



# Children's Law Center of California

## ***“DEPENDENCY LEGAL NEWS”***

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### **NEW DEPENDENCY CASE LAW**

#### **Exit Orders; Visitation—WIC 362.4**

***In re Reyna R.***—published 12/1/25; Second Dist.; Div. Eight  
Docket No. B338698; 118 Cal.App.5th 486

Link to case: <https://www4.courts.ca.gov/opinions/documents/B338698.PDF>

**BEFORE REQUIRING A PROFESSIONAL MONITOR IN AN EXIT ORDER, THE JUVENILE COURT MUST CONSIDER REASONABLE ALTERNATIVES AND THE PARENT'S ABILITY TO PAY.**

The juvenile court first asserted jurisdiction over parents' four children in 2021 due to father's alcohol abuse. The court terminated jurisdiction in 2022 with a custody order granting sole physical custody to mother, joint legal custody and monitored visits for father. Family court subsequently granted joint physical custody. In 2023, the agency investigated an alleged incident of domestic violence, during which father slapped mother after she suspected father was drunk and refused to allow him inside the home. Mother allowed father to return to the family home after the prior case because he showed her a court document he said allowed him to return. Mother was unable to read. While mother reported that the 2023 incident was the first time father struck her, the police received multiple domestic violence calls about father after the prior dependency case. At the jurisdiction and disposition hearing,

the juvenile court sustained an amended petition, removed the children from father, and ordered maintenance services for mother. At the time of the six-month review hearing, father had completed an outpatient substance abuse program and was testing negative. However, he left voicemail messages on the oldest child's phone in which he called her a "bitch" and threatened to burn down the family's home and curtail financial support. He sounded intoxicated during those phone calls and during a joint call with the social worker and mother. He followed mother as she walked to the children's school and a bus stop. On one occasion, he shook mother and threatened to throw her in his truck. Mother obtained a restraining order, prohibiting contact apart from court-ordered visits. Prior to the restraining order, father visited the children for two hours on the weekend, monitored by the social worker. The younger two children were excited to see father during visits. However, the older children expressed discomfort with the visits, given father's past alcohol abuse and violence. Following issuance of the restraining order, father did not visit. The agency recommended the court terminate jurisdiction with an order granting sole legal and physical custody to mother and monitored visits for father. Counsel for the children asked the court to order no visits. The juvenile court ordered visits monitored by a professional monitor, paid for by father, to which father's counsel objected. Father timely appealed.

Reversed. Before issuing an exit order requiring a parent to pay for a professional monitor, a court must consider a parent's ability to pay and whether there are reasonable alternatives to a professional monitor. Father's counsel objected to a professional monitor based on father's "limited finances," arguing such a requirement was akin to a no-visitation order. There was evidence in the record suggesting that father might not be able to afford the cost of a professional monitor. Despite counsel's objection, the juvenile court failed to inquire as to father's ability to pay. Furthermore, the court failed to explore whether an unpaid monitor approved by mother or the agency, such as a relative, might be a reasonable alternative. Remanded for the juvenile court to hold a hearing considering father's ability to pay and whether there are reasonable alternatives to a paid monitor. In certain cases, a juvenile court could decide there are no appropriate unpaid monitors and that the cost of a professional monitor must be shouldered by a parent. (SL)