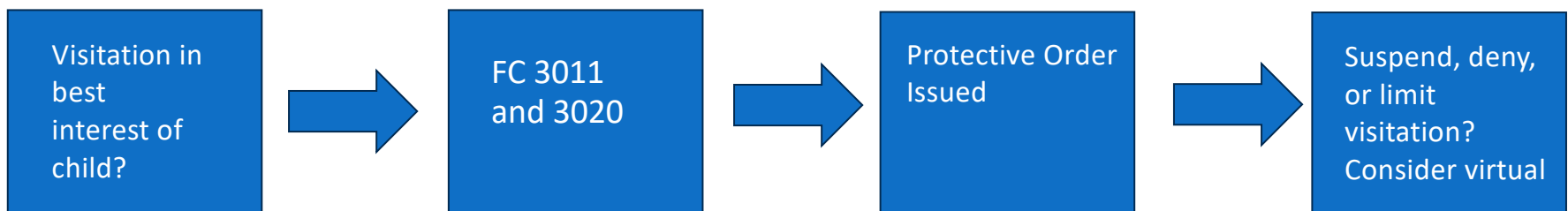
(b) The Legislature finds and declares that it is the public policy of this state to ensure that children have frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, or ended their relationship, and to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy, except when the contact would not be in the best interests of the child, as provided in subdivisions (a) and (c) of this section and Section 3011.

(c) When the policies set forth in subdivisions (a) and (b) of this section are in conflict, a court's order regarding physical or legal custody or visitation shall be made in a manner that ensures the health, safety, and welfare of the child and the safety of all family members.

(d) The Legislature finds and declares that it is the public policy of this state to ensure that the sex, gender identity, gender expression, or sexual orientation of a parent, legal guardian, or relative is not considered in determining the best interests of the child.

## Updated FC 3100: Suspend, Deny, or Limit Visitation

- (b) (1) If a protective order, as defined in Section 6218 of this code or Section 136.2 of the Penal Code, has been issued restraining a parent, the court shall consider whether the best interest of the child requires that any visitation by that parent be suspended, denied, or limited to situations in which a third person, specified by the court, is present, including virtual visitation. A parent may submit to the court the name of a person that the parent deems suitable to be present during visitation. The court may order supervised visitation with the person whose name was submitted, but the submission of a name does not require the court to order supervised visitation if it is not in the best interest of the child, nor does a parent's submission of a name constitute agreement or stipulation to supervised visitation.





# “Virtual Visitation” defined in FC section 3100

(e) For purposes of this section, “virtual visitation” means use of audiovisual electronic communication tools to provide contact between a parent and their children as part of a parenting plan or custody order. Virtual visitation may be supervised or unsupervised, based on the court’s determination of what is in the best interest of the child.





## Updated Family Code section 3100

(d) (1) 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 shall be designed to prevent disclosure of the location of the shelter or other confidential location and to protect all adults and children living in that location.

(2) If a court finds that a parent is residing in a confidential shelter due to domestic violence or fear of domestic violence from the other parent, the court shall order in-person visitation with the other parent only if the court finds that in-person visitation is in the best interest of the child, taking into account all of the following:

(A) The other parent's access to firearms and ammunition, including, but not limited to, whether the other parent is prohibited from having firearms and ammunition.

(B) If a parent is the subject of an emergency protective order, protective order, or other restraining order, whether that parent has violated that order, and the nature of any violation.

(C) Information obtained pursuant to Section 6306, the requirements of this section, and the information obtained pursuant to Section 3011.

(D) The potential for disclosure of the confidential location.



# PACE

*How to Reduce Firearms Violence Risks  
in Child Custody and Family Law Matters*



*For a digital download of the toolkit please visit  
[www.piercespledge.org/resources](http://www.piercespledge.org/resources)*

## P ROVIDE

**Providing** information to parties about firearm risks and ways to decrease risk:

- Voluntary off-site firearm storage
- Prohibitions

## A SSESS

**Assessing** risk by gathering key points and evidence from parties, documents and records.

## C RAFT

**Crafting** child custody / visitation / parenting orders with firearm safety in mind.

## E NSURE

**Ensuring** consistent, fair, and effective implementation and follow up

Firearm  
Storage Map





### **Firearms Violence Prevention:**

#### **Some Key Questions to Consider Asking in Working with Families (Updated 2024)**

Developed by Julia F. Weber, Esq., MSW

**For more information and additional training context:** [juliafweber@gmail.com](mailto:juliafweber@gmail.com)

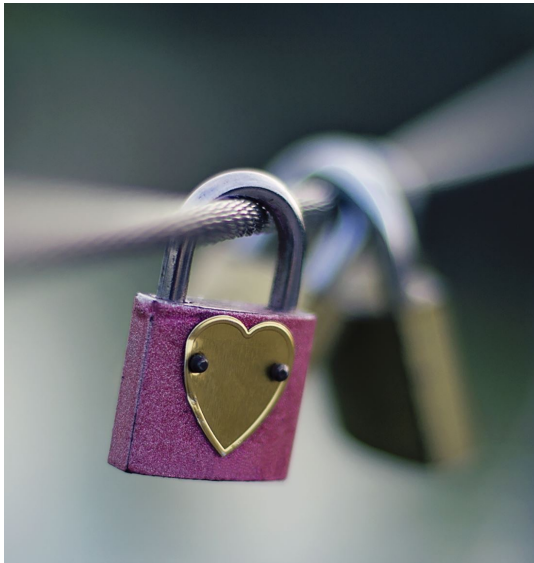
Critical conversations with clients and litigants can make a difference in raising awareness of risks, providing safety planning guidance, and supporting compliance with court orders.

**Context is critical, however:** be aware that creating rapport with your client and avoiding bias around owning or not owning firearms can help improve the information you gather and the impact of the information you provide. You may consider providing some initial context: *"We ask about firearms because when families/people are in crisis/there has been violence, there is a greater risk for injury or even death. We can help reduce that risk by removing firearms, even temporarily."*

**Consider asking:** "Do you feel comfortable talking with me about whether there are firearms in your home (or whether your partner/other party has access to firearms)?"

**Provide context about why you are talking about firearms:** "Easy access to firearms when there is conflict or a crisis in the home or the family can increase risk. We're concerned about suicide, unintentional shootings, injuries, and other harm that can occur to family members and others. There are some key steps that can be taken to reduce risk, however."

# Parenting Plan Provisions



- Firearms will be stored safely, locked and unloaded, and as legally required
- Neither parent will purchase or maintain firearms in the home without the consent of the other parent
- All laws regarding firearm use will be followed
- Follow restraining order and other prohibitions
- Neither parent will facilitate the child(ren) having access to firearms without the consent of the other

JUDICIAL BRANCH OF CALIFORNIA Supreme Court Courts of Appeal Superior Courts Judicial Council

CALIFORNIA COURTS SELF-HELP GUIDE

Type of Case Court Information Español E.g. divorce, name change

Previous Page Index: All Pages

## Guide to supervised visitation

The guide can help you

- Understand what supervised visitation is
- Learn next steps if you want a judge to make orders
- Learn next steps if a judge has already made orders in your case

Are you a provider looking for more information?

- Information for [nonprofessional providers](#)
- Resources for [professional providers](#)

<https://www.selfhelp.courts.ca.gov/guide-supervised-visitacion>

Courts are authorized to serve as sites for supervised visits and exchanges, under SB 599



Judicial Council of California

333 Golden Gate Avenue · San Francisco, California 94102-3688  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

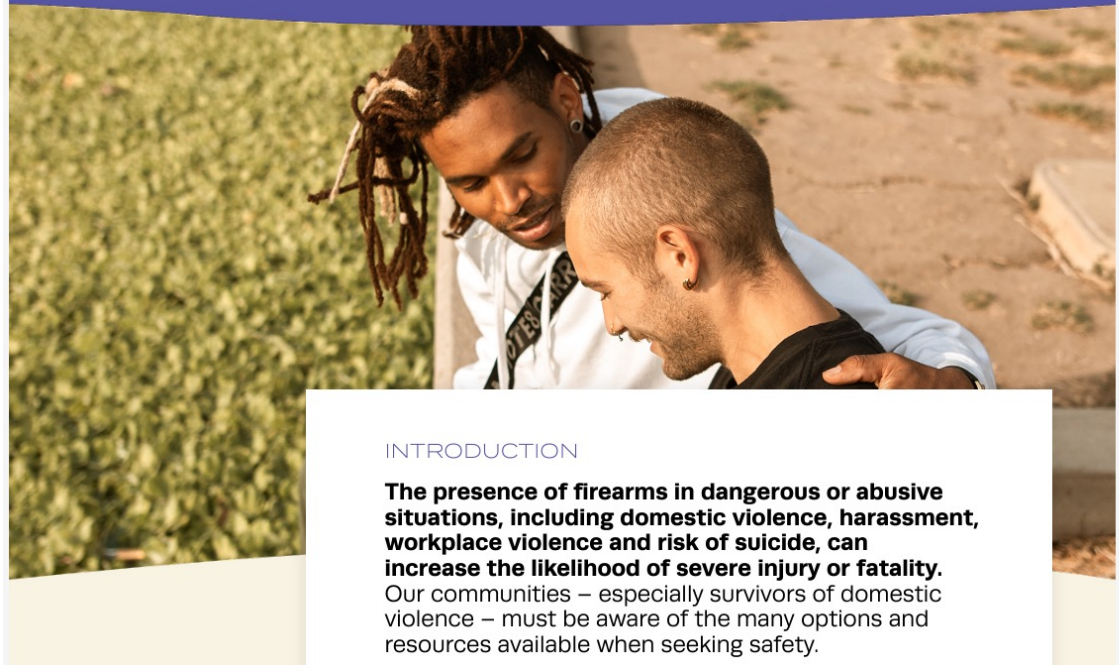
### INVITATION TO COMMENT SPR24-26

<p><b>Title</b>          Family Law: Child Custody Forms and a Standard of Judicial Administration Under Senate Bill 599</p> <p><b>Proposed Rules, Forms, Standards, or Statutes</b>          Amend Cal. Stds. Jud. Admin., std. 5.20; approve form FL-311-INFO; revise forms FL-311, FL-341, and FL-355</p> <p><b>Proposed by</b>          Family and Juvenile Law Advisory Committee          Hon. Stephanie E. Hulse, Chair</p>	<p><b>Action Requested</b>          Review and submit comments by May 3, 2024</p> <p><b>Proposed Effective Date</b>          January 1, 2025</p> <p><b>Contact</b>          Gabrielle D. Selden, 415-865-8085  <a href="mailto:gabrielle.selden@jud.ca.gov">gabrielle.selden@jud.ca.gov</a></p>
--	---

Endinggv.org

# Preventing & Reducing Gun Violence Injuries and Fatalities

A California Toolkit for Communities,  
Survivors, and Service Providers



## INTRODUCTION

**The presence of firearms in dangerous or abusive situations, including domestic violence, harassment, workplace violence and risk of suicide, can increase the likelihood of severe injury or fatality.**

Our communities – especially survivors of domestic violence – must be aware of the many options and resources available when seeking safety.



Discussion