

VISITATION IN CHILD PROTECTION CASES

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VISITATION: SOME HISTORY

- VISITATION EN MASSE
- CLOVER HOUSE: A VISITATION CENTER
- WORKING WITH A NEUROPSYCHIATRIST

VISITATION

- THE JUDICIAL STUDY
- Summarized in the Visitation article.
- Conducted in a number of jurisdictions around the country including the Model Courts.
- In 85% of jurisdictions visitation was supervised throughout the case
- The average number of visits per week = 1. Some jurisdictions provided more, some less.
- 83% of the visits were supervised by the social worker/agency.

VISITATION

- MOST JUDGES WERE DISSATISFIED WITH THE AMOUNT OF VISITATION.
- THEY DID NOT KNOW WHAT THEY COULD DO ABOUT IT SINCE THEY WERE INFORMED THAT THE AGENCY DID NOT HAVE THE CAPACITY OR THE RESOURCES TO PROVIDE ADDITIONAL VISITS.

VISITATION

- Additionally, we learned that in some jurisdictions parental visitation is used as a punishment or sanction.
- Children are told to behave or lose their visits with parents
- Parents are told that their failures in other aspects of the case plan can result in reduced visitation.

VISITATION

- We also learned that in many jurisdictions the social worker is unwilling to change visitation patterns without a court order.
- Visitation is usually one size fits all. Same quantity and quality for all ages of children.

VISITATION

STUDIES CONFIRM THAT VISITATION IS GOOD FOR CHILDREN AND FOR PARENTS.

THIS IS TRUE EVEN IF THE CHILD IS NOT ULTIMATELY REUNIFIED WITH THE PARENT

VISITATION

- Children who have regular visitation with their parents make better adjustments to care, are more likely to be reunified, and when reunification is not possible, are more likely to be adopted by their foster parents.

VISITATION

- “Visitation is the most critical factor in ensuring and supporting safe and timely re-unification for children and their birth families as the primary permanency option. Its central and fundamental place amid the array of services and supports to at-risk families cannot be understated.”
- Los Angeles Family Visitation Guidelines

VISITATION

- What is a visit?
- VISIT: To go or come to see (a person); call on. An act or instance of visiting a person.
American Heritage Dictionary

VISITATION

- We suggest:
 - An interaction between parent and child that is beneficial to both of them. Contact between parent and child that enhances their relationship and strengthens their connection to one another.
 - Arredondo, D., and Edwards, L., “Attachment, Bonding and Reciprocal Connectedness: Limitations on Attachment Theory in the Juvenile and Family Court,” Journal of the Center for Families, Children & the Courts, Vol. 2, 2000, pp 109-127.

VISITATION

- ALSO:
- The conjoint sharing of attentional space that enhances their connectedness (e.g. watching a ballgame).
- An interaction in which understanding and empathy are deepened.

VISITATION

- The quality of visitation is as important as the quantity
- When planning visitation we must consider the age of the child, the developmental needs of the child as well as the prior relationship between the child and parent

VISITATION

California law states that visitation is a fundamental part of family reunification services.

VISITATION

“Where a child is removed from the parent's custody in a dependency proceeding, ...the court shall order visitation between the child and parent or guardian, to be as frequent as possible, consistent with the well-being of the child.”

W & I Section 362.1(a)

VISITATION

To deny visitation between a parent and child there must be clear and convincing evidence that visitation would be detrimental to the child.

VISITATION

“ The absence of visitation will not only prejudice a parent’s interests at a permanency hearing, but may virtually assure the erosion (and termination) of any meaningful relationship between mother and child.”

In re Monica C., 31 Cal. App. 4th 296, 397 (1995).

SOLUTIONS

- WHAT HAVE DIFFERENT JURISDICTIONS BEEN DOING TO IMPROVE VISITATION DURING FAMILY REUNIFICATION?

VISITATION – SOLUTIONS I SAN FRANCISCO

- SAN FRANCISCO PLAN – APPENDIX D
- STANDING COURT ORDER
 - First visit within 5 days of removal
 - BEFORE ADJUDICATION
 - 3 Hours a week minimum
 - BEFORE DISPOSITION
 - 0-5 year olds 6 hours a week minimum
 - 6-18 year olds 3 hours a week minimum

VISITATION – SOLUTIONS I SAN FRANCISCO

- Any party shall have the opportunity to request that visits be reduced or terminated upon proper showing.
- A parent who misses a confirmed, scheduled visit may have visits reduced or terminated depending on the circumstances.

VISITATION SOLUTIONS II NEW JERSEY

- PARENTING TIME (NEWARK PROJECT)
(ONLY FOR NEGLECT CASES)
A STEP-DOWN MODEL
- TIER I (FIRST MONTH)
 - First visit within 5 days of removal/supervised by caseworker
 - Weekly visits thereafter in District Office
 - Transportation provided for 4 weeks
 - Caseworker attends at least one visit/month

VISITATION SOLUTIONS II NEW JERSEY

- TIER II (SECOND MONTH)
 - Supervision by a parent coordinator
 - Weekly one hour supervised visits at the visitation program.
 - After four or more visits, assessment to be conducted by caseworker, supervisor and visitation team to determine:
 - Can Visitation be Expanded?

VISITATION SOLUTIONS II NEW JERSEY

- TIER III (3 TO 6 MONTHS)
 - Visits – minimum 2 hours per visit.
 - Visits may be moved to unsupervised
 - Offsite visits (visitation agency, McDonalds, museum, host families etc) will occur weekly either supervised or unsupervised.
 - After 6th month, an additional assessment will address future unsupervised and overnight visits.

VISITATION – SOLUTIONS II NEW JERSEY

- TIER IV
 - Unsupervised overnight visits – May have relative or other non-governmental person present.

VISITATION – SOLUTIONS II
NEW JERSEY

- TIER V (AFTER CARE)
 - Parenting group weekly
 - Child care provided for women attending parenting group.
 - Home visits twice a month by paraprofessional
 - Community collaboration
 - No court appearances necessary during this period.

VISITATION – SOLUTIONS II
NEW JERSEY

- RESOURCES NEEDED
 - Training for visitation team
 - Parenting Time Coordinators
 - Transportation Person
 - Visitation workers (paraprofessionals)
 - Vehicles and car seats for transportation

- A WORK IN PROGRESS

VISITATION – SOLUTIONS II
NEW JERSEY

- UPDATE:
- As of 4/07 – the entire project has been abandoned as a result of a lack of resources (or desire to change?)

VISITATION – SOLUTIONS III
SANTA CLARA COUNTY, CA

- SANTA CLARA COUNTY, CALIFORNIA
- Visits twice a week minimum from the outset of the case.
 - One to two hours per visit
 - Supervised with notes kept by visitation supervisor (not the caseworker)

VISITATION – SOLUTIONS III
SANTA CLARA COUNTY, CA

- FIVE DIFFERENT LEVELS OF VISITATION:
- 1. Intensive Therapeutic Visits.
- 2. Interactive Visits
- 3. Monitored-Observational Visits
- 4. Unsupervised Visits.
- 5. Security Visits.

VISITATION – SOLUTIONS III
SANTA CLARA COUNTY, CA

- VENUES FOR VISITS:
- + jail/prison – courthouse
- + visitation center (with a therapist)
- + visitation center/DFCS/ with an observer.
- + Relative/Foster Homes, community care facility
- + Parent's home, parks, restaurants, etc. (unsupervised)

VISITATION – SOLUTIONS III
SANTA CLARA COUNTY, CA

- The 3 Phases of the Step-Down Model
- 1. Assess the proper level of visitation.
- (least restrictive). Includes **Ice Breaker** meetings.
- 2. Re-evaluation and adjustments as the reunification process develops.
- 3. Post-dependency visitation (if any) – Sibling visitation included.

SOLUTIONS III
SANTA CLARA COUNTY, CA

- There are 2 visitation centers.
- One is a converted house with comfortable rooms and a backyard for families to meet (CLOVER HOUSE).
- One provides therapeutic supervisors to assist parents and children who have difficult relationships. (KINDRED SOULS)

VISITATION – SOLUTIONS III SANTA CLARA COUNTY, CA

- VISITS CAN ALSO OCCUR, DEPENDING ON THE AGE AND CIRCUMSTANCES, AT:
 - Medical appointments
 - School meetings/events
 - The Mall
 - Church
 - Family Gatherings
 - Day Care
 - With Foster Parent supervising
 - Community Events (scouting, concerts, etc)

VISITATION – SOLUTIONS III SANTA CLARA COUNTY, CA

- OTHER VISITATION OPPORTUNITIES
 - Parenting classes
 - Family Night
 - Mommy and Me Classes

In all of these there is parent training taking place simultaneously with the visit

VISITATION SOLUTIONS III SANTA CLARA COUNTY, CA

- We are about to begin a new visitation program: Tri-Generational visitation combined with parenting.
- We recognize the connectedness of mothers and their mothers and the assistance that grandmothers can bring to the mother-child relationship.

VISITATION – SOLUTIONS III SANTA CLARA COUNTY, CA

- OTHER FORMS OF CONTACT ARE A PART OF THE INDIVIDUALIZED VISITATION PLAN INCLUDING:
 - + Telephone calls
 - + Letters, Gifts
 - + Email

VISITATION – SOLUTIONS III SANTA CLARA COUNTY, CA

- VISITATION IS ADDRESSED AT EVERY COURT HEARING AND FREQUENTLY ADJUSTED ACCORDING TO THE CIRCUMSTANCES.
- RELATIVE/SIBLING VISITATION IS ALSO CONSIDERED AT EACH HEARING.

VISITATION SOLUTIONS III SANTA CLARA COUNTY, CA

- The Children’s Services Director has endorsed the concept that visitation should be increased as parents demonstrate progress on their case plans.
- She believes that with training within the department, social workers will be able to adjust visitation between court hearings as opposed to waiting for the judge’s order.

SOLUTIONS III SANTA CLARA COUNTY

- Our commitment to finding permanency for children has led us to develop new attitudes and practices:
- Family Finding
- Wrap Around Services
- Family Group Conferences
- Family Team Meetings
- Team Decision Making
- Joint Response

SOLUTIONS III SANTA CLARA COUNTY

A new article has been published on all of these practices.

Edwards, L., and Sagatun-Edwards, I.,
“The Transition to Group Decision Making in Child Protection Cases: Obtaining Better Results for Children and Families,” Juvenile and Family Court Journal, Vol. 58, No. 1, Winter, 2007, at pp. 1-16.

FAMILY FINDING

- A NEW WAY OF LOOKING AT FAMILY
- AND A NEW METHODOLOGY

FAMILY FINDING

- HOW MANY LIVING RELATIVES DO WE EACH HAVE?
- HOW MANY ARE IDENTIFIED IN THE TYPICAL CHILD PROTECTION CASE?

FAMILY FINDING

- WE ARE COMMITTED TO FINDING FAMILIES
- WE ENCOURAGE A NEW ATTITUDE AND NEW TECHNOLOGY REGARDING FINDING FAMILIES
- “SOCIAL SERVICES ON STEROIDS”
- OR
- MISSION-DRIVEN MOTIVATION

FAMILY FINDING

- Typical social work stops looking for family after the immediate family has been found.
- Judge and attorneys don't ask.
- We assume that the extended family can't be a resource for the child.
- Challenging behaviors discourage us.
- Non-family behaviors are easier.
- The fruit never falls far from the tree.

FAMILY FINDING

- FROM A BIOLOGICAL -- DNA PERSPECTIVE, FAMILY PLACEMENTS ARE SAFER THAN NON-FAMILY PLACEMENTS
- FAMILY MEMBERS ARE MORE WILLING TO "GO THE EXTRA MILE" FOR A CHILD THEY SHARE DNA WITH.

FAMILY FINDING SEARCH TOOLS

- Child Welfare Record Review
- Family Ancestry Chart
- Internet Sites for locating persons
 - www.familysearch.org (Mormon Church)
 - www.genealogytoday.com
 - www.people-finder.com
 - www.ancestry.com
 - www.obituary.com (deceased relative information)

FAMILY SEARCH TOOLS

- Prison Locator Services
 - American Red Cross
 - Indian Child Welfare Act (ICWA)
 - Inter-State Compact for the Placement of Children
 - International Social Services
 - (BALTIMORE – 410-230-2730)
- BE INSPIRED BY ANTWONE FISHER AND SHANE SHALTER

FAMILY FINDING

- Our Children's Services Agency has created a unit that deals exclusively with finding relatives.
- The Agency has concluded that children will be better served when family members are located.
- This is consistent with the philosophy underlying Family Group Conferencing.

FAMILY FINDING

- The Children's Services Unit is called
 - RELATIVE FINDING ASSESSMENT UNIT

FAMILY FINDING

- Family finding has been recognized by the federal government as a best practice.
- HR 6893
- The Fostering Connections To Success and Increasing Adoptions Act of 2008 provides grants for local jurisdictions to implement family finding. (Section 102).

SOLUTIONS IV - IOWA

- VISITATION PHILOSOPHY
 - Right to visit each other
 - Only restricted if danger to the child
 - Maintain connectedness
 - Least restrictive setting
 - Benefits children and supports reunification
 - Individualized visitation plan for each child
 - Never used as a threat or a form of punishment.

SOLUTIONS IV - IOWA

- WRITTEN VISITATION PLAN
 - Dates, times, frequency, length, frequency
 - Arrangements/transportation
 - Who will be at the visits/supervision
 - Monitoring and activities for visits
 - Visitation conditions (prohibited behaviors)
 - Planning for emergency situations/problems
 - Telephone calls (times, frequency, length, & supervision)

IOWA VISITATION GUIDELINES

- First visit within 1-5 working days of removal
- Telephone calls within 48 hours of removal
- Visitation should be scheduled considering developmental guidelines
- Siblings should be considered in visits
- Least restrictive/most homelike setting

IOWA VISITATION GUIDELINES

- Generally, parental, relative or foster home will provide the best environment
- Must endeavor to involve parents in routine activities of parenting
- DFCS to develop a preliminary written visitation plan within 10 days of placement
- Plan made with parental/relative input

IOWA VISITATION PLAN

- Arrangements including transportation
- Who will be present
- Who will supervise (if necessary)
- Tasks to be accomplished during visits
- Visitation conditions (do's and don'ts)
- Plan for emergency situations
- Procedures for handling problems
- Times, frequency, length & supervision of telephone calls with child

IOWA VISITATION PLAN

- Social worker has specific tasks
- Parents have responsibilities
- Foster parents also have responsibilities.
- Each of these is listed in the protocol

FREQUENCY OF VISITS

- DEVELOPMENTAL CONSIDERATIONS
- SEE APPENDIX A IN VISITATION ARTICLE

FREQUENCY OF VISITS

- INFANCY
 - Less than 8-12 MONTHS
 - Attachments to more than one caregiver
 - No full cognitive understanding of separation
 - Needs: Stimulation, nurturing, consistency routines

FREQUENCY OF VISITS

- TODDLERHOOD (12-36 Months)
 - Identity and character structure form
 - Disruptions can lead to long term aftereffects
 - Relies on daily and extended contact
 - Identifies with one or another caregiver
 - Calling someone "Mommy" or "Daddy" is meaningless.

FREQUENCY OF VISITS

- LATENCY (6-7 Years)
 - Strong self-identity
 - Strong attachments to particular caregivers
 - Separation can lead to anxiety, stress, self-doubt, blame, guilt, shame, fear.
 - Trauma of separation is not likely to be mitigated by infrequent short visits.

FREQUENCY OF VISITS

- EARLY TEENAGE YEARS
 - Relationship with parents highly ambivalent
 - Egocentric and preoccupied with own needs
 - Often deny or intellectualize true feelings
 - Emotions in flux, feelings swing to extremes
 - Exquisitely sensitive to true genuineness
 - Frightened to see adults' emotional distress

FREQUENCY OF VISITS

- LATE TEENAGE YEARS
 - Connection with caregiver still very important
 - Visitation can be briefer and less frequent
 - Capable of protracted separations without undue feelings of loss.
 - Should be given much larger voice in visitation than younger children.

VISITATION – EMERGING ISSUES

- SIBLING VISITATION
 - Some state statutes require social workers to ensure that siblings visit each other.
 - Some state statutes require that the court ensure that sibling visitation takes place

VISITATION – EMERGING ISSUES

- SIBLING VISITATION
- "It is the intent of the Legislature to maintain continuity of the family unit, and ensure the preservation and strengthening of the child's family ties by ensuring that when siblings have been removed from their home, either as a group on one occasion or individually on separate occurrences, the siblings will be placed in foster care together unless it has been determined that placement together is not in the best interest of one or more siblings."

Welfare and Institutions Code
Section 16002(a)

VISITATION: EMERGING ISSUES

- PROJECT VISITATION – HONOLULU
- A project which connects siblings living in separate foster homes through volunteers in the Honolulu community.
- <http://vlsh.org/01/services/PV.htm>

VISITATION – EMERGING ISSUES

- IDENTIFICATION AND CONTACT WITH SIGNIFICANT OTHERS
 - Some states require social workers to identify important persons in the child's life.
 - The legislatures in those states have determined that connecting with significant others is important to children in out-of-home care

VISITATION – EMERGING ISSUES

- Each supplemental report... shall include...a factual discussion of each of the following subjects:
- (g) Whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with individuals other than the child's siblings that are important to the child, consistent with the child's best interests, and actions taken to maintain those relationships.

VISITATION – EMERGING ISSUES

- The social worker shall ask every child who has been in an out-of-home placement for six months or longer to identify any individuals other than the child's siblings who are important to the child, consistent with the child's best interest.
- Welfare and Institutions Code section 366.1(g)

VISITATION: EMERGING ISSUES

- DIMENSIONS OF CONNECTEDNESS:
- HEART: Who do you love? Who loves you? Who do you want to love you?
- MIND: Who teaches you? What are you learning? Who do you teach? Who do you think about?

VISITATION: EMERGING ISSUES

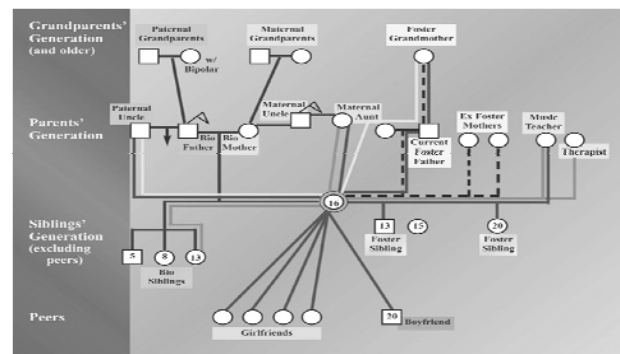
- BODY: Who shares your blood? Does anybody share your body? Who provides you with food and shelter?
- SOUL: To what or whom is your soul connected? What or who are your passions?

VISITATION: EMERGING ISSUES

COLOR CODES FOR THE LINES

- RED is for the heart.
- GREEN is for the fertile and creative mind.
- BLUE is for the blood that runs in the veins (body).
- YELLOW is for the light of the soul.

CONNECTEDNESS CHART



VISITATION AND THE CFSR'S

- Visitation has been somewhat ignored by the Child and Family Service Reviews.
- We believe that a strong visitation program will enhance children's well-being as well as result in more timely permanency – These are both specific issues that the CFSR's address.

VISITATION

- A strong visitation program will benefit children, their parents, strengthen families and lead to more timely permanency.
- We continue to have better results for our children, in great part because of our commitment to enhancing the connectedness between children and their families.

VISITATION

- A strong visitation program will also include a parent education component.

VISITATION

QUALITY OF VISITATION

- The quality of visitation may be more critical than the quantity.
- Poor quality visits may discourage a parent in the reunification process.

QUALITY OF VISITATION

- Factors that may help improve the quality of visits:
 1. Location (informal vs formal)
 2. Others present (known vs unknown)
 3. Skill development available (not).

QUALITY OF VISITATION

- We have been using a program for over 10 years that possesses many positive characteristics.
- It is a combination parenting class and visitation opportunity.

QUALITY OF VISITATION

- Over a 16 week period, groups of parents meet with each other, with their children, and with trained staff and engage in an education-support group.
- The focus is on families where a parent is in early recovery from substance abuse.

QUALITY OF VISITATION

- The program has physical, psychological, social and spiritual components.
- It includes family style meals.
- Transportation is provided to ensure participation.
- There are group activities, teaching, and closing activities including reflection.
- Activities are developmentally appropriate according to the age of the group members.

QUALITY OF VISITATION

- Family members are taught
 - + Healthy living skills
 - + How to sustain recovery
 - + How to have positive relationships
 - + About the disease of addiction.
 - + That they are not alone.
 - + Truth statements

QUALITY OF VISITATION

- Studies show:
 - “Celebrating Families! Works!”
 - Stephanie Brown, Ph.D.
 - Director of the Addictions Institute

QUALITY OF VISITATION

- “significant size and positive effects for all child, parent and family variables.”
- 2006 Outcomes and Replication Study by Karol Kumpfer

EVALUATION FINDINGS

- Time to reunification significantly decreased.
- Large effect on Parenting
- Participants learn and apply new skills.
- More effective with Hispanic families.

WANT TO LEARN MORE?

- www.celebratingfamilies.net
- www.nacoa.org
- Steve Hornberger, Program Director
- 301-468-0985
- shornberger@nacoa.org

CONCLUSION

The best results will come from leadership within the Children's Services Agency.

- After all, they are charged by state and federal statute to provide reasonable services to the child and family.

CONCLUSION

- Although children's services agencies are responsible for ensuring that adequate visitation takes place, judges must take a leadership role in monitoring visitation practices and policies.
- It is the judge's legal responsibility to oversee the delivery of services to parents and to make reasonable efforts findings regarding those services

VISITATION - CONCLUSION

- SOME SUGGESTIONS:
 - Establish a work group/task force regarding visitation
 - Include a broad spectrum of community members
 - Create a Mission and Specific Goals
 - Let it be known that the goal of the work group is to identify the proper quantity and quality of visitation so that
 - Children will be well served
 - Child Development will be enhanced
 - Parents will benefit
 - Family reunification will be improved

VISITATION: CONCLUSION

- The Agenda for the Task Force should include:
 - - visitation locations
 - - visitation supervisors
 - - role of foster parents
 - - transportation
 - - safety for all concerned
 - - integration of parenting skills in the context of visitation

CONCLUSION

- Be prepared to discuss visitation at administrative meetings.
- Require social workers to include in their reports information on the quantity and quality of visitation
- Expect to address visitation at every court hearing.

VISITATION - CONCLUSION

- CHANGES IN THIS CRITICAL PART OF THE CHILD PROTECTION SYSTEM WILL ONLY OCCUR IF YOU TAKE A LEADERSHIP ROLE.

CONTACT INFORMATION

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