

Statute and Regulation regarding unsupervised/liberal visitation

State	Statute	Regulation
<p>Alabama</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> [Is this provision applied only for divorce case?] Ala.Code 1975 § 30-3-135. Visitation by parent who committed violence. (a) A court may award visitation by a parent who committed domestic or family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic or family violence can be made. (b) In a visitation order, a court may take any of the following actions: ... (2) Order visitation supervised in a manner to be determined by the court....</p>	<p><Related Regulation> Ala. Admin. Code r. 660-5-50-.06 ... (d) Location of Visits-Visits will occur in the most normalized family-like setting that will meet the child's need for safety. Visits may occur in the foster home or other placement, the family residence, a relative's home, or the site of special events such as the school, church, park, etc. Visits should not occur at the offices of the County Department unless necessary to protect the child's safety, or unless requested and agreed upon by the age appropriate child and visitor. When visits are to be supervised, they may occur at the foster home or other placement or another acceptable site.</p>
<p>Alaska</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> AS § 47.17.030. Action on reports; termination of parental rights [Paragraph (d) looks like NJSA 30:4C-15.1.] ... (d) Before the department or a local government health or social services agency may seek the termination of parental rights under AS 47.10, it shall offer protective social services and pursue all other reasonable means of protecting the child....</p> <p>AS § 47.17.035. Duties of department in domestic violence cases ... (b) If the department determines in an investigation of abuse or neglect of a child that (1) the child is in danger because of domestic violence or that the child needs protection as a result of the presence of domestic violence in the family, the department shall take appropriate steps for the protection of the child; in this paragraph, "appropriate steps" includes (A) reasonable efforts to protect the child and prevent the removal of the child from the parent or guardian who is not a domestic violence offender; (B) reasonable efforts to remove the alleged domestic violence offender from the child's residence if it is determined that the child or another family or household member is in danger of domestic violence; and (C) services to help protect the child from being placed or having unsupervised visitation with the domestic violence offender until the department determines that the offender has met conditions considered necessary by the department to protect the safety of the domestic violence victim and household members;</p>	<p><Related Regulation> 7 AAC 56.340. Service planning requirements. (a) The agency shall develop a service plan upon completion of the intake evaluation and before to placement. The service plan must include (1) the services to be provided for each child or sibling, if siblings will be placed into the same placement setting, and the child's family to achieve reunification or an alternative permanent plan within the shortest possible period of time including information on alternatives to placement or types of placement, supportive family services, psychological and psychiatric services, medical, dental and ancillary services, educational and vocational services, and postplacement services; (2) persons responsible to arrange the services identified; and (3) the child's need for services, both services in a placement setting and specialized services, and how the services are to be provided by the agency. (b) If the service plan prepared under (a) of this section is for the purpose of placement in foster or residential care, the plan must also include (1) a description of services that will be provided to the child's parent during the placement; (2) a plan for the nature and frequency of parental, sibling, and extended family contacts and visits with the child, if appropriate; and (3) plans for visits home and return to the family, unless parental rights have been terminated or relinquished. (c) If the service plan prepared under (a) of this section is for the purpose of adoptive or guardianship placement, the plan must also (1) address the needs of the birth family, unless parental rights have been involuntarily terminated, the needs of the child or sibling group, and needs of the prospective or identified adoptive or guardianship family;</p>

	<p>AS § 25.24.150. Judgments for custody; supervised visitation [According to (j), can we interpret that unsupervised is presumptive and supervised is exception? But this seems to apply only for custody case.]</p> <p>(a) In an action for divorce or for legal separation, for placement of a child when one or both parents have died, or as part of a child-in-need-of-aid proceeding for a child in state custody under AS 47.10, the court may, if it has jurisdiction under AS 25.30.300--25.30.320, and is an appropriate forum under AS 25.30.350 and 25.30.360, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of a child of the marriage, make, modify, or vacate an order for the custody of or visitation with the minor child that may seem necessary or proper, including an order that provides for visitation by a grandparent or other person if that is in the best interests of the child. The court shall hear custody proceedings related to a child in state custody under AS 47.10 as part of the child-in-need-of-aid proceedings, as provided under AS 47.10.113, unless notice is provided to all parties to the child-in-need-of-aid proceedings and no party objects to hearing the custody proceedings in another appropriate forum ...</p> <p>(j) If the court finds that a parent has a history of perpetrating domestic violence under (g) of this section, the court shall allow only supervised visitation by that parent with the child, conditioned on that parent's participating in and successfully completing an intervention program for batterers, and a parenting education program, where reasonably available, except that the court may allow unsupervised visitation if it is shown by a preponderance of the evidence that the violent parent has completed a substance abuse treatment program if the court considers it appropriate, is not abusing alcohol or psychoactive drugs, does not pose a danger of mental or physical harm to the child, and unsupervised visitation is in the child's best interests....</p>	<p>(2) address the needs relating to the adoption process for the birth family, the child or sibling group, and the adoptive or guardianship family;</p> <p>(3) include specific strategies to meet the needs identified in (1) and (2) of this subsection and must include an estimate of the time required to finalize the adoption or complete guardianship; and</p> <p>(4) include a description of each child's attitude toward adoption or guardianship and a summary of the preparation for adoption or guardianship planned for each child by the agency.</p> <p>(d) When the application or referral for foster or residential care placement indicates that the placement will be limited to 30 days or less, and adoption is not the goal for the child, the agency may complete a limited service plan appropriate for the short term placement in place of the service plan required by this section.</p>
<p>Arizona</p>		<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Arkansas</p>		<p>There is no regulation regarding presumption of unsupervised/liberal visitation [But, it seems to recommend unsupervised (natural) visitation]</p> <p><Related Regulation> Ark. Admin. Code 016.15.4-VI-C. Maintaining Family Ties in Out-of-Home Placements CONTACT WITH PARENTS In order to maintain and strengthen the parent-child relationship, visits and other forms of contact with parents and their children in out-of-home placements are essential. Visits between parents, including noncustodial and putative parents as applicable, and their children will occur at least weekly based upon the child's best interest. More frequent visits are encouraged, as appropriate. A positive drug or alcohol screen in and of itself will not result in the postponement and/or withholding of visits between a parent and child in DHS custody unless:</p> <p>A. The parent is under the influence of drugs and/or alcohol at the time of the scheduled visit and has observable behavior indicating impairment of</p>

		<p>parenting capacity; or, B. A court order specifies that a parent's positive screen will result in the withholding of parent-child visits.</p> <p>Visits may be supervised or unsupervised depending on the dynamics of the case. Any Division staff member as well as approved student interns and volunteers may supervise visits. However, the appropriate supervisor will individualize each assignment to supervise visits. When making the assignment the supervisor will consider the family's history, current level of functioning, and any other applicable factors as well as the skill set of the individual selected to supervise the visit. The preferred location for visits is the parent's home or, if that is not possible, in the most home-like setting possible. Office visits are a last resort.</p> <p>While children are in out-of-home placements, the Division, in conjunction with foster parents and placement providers, will update parents regarding their children's lives including providing information regarding, without limitation, status of physical, behavioral, and emotional health, progress in school, involvement in extracurricular activities, and achievements. Parents will be invited to participate in their children's school, faith-based, and extracurricular activities as appropriate.</p> <p>The specific plan for visits between a child in out-of-home placement and his or her parents as appropriate, will be included in the case plan. As the family prepares for reunification, the frequency and/or length of visits will increase while the level of supervision will decrease accordingly. The case plan will be updated as needed to reflect changes regarding visits and other contact.</p>
<p>California</p>	<p>There seem to be provisions regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> [According to § 3027.5, can we interpret that unsupervised is presumptive?]</p> <p>West's Ann.Cal.Fam.Code § 3027.5. Sexual abuse of child; report or treatment; limitations on custody or visitation</p> <p>(a) No parent shall be placed on supervised visitation, or be denied custody of or visitation with his or her child, and no custody or visitation rights shall be limited, solely because the parent (1) lawfully reported suspected sexual abuse of the child, (2) otherwise acted lawfully, based on a reasonable belief, to determine if his or her child was the victim of sexual abuse, or (3) sought treatment for the child from a licensed mental health professional for suspected sexual abuse.</p> <p>(b) The court may order supervised visitation or limit a parent's custody or visitation if the court finds substantial evidence that the parent, with the intent to interfere with the other parent's lawful contact with the child, made a report of child sexual abuse, during a child custody proceeding or at any other time, that he or she knew was false at the time it was made. Any limitation of custody or visitation, including an order for supervised visitation, pursuant to this subdivision, or any statute regarding the making of a false child abuse report, shall be imposed only after the court has determined that the limitation is necessary to protect the health, safety, and welfare of the child, and</p>	<p><Related Regulation> 15 CCR § 1374. Visiting.</p> <p>The facility administrator shall develop and implement written policies and procedures for visiting, that include provisions for special visits. Youth shall be allowed to receive visits by parents, guardians or persons standing in loco parentis, at reasonable times, subject only to the limitations necessary to maintain order and security. Opportunity for visitation shall be a minimum of two hours per week. Visits may be supervised, but conversations shall not be monitored unless there is a security or safety need.</p>

	<p>the court has considered the state's policy of assuring that children have frequent and continuing contact with both parents as declared in subdivision (b) of Section 3020.</p> <p>West's Ann.Cal.Fam.Code § 3201. Administration of supervised visitation Any supervised visitation maintained or imposed by the court shall be administered in accordance with Section 26.2 of the California Standards of Judicial Administration recommended by the Judicial Council.</p>	
<p>Colorado</p>	<p>There is no provisions regarding presumption of unsupervised/liberal visitation</p> <p><§ 14-13.5-108. Provisions and measures to prevent abduction ...(4) In an abduction prevention order, the court may impose conditions on the exercise of custody, parental responsibilities, or visitation or parenting time that: (a) Limit visitation or parenting time or require that visitation or parenting time with the child by the respondent be supervised until the court finds that supervision is no longer necessary and order the respondent to pay the costs of supervision; (b) Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorneys fees and costs if there is an abduction; and (c) Require the respondent to obtain education on the potentially harmful effects to the child from abduction....</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Connecticut</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> C.G.S.A. § 17a-101l. Visitation centers The Commissioner of Children and Families shall, within available resources, establish visitation centers for the purpose of facilitating visits between children in the custody of the commissioner and those family members who are subject to supervised visitation. Such center shall provide a secure facility for supervised visitation or the transfer of custody of such children for visitation.</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Delaware</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> 13 Del.C. § 708A. (Child Protection from Domestic Violence Act) Visitation [This provision seems to apply only for DV case.]</p>	<p>There seem to be regulation regarding presumption of unsupervised/liberal visitation [But, visiting will be held in the facility.]</p> <p><Related Regulation> 9 Del. Admin. Code 105-4.0. Residential Child Care Facility</p>

	<p>Notwithstanding the other provisions of this title, in all cases in which the court finds by a preponderance of the evidence that 1 of the child's parents has committed an act of domestic violence against the child, against the other parent or against any other person living in the child's household the court shall determine a schedule, location and conditions for visitation that best protects the child and the victim of domestic violence from further violence.</p> <p>13 Del.C. § 724A. (Child Protection from Sex Offenders Act) Rebuttable presumption against unsupervised visitation, custody or residence of a child to a sex offender [This provision seems to apply only for sex offender case.]</p> <p>(a) Notwithstanding other provisions of this title, there shall be a rebuttable presumption that no sex offender shall be awarded sole or joint custody of any child, that no child shall primarily reside with a sex offender, and that no sex offender shall have unsupervised visitation with a child.</p> <p>(b) The above presumptions may be overcome if:</p> <p style="padding-left: 40px;">... (6) The best interests of the child would be served by giving residential or custodial responsibilities for the child or visitation with the child to the sex offender....</p>	<p>4.3 Children's Services and Activities</p> <p>4.3.1 Visitation with Children</p> <p>4.3.1.1 A facility shall develop, adopt, follow and maintain on file written policies and procedures governing visits between children and their parent(s), legal guardian, relatives and friends, both at the facility, at the children's own homes and at other suitable locations. These policies and procedures shall address the days and hours of visits, frequency of visits permitted, any exceptions governing whom the child may visit, and whom to contact to arrange for special accommodations in the event of hardship or emergencies and shall be consistent with applicable State law(s), regulations or court orders.</p> <p>4.3.1.2 A facility shall explain the policies and guidelines to the child and his or her parent(s) or legal guardian.</p> <p>4.3.1.3 A facility shall provide accommodations within the buildings to enable visits with children to be conducted in reasonable privacy, except where the service plan indicates that visits are to be directly supervised, or when the facility has reason to believe that a particular visitor would not be in the best interest of the child.</p> <p>4.3.1.4 A facility shall not deny or restrict children's visits in the facility with their parent(s), legal guardian, relatives or friends based upon a child's behavior or infraction of these requirements, unless specified in the child's service plan.</p>
<p>Florida</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> West's F.S.A. § 753.01. Definitions As used in this chapter, the term:</p> <p>(1) "Clearinghouse on Supervised Visitation" or "clearinghouse" means the entity within the Institute for Family Violence Studies in the School of Social Work of the Florida State University, which serves as a statewide resource on supervised visitation issues by providing technical assistance, training, and research.</p> <p>(2) "Department" means the Department of Children and Families.</p> <p>(3) "Exchange monitoring" means supervision of movement of a child from one parent to the other parent at the start of the visit and back to the first parent at the end of the visit.</p> <p>(4) "Supervised visitation program" means a program created to offer structured contact between a parent or caregiver and one or more children in the presence of a third person responsible for observing and ensuring the safety of those involved. Supervised visitation programs may also include exchange monitoring of children who are participating in court-ordered visitation programs or exchange monitoring where there has been mutual consent between parties for the purposes of facilitating a visitation.</p> <p>West's F.S.A. § 753.02 Clearinghouse responsibilities and authority</p> <p>(1) The clearinghouse shall have the following responsibilities, subject to the availability of resources:</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>(a) To develop standards for supervised visitation programs in order to ensure both the quality of each program and the safety of children and families using program services.</p> <p>(b) To serve as a clearinghouse on resources and research of supervised visitation programs.</p> <p>(c) To provide technical assistance and other support services to existing and emerging supervised visitation programs.</p> <p>(d) To compile a directory of state-supervised visitation programs containing referral information.</p> <p>(e) To formulate a newsletter for supervised visitation programs.</p> <p>(f) To organize workshops and conferences that address issues and concerns of supervised visitation programs.</p> <p>(g) To compile data on the use of supervised visitation programs.</p> <p>(2) The clearinghouse may apply for grants and accept private contributions.</p> <p>West's F.S.A. § 753.03. Standards for supervised visitation and supervised exchange programs</p> <p>(1) Within existing funds from the department, the clearinghouse shall develop standards for supervised visitation programs in order to ensure the safety and quality of each program. Standards must be uniform for all the programs and must address the purposes, policies, standards of practice, program content, security measures, qualifications of providers, training standards, credentials and background screening requirements of staff, information to be provided to the court, and data collection for supervised visitation programs....</p> <p>West's F.S.A. § 39.0139. Visitation or other contact; restrictions</p> <p>(3) Presumption of detriment.--</p> <p>(a) A rebuttable presumption of detriment to a child is created when:</p> <ol style="list-style-type: none">1. A court of competent jurisdiction has found probable cause exists that a parent or caregiver has sexually abused a child as defined in s. 39.01;2. A parent or caregiver has been found guilty of, regardless of adjudication, or has entered a plea of guilty or nolo contendere to, charges under the following statutes or substantially similar statutes of other jurisdictions:<ol style="list-style-type: none">a. Section 787.04, relating to removing minors from the state or concealing minors contrary to court order;b. Section 794.011, relating to sexual battery;c. Section 798.02, relating to lewd and lascivious behavior;d. Chapter 800, relating to lewdness and indecent exposure;e. Section 826.04, relating to incest; orf. Chapter 827, relating to the abuse of children; or	
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	<p>3. A court of competent jurisdiction has determined a parent or caregiver to be a sexual predator as defined in s. 775.21 or a parent or caregiver has received a substantially similar designation under laws of another jurisdiction.</p> <p>(b) For purposes of this subsection, “substantially similar” has the same meaning as in s. 39.806(1)(d) 2.</p> <p>(c) A person who meets any of the criteria set forth in paragraph (a) may not visit or have contact with a child without a hearing and order by the court.</p> <p>(4) Hearings.-- ...</p> <p>(c) If the court finds the person proves by clear and convincing evidence that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by such visitation or other contact, the presumption in subsection (3) is rebutted and the court may allow visitation or other contact. The court shall enter a written order setting forth findings of fact and specifying any conditions it finds necessary to protect the child.</p> <p>(d) If the court finds the person did not rebut the presumption established in subsection (3), the court shall enter a written order setting forth findings of fact and prohibiting or restricting visitation or other contact with the child.</p>	
<p>Georgia</p>	<p>There is provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> Ga. Code Ann., § 15-11-112. Court-ordered visitation</p> <p>(a) When a child is removed from his or her home, the court shall order reasonable visitation that is consistent with the age and developmental needs of a child if the court finds that it is in a child's best interests. The court's order shall specify the frequency, duration, and terms of visitation including whether or not visitation shall be supervised or unsupervised.</p> <p><u>(b) There shall be a presumption that visitation shall be unsupervised unless the court finds that unsupervised visitation is not in a child's best interests.</u></p> <p>(c) Within 30 days of the court finding that there is a lack of substantial progress towards completion of a case plan, the court shall review the terms of visitation and determine whether the terms continue to be appropriate for a child or whether the terms need to be modified.</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Hawaii</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> HRS § 571-46. Criteria and procedure in awarding custody and visitation; best interest of the child</p> <p>(a) In actions for divorce, separation, annulment, separate maintenance, or any other proceeding where there is at issue a dispute as to the custody of a minor child, the court, during the pendency of the action, at the final hearing, or any time during the</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

minority of the child, may make an order for the custody of the minor child as may seem necessary or proper. In awarding the custody, the court shall be guided by the following standards, considerations, and procedures: ...

(7) Reasonable visitation rights shall be awarded to parents, grandparents, siblings, and any person interested in the welfare of the child in the discretion of the court, unless it is shown that rights of visitation are detrimental to the best interests of the child ...

(10) A court may award visitation to a parent who has committed family violence only if the court finds that adequate provision can be made for the physical safety and psychological well-being of the child and for the safety of the parent who is a victim of family violence;

(11) In a visitation order, a court may:

- (A) Order an exchange of a child to occur in a protected setting;
- (B) Order visitation supervised by another person or agency;
- (C) Order the perpetrator of family violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation;
- (D) Order the perpetrator of family violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for twenty-four hours preceding the visitation;
- (E) Order the perpetrator of family violence to pay a fee to defray the costs of supervised visitation;
- (F) Prohibit overnight visitation;
- (G) Require a bond from the perpetrator of family violence for the return and safety of the child. In determining the amount of the bond, the court shall consider the financial circumstances of the perpetrator of family violence;
- (H) Impose any other condition that is deemed necessary to provide for the safety of the child, the victim of family violence, or other family or household member; and
- (I) Order the address of the child and the victim to be kept confidential;

(12) The court may refer but shall not order an adult who is a victim of family violence to attend, either individually or with the perpetrator of the family violence, counseling relating to the victim's status or behavior as a victim as a condition of receiving custody of a child or as a condition of visitation;

(13) If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation;

(14) A supervised visitation center shall provide a secure setting and specialized procedures for supervised visitation and the transfer of children for visitation and supervision by a person trained in security and the avoidance of family violence;

	<p>HRS § 587A-33. Termination of parental rights hearing ... (d) A family member may be permitted visitation with the child at the discretion of the permanent custodian. The court may review the exercise of such discretion and may order that a family member be permitted such visitation as is in the best interests of the child....</p>	
<p>Idaho</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> I.C. § 16-1621. Case plan hearing--No finding of aggravated circumstances ... (3) If the child is placed in the legal custody of the department, the case plan filed by the department shall set forth reasonable efforts that will be made to make it possible for the child to return home. The case plan shall also: ... (b) Address the options for maintaining the child's connection to the community; ... (iii) Include a visitation plan and identify the need for supervision of visitation and child support;</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Illinois</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> 325 ILCS 5 (Abused and Neglected Child Reporting Act). Protective services; application of Act § 2. (a) The Illinois Department of Children and Family Services shall, upon receiving reports made under this Act, protect the health, safety, and best interests of the child in all situations in which the child is vulnerable to child abuse or neglect, offer protective services in order to prevent any further harm to the child and to other children in the same environment or family, stabilize the home environment, and preserve family life whenever possible. Recognizing that children also can be abused and neglected while living in public or private residential agencies or institutions meant to serve them, while attending day care centers, schools, or religious activities, or when in contact with adults who are responsible for the welfare of the child at that time, this Act also provides for the reporting and investigation of child abuse and neglect in such instances. In performing any of these duties, the Department may utilize such protective services of voluntary agencies as are available. (b) The Department shall be responsible for receiving and investigating reports of adult resident abuse or neglect under the provisions of this Act.</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p> <p><Related Regulation> [This regulation seems not to apply for child placement case.] 20 Ill. Adm. Code 2602.200 2602.200. Visiting a) Introduction Visits provide a direct and valuable link of communication between the youth and his family. The assurance of family ties is reinforced and relieves the feeling of loss and insecurity. b) Minimum Standards 1) Visit Regulations The superintendent shall establish written procedures relative to visits. A) A liberal visiting schedule shall be established identifying no fewer than two visiting days each week, one of which must be during the weekday evening hours and one during the weekend. Additionally, visiting shall be allowed on all legal holidays. B) No restriction shall be placed on visits by attorney, clergy, social workers, probation officers or other persons professionally associated with a youth's case at reasonable non-scheduled hours. These visits shall not count against any limitation which may be placed on the number of visits allowed. C) Youth shall be authorized at least 30 minutes for each visit. D) Visits shall be supervised only to the extent that privacy is assured. 2) Interviews An area for private interviews between youth and attorney, religious advisor or other professional person shall be provided and arranged so as to ensure</p>

		<p>privacy.</p> <p>3) Security Precaution All visitors shall be required to sign a visitor register before being permitted to visit a youth.</p> <p>4) Search Visitors are subject to search, as provided by law, and a search notice sign must be conspicuously posted. Youth must be thoroughly searched after each contact visit under the same legal procedures contained in Section 2602.50(b)(6).</p> <p>c) Recommendations 1) The visiting area should be thoroughly searched before and after each visit. 2) Persons under the influence of alcoholic beverages or drugs should be denied visits with youth.</p>
Indiana	There is no provision regarding presumption of unsupervised/liberal visitation	There is no regulation regarding presumption of unsupervised/liberal visitation
Iowa	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provisions> I.C.A. § 232.107. Parent visitation If a child is removed from the child's home in accordance with an order entered under this division based upon evidence indicating the presence of an illegal drug in the child's body, unless the court finds that substantial evidence exists to believe that reasonable visitation or supervised visitation would cause an imminent risk to the child's life or health, the order shall allow the child's parent reasonable visitation or supervised visitation with the child.</p> <p>I.C.A. § 232.108. Visitation or ongoing interaction with siblings 2. If the requirements of subsection 1 apply but the siblings are not placed in the same placement together, the department or other agency shall provide the siblings with the reasons why and the efforts being made to facilitate such placement, or why making efforts for such placement is not appropriate. Unless visitation or ongoing interaction with siblings is suspended or terminated by the court, the department or agency shall make reasonable effort to provide for frequent visitation or other ongoing interaction between the child and the child's siblings from the time of the child's out-of-home placement until the child returns home or is in a permanent placement.</p>	There is no regulation regarding presumption of unsupervised/liberal visitation
Kansas	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> K.S.A. 23-3208. Parenting time; enforcement; child exchange and visitation centers (a) Parents. A parent is entitled to reasonable parenting time unless the court finds, after a hearing, that the exercise of parenting time would seriously endanger the</p>	There is no regulation regarding presumption of unsupervised/liberal visitation

	<p>child's physical, mental, moral or emotional health.</p> <p>(b) Enforcement of rights. An order granting parenting time under this article may be enforced in accordance with the uniform child custody jurisdiction and enforcement act, or K.S.A. 23-3401, and amendments thereto.</p> <p>(c) Court-ordered exchange or parenting time at a child exchange and visitation center. The court may order exchange or parenting time to take place at a child exchange and visitation center, as established in K.S.A. 75-720, and amendments thereto.</p> <p>K.S.A. 75-720. Child exchange and visitation centers; duties of the attorney general; child exchange and visitation centers fund</p> <p>(a) Subject to the provisions of appropriation acts, the attorney general shall provide for child exchange and visitation centers throughout the state for victims of domestic or family violence and their children to allow court-ordered child exchange or visitation in a manner that protects the safety of all family members. The attorney general shall coordinate and cooperate with local governmental agencies in providing the child exchange and visitation centers.</p> <p>(b) A child exchange and visitation center shall provide:</p> <ol style="list-style-type: none"> (1) A secure setting and specialized procedures for supervised visitation and the exchange or transfer of children for visitation; and (2) supervision by a person trained in security and the avoidance of domestic and family violence. <p>(c) A child exchange and visitation center is for children who have been removed from such children's parents and placed outside the home as a result of abuse or neglect or other risk of harm to such children and for children whose parents are separated or divorced and the children are at risk because:</p> <ol style="list-style-type: none"> (1) There is documented sexual, physical or emotional abuse as determined by the court; (2) there is suspected or elevated risk of sexual, physical or emotional abuse, or there have been threats of parental abduction of the child; (3) due to domestic violence, there is an ongoing risk of harm to a parent or child; (4) a parent is impaired because of substance abuse or mental illness; (5) there are allegations that a child is at risk for any of the reasons stated in paragraphs (1) through (4) pending an investigation; or (6) other circumstances, as determined by the court, point to the existence of such a risk.... 	
<p>Kentucky</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p>KRS § 403.325. Visitation denied parent convicted of homicide of other parent; exception; hearing required</p> <p>(1) Notwithstanding the provisions of KRS 403.320, if a parent of a child is convicted of murder or manslaughter in the first degree of the other parent, a court shall not grant</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>the convicted parent visitation rights with respect to that child unless the court, through a hearing, determines that visitation is in the child's best interest. (2) If the court later modifies a denial of visitation to grant visitation, the court shall do so only after a hearing which establishes that visitation is in the child's best interest.</p>	
<p>Louisiana</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> LSA-R.S. 9:341. Restriction on visitation A. Whenever the court finds by a preponderance of the evidence that a parent has subjected his or her child to physical abuse, or sexual abuse or exploitation, or has permitted such abuse or exploitation of the child, the court shall prohibit visitation between the abusive parent and the abused child until such parent proves that visitation would not cause physical, emotional, or psychological damage to the child. Should visitation be allowed, the court shall order such restrictions, conditions, and safeguards necessary to minimize any risk of harm to the child. All costs incurred in compliance with the provisions of this Section shall be borne by the abusive parent. B. When visitation has been prohibited by the court pursuant to Subsection A, and the court subsequently authorizes restricted visitation, the parent whose visitation has been restricted shall not remove the child from the jurisdiction of the court except for good cause shown and with the prior approval of the court.</p> <p>LSA-Ch.C. Art. 675. Case plan purpose; contents A. The case plan shall be designed to achieve placement in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents' homes, consistent with the best interest and special needs of the child. The health and safety of the child shall be the paramount concern in the development of the case plan. B. The case plan shall at least include all of the following: ... (2) A plan for assuring that the child receives safe and proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate the safe return of the child to his own home or other permanent placement of the child, or both, and address the needs of the child while in foster care, including a plan for visitation and a discussion of the appropriateness of the services that have been provided to the child under the plan.</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p> <p><Related Regulation> La. Admin Code. tit. 48, pt. I, § 6925 A. Under no condition shall the child's attorney, probation officer, social worker, or other involved professional be denied the right to visit the child except as prohibited by court order. B. Each detention facility shall develop written visitation policies which allow for reasonable visiting times for parents/guardians and clergy. These shall be made available to the child and parents/guardians as soon as possible after admission. 1. Attorneys, probation officers, social workers, or other involved professionals shall not be confined to these hours, though they may be requested to visit at such times that will not interfere with meals or sleep.</p>
<p>Maine</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> 5 M.R.S.A. § 20048. Visitation and communication of patients 1. Hours of visitation. Subject to reasonable rules regarding hours of visitation that the commissioner may adopt, patients in any approved treatment facility must be granted</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>opportunities for adequate consultation with counsel and for continuing contact with family and friends consistent with an effective treatment program.</p> <p>2. Communication. Mail or other communication to or from a patient in any approved treatment facility may not be intercepted, read or censored. The commissioner may adopt reasonable rules regarding the use of telephones by patients in approved treatment facilities.</p> <p>3. Restrictions. The patient may exercise all civil rights, including, but not limited to, civil service status; the right to vote; rights relating to the granting, renewal, forfeiture or denial of a license, permit, privilege or benefit pursuant to any law; and the right to enter contractual relationships and to manage the patient's property, except:</p> <p style="padding-left: 40px;">A. To the extent the commissioner determines that it is necessary for the medical welfare of the patient to impose restrictions, unless the patient has been restored to legal capacity; or</p> <p style="padding-left: 40px;">B. When specifically restricted by other laws or rules.</p> <p>Restrictions on the exercise of civil rights may not be imposed on any patient solely because of the fact of that person's admission to a mental hospital.</p>	
<p>Maryland</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> MD Code, Family Law, § 5-525.2. Siblings; placement; visitation Department shall place siblings together</p> <p style="padding-left: 40px;">(a)(1) A local department shall place together siblings who are in an out-of-home placement under § 5-525 of this subtitle if:</p> <p style="padding-left: 80px;">(i) it is in the best interests of the siblings to be placed together; and</p> <p style="padding-left: 80px;">(ii) placement of the siblings together does not conflict with a specific health or safety regulation.</p> <p style="padding-left: 40px;">(2) If placement of the siblings together conflicts with a specific health or safety regulation, the local department may place the siblings together if the local department makes a written finding describing how placement of the siblings together serves the best interests of the siblings.</p> <p>Visitation rights of siblings who are separated</p> <p style="padding-left: 40px;">(b)(1) Any siblings who are separated due to a foster care or adoptive placement may petition a court, including a juvenile court with jurisdiction over one or more of the siblings, for reasonable sibling visitation rights.</p> <p style="padding-left: 40px;">(2) If a petitioner under this subsection petitions a court to issue a visitation decree or to amend an order, the court:</p> <p style="padding-left: 80px;">(i) may hold a hearing to determine whether visitation is in the best interest of the children;</p> <p style="padding-left: 80px;">(ii) shall weigh the relative interests of each child and base its decision on the best interests of the children promoting the greatest welfare and least harm to the children; and</p> <p style="padding-left: 80px;">(iii) may issue an appropriate order or decree.</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>MD Code, Family Law, § 9-101. Rejection of custody or visitation if abuse likely Determine if abuse or neglect is likely (a) In any custody or visitation proceeding, if the court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court shall determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party. Deny custody or visitation if abuse likely (b) Unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court shall deny custody or visitation rights to that party, except that the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.</p>	
<p>Massachusetts</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p>M.G.L.A. 209 § 38. Visitation and custody orders; consideration of abuse toward parent or child; best interest of child In issuing any temporary or permanent custody order, the probate and family court shall consider evidence of past or present abuse toward a parent or child as a factor contrary to the best interest of the child If ordering visitation to the abusive parent, the court shall provide for the safety and well-being of the child and the safety of the abused parent. The court may consider: ... (b) ordering visitation supervised by an appropriate third party, visitation center or agency;....</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Michigan</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> M.C.L.A. 722.27a. Parenting time; presumptions and burden of proof; frequency, duration, and type; factors; order; terms and conditions; ex parte interim orders; deployment of parent ... (7) The court may consider the following factors when determining the frequency, duration, and type of parenting time to be granted: (a) The existence of any special circumstances or needs of the child. (b) Whether the child is a nursing child less than 6 months of age, or less than 1 year of age if the child receives substantial nutrition through nursing. (c) The reasonable likelihood of abuse or neglect of the child during parenting time. (d) The reasonable likelihood of abuse of a parent resulting from the exercise of parenting time. (e) The inconvenience to, and burdensome impact or effect on, the child of traveling for purposes of parenting time. (f) Whether a parent can reasonably be expected to exercise parenting time in accordance with the court order.</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>(g) Whether a parent has frequently failed to exercise reasonable parenting time.</p> <p>(h) The threatened or actual detention of the child with the intent to retain or conceal the child from the other parent or from a third person who has legal custody. A custodial parent's temporary residence with the child in a domestic violence shelter shall not be construed as evidence of the custodial parent's intent to retain or conceal the child from the other parent.</p> <p>(i) Any other relevant factors ...</p> <p>(9) A parenting time order may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of parenting time by a parent, including 1 or more of the following:</p> <p>(a) Division of the responsibility to transport the child.</p> <p>(b) Division of the cost of transporting the child.</p> <p>(c) Restrictions on the presence of third persons during parenting time.</p> <p>(d) Requirements that the child be ready for parenting time at a specific time.</p> <p>(e) Requirements that the parent arrive for parenting time and return the child from parenting time at specific times.</p> <p>(f) Requirements that parenting time occur in the presence of a third person or agency.</p> <p>(g) Requirements that a party post a bond to assure compliance with a parenting time order.</p> <p>(h) Requirements of reasonable notice when parenting time will not occur.</p> <p>(i) Any other reasonable condition determined to be appropriate in the particular case.</p> <p>M.C.L.A. 722.954a 722.954a. Placement of child upon removal; notification of relatives; determination; considerations; review of decision Currentness Sec. 4a. (1) If a child has been placed in a supervising agency's care under chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply with this section and sections 4b and 4c.1 ...</p> <p>(6) Reasonable efforts shall be made to do the following:</p> <p>(a) Place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the supervising agency documents that a joint placement would be contrary to the safety or well-being of any of the siblings.</p> <p>(b) In the case of siblings removed from their home who are not jointly placed, provide for at least monthly visitation or other ongoing contact between the siblings, unless the supervising agency documents that at least monthly visitation or other ongoing contact would be contrary to the safety or well-being of any of the siblings....</p>	
<p>Minnesota</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>52 M.S.A., Juvenile Protection Procedure Rule 30.09. Factors</p> <p>Subd. 1. Generally. Except in cases described in subdivision 3, or when the parental rights of the parent to a sibling of the child have been terminated involuntarily, or the child is presumed to be an abandoned infant under Minnesota Statutes § 260C.301, subd. 2, at the emergency protective care hearing the court shall require petitioner to present information regarding the following issues:</p> <ul style="list-style-type: none"> (a) whether the responsible social services agency made reasonable efforts, or active efforts in the case of an Indian child, to prevent placement or eliminate the need for removal of the child from the home; (b) whether there are services the court could order that would allow the child to safely return home; (c) whether responsible relatives or other responsible adults are available to provide services or to serve as placement options if licensed; (d) whether the placement proposed by the agency is the least restrictive and most home-like setting that meets the needs of the child; (e) whether restraining orders, or orders expelling an allegedly abusive parent or legal custodian from the home, are appropriate; (f) whether orders are needed for examinations, evaluations, or immediate services; (g) the terms and conditions for parental visitation; and (h) what consideration has been given for financial support of the child. <p>Subd. 2. Determination Regarding Reasonable or Active Efforts. Based upon the information provided to the court in the petition, affidavit, certified report, or on the record, the court shall make a determination whether reasonable efforts, or active efforts in the case of an Indian child, were made to prevent the child's out-of-home placement. The court shall also determine whether there are available services that would prevent the need for further placement. In the alternative, the court shall determine that reasonable efforts are not required if the court makes a prima facie determination that one of the circumstances under subdivision 3 exists.</p> <p>Subd. 3. Cases Permitting Bypass of Child in Need of Protection or Services Proceedings.</p> <ul style="list-style-type: none"> (a) Permanency Determination. Reasonable efforts to prevent placement and for rehabilitation and reunification are always required except upon notice by the county attorney and a determination by the court at the emergency protective care hearing, or at any time prior to adjudication, that a petition has been filed stating a prima facie case that at least one of the circumstances under Minnesota Statutes § 260.012(a) exists. (b) Permanency Hearing Required. If the court makes a determination under subdivision 3(a), the court shall bypass the child in need of protection or services proceeding and shall proceed directly to permanency by scheduling a permanent placement determination hearing pursuant to Rule 42 within thirty (30) days. 	
<p>Mississippi</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

<p>Missouri</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> V.A.M.S. 452.400. Visitation rights, awarded when--history of domestic violence, consideration of--prohibited, when--modification of, when--supervised visitation defined--noncompliance with order, effect of--family access motions, procedure, penalty for violation--attorney fees and costs assessed, when [This provision seems to apply only for divorce case.]</p> <p>1 ... (3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.</p> <p>V.A.M.S. 455.050 455.050. Full or ex parte order of protection, abuse, stalking, or sexual assault, contents--relief available--wireless telephone numbers, transfer, when</p> <p>1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to ...</p> <p>3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:</p> <p>... (2) Establish a visitation schedule that is in the best interests of the child;</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Montana</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> [This provision seems to apply only for divorce case.]</p> <p>MCA 40-4-228. Parenting and visitation matters between natural parent and third party</p> <p>(1) In cases when a nonparent seeks a parental interest in a child under 40-4-211 or visitation with a child, the provisions of this chapter apply unless a separate action is pending under Title 41, chapter 3 ...</p> <p>(3) For purposes of an award of visitation rights under this section, a court may order visitation based on the best interests of the child....</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Nebraska</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> Neb.Rev.St. § 43-1311.02. Placement of child and siblings; sibling visitation or ongoing interaction; motions authorized; court review; department; duties</p> <p>... (2) When siblings are not placed together in a joint-sibling placement, the</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>department shall make a reasonable effort to provide for frequent sibling visitation or ongoing interaction between the child and the child's siblings unless the department provides the siblings and the court with reasons why such sibling visitation or ongoing interaction would be contrary to the safety or well-being of any of the siblings. The court shall determine the type and frequency of sibling visitation or ongoing interaction to be implemented by the department.</p> <p>Neb.Rev.St. § 43-2932. Parenting plan; limitations to protect child or child's parent from harm; effect of court</p> <p>(1) When the court is required to develop a parenting plan: (a) If a preponderance of the evidence demonstrates, the court shall determine whether a parent who would otherwise be allocated custody, parenting time, visitation, or other access to the child under a parenting plan: (i) Has committed child abuse or neglect; (ii) Has committed child abandonment under section 28-705; (iii) Has committed domestic intimate partner abuse; or (iv) Has interfered persistently with the other parent's access to the child, except in the case of actions taken for the purpose of protecting the safety of the child or the interfering parent or another family member, pending adjudication of the facts underlying that belief; and (b) If a parent is found to have engaged in any activity specified by subdivision (1)(a) of this section, limits shall be imposed that are reasonably calculated to protect the child or child's parent from harm. The limitations may include, but are not limited to: ... (ii) Supervision of the parenting time, visitation, or other access between a parent and the child;</p>	
<p>Nevada</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> [This provision seems to apply only for divorce case.] N.R.S. 125C.010 125C.010. Order awarding visitation rights must define rights with particularity and specify habitual residence of child 1. Any order awarding a party a right of visitation of a minor child must: (a) Define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved; and (b) Specify that the State of Nevada or the state where the child resides within the United States of America is the habitual residence of the child. The order must include all specific times and other terms of the right of visitation. 2. As used in this section, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

<p>New Hampshire</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> N.H. Rev. Stat. § 173-B:5 Relief. [This provision seems to apply only for DV case.] I. A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other relief may include: ... (b) Other relief including, but not limited to: ... (6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation, requiring supervised visitation that shall take place only at a visitation center that uses a metal detection device and has trained security personnel on-site, or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following: (A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm. (B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation or by ordering supervised visitation at a center that uses a metal detection device and has trained security personnel on-site. (C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.</p> <p>N.H. Rev. Stat. § 169-C:19-d Visitation With Siblings. The court shall, whenever reasonable and practical, and based on a determination of the best interests of the child, ensure that children who have an existing relationship with a sibling and who are separated from their siblings as a result of a court decree, court order, consent order, or court-recommended placement, including but not limited to, placement in foster homes, or in the homes of parents or extended family members, have access to and visitation rights with such siblings throughout the</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
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	<p>duration of such placement, and subsequent to such placement if the children or their siblings are separated by long-term or short-term foster care placement.</p>	
<p>New Jersey</p>	<p>NJSA 9:6B-4: Child Placement Bill of Rights includes the right of a child living in foster care to maintain contact with:</p> <ul style="list-style-type: none"> • Parents or legal guardian • Brothers and sisters when siblings are not placed in the same resource family home <p>NJSA 30:4C-15.1 requires DYFS to provide <i>reasonable efforts</i> prior to asking court to terminate parental rights. This section of the statute defines <i>reasonable efforts</i> to include:</p> <p>Facilitating appropriate visitation NJ Division of Youth and Family Services v. C.M. (NJ Supreme Court 2010)</p>	<p>Visits Between the Child and the Child the Child’s Family NJAC 10:122D-1 The purpose of this subchapter is to ensure that each child placed by the Division in out-of-home placement shall have the opportunity to visit with parents, siblings and interested relatives. (b) The frequency and duration of visits are dependent on the purpose of the visits, the case goal and case plan and practical considerations of all parties. Visits which are frequent and of long duration are beneficial for most children placed in out-of-home placement and facilitate movement toward achieving a case goal that establishes permanency. The frequency and duration specified in each child’s visitation schedule is a professional social work decision, which shall be made by the Division representatives, with full input from all those affected by the visitation plan.</p> <p>Unless otherwise limited by conditions set forth in N.J.A.C. 10:122B-1.4 and 10:122D-1.15, for most children in out-of-home placement, the goal is to hold a visit every week for a period as long in duration as possible.</p>
<p>New Mexico</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> N. M. S. A. 1978, § 32A-4-22. Disposition of adjudicated abused or neglected child A. If not held in conjunction with the adjudicatory hearing, the dispositional hearing shall be commenced within thirty days after the conclusion of the adjudicatory hearing. At the conclusion of the dispositional hearing, the court shall make and include in the dispositional judgment its findings on the following: ... (12) whether reasonable efforts were made by the department to place siblings in custody together, unless such joint placement would be contrary to the safety or well-being of any of the siblings in custody, and whether any siblings not jointly placed have been provided reasonable visitation or other ongoing interaction, unless visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings ... E. The court may order reasonable visitation between a child placed in the custody of the department and the child's siblings or any other person who may significantly affect the child's best interest, if the court finds the visitation to be in the child's best interest....</p> <p>N. M. S. A. 1978, § 40-12-5.1. Supervised visitation program A. A judicial district may establish a “safe exchange and supervised visitation program” by local court rule approved by the supreme court. The safe exchange and supervised</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>visitation program shall be used when, in the opinion of the court, the best interests of the child are served if confrontation or contact between the parents is to be avoided during exchanges of custody or if contact between a parent and a child should be supervised. In a safe exchange and supervised visitation program, the district court may employ or contract with a person:</p> <p style="padding-left: 40px;">(1) with whom a child may be left by one parent for a short period while waiting to be picked up by the other parent; or</p> <p style="padding-left: 40px;">(2) to supervise visits among one or both parents and the child.</p> <p>B. A parent may request the services of the safe exchange and supervised visitation program or the court may order that the program be used.</p> <p>C. Parents shall pay the cost of the safe exchange and supervised visitation program pursuant to a sliding fee scale approved by the supreme court. The sliding fee scale shall be based on ability to pay for the service. The fees shall be paid to the district court to be credited to the fund.</p>	
<p>New York</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> McKinney's Social Services Law § 358-a. Dependent children in foster care ... (10) Visitation rights; non-custodial parents and grandparents. (a) Where a social services official incorporates in an instrument visitation rights set forth in an order, judgment or agreement as described in paragraph (d) of subdivision two of section three hundred eighty-four-a of this chapter, such official shall make inquiry of the state central register of child abuse and maltreatment to determine whether or not the person having such visitation rights is a subject or another person named in an indicated report of child abuse or maltreatment, as such terms are defined in section four hundred twelve of this chapter, and shall further ascertain, to the extent practicable, whether or not such person is a respondent in a proceeding under article ten of the family court act whereby the respondent has been alleged or adjudicated to have abused or neglected such child. (b) Where a social services official or the attorney for the child opposes incorporation of an order, judgment or agreement conferring visitation rights as provided for in paragraph (e) of subdivision two of section three hundred eighty-four-a of this chapter, the social services official or attorney for the child shall apply for an order determining that the provisions of such order, judgment or agreement should not be incorporated into the instrument executed pursuant to such section. Such order shall be granted upon a finding, based on competent, relevant and material evidence, that the child's life or health would be endangered by incorporation and enforcement of visitation rights as described in such order, judgment or agreement. Otherwise, the court shall deny such application. (c) Where visitation rights pursuant to an order, judgment or agreement are incorporated in an instrument, the parties may agree to an alternative schedule of visitation equivalent to and consistent with the original or modified visitation order, judgment, or agreement where such alternative schedule reflects changed</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Regulation> 18 NYCRR 430.12. Diligence of effort ... (d) Discharge to parents. The following requirements shall pertain to all children in foster care placement whose permanency planning goal is discharge to parents or relatives: (1) Visiting. (i) Standard. Districts must plan for and make efforts to facilitate at least biweekly visiting between the child and the parents or caretakers to whom the child is to be discharged, unless such visiting is specifically prohibited by court order, or by the transfer of custody agreement, or the child is placed in a facility operated or supervised by the Office of Mental Health or Office of Mental Retardation and Developmental Disabilities or because the placement that was chosen pursuant to the standards expressed in section 430.11 of this Part makes biweekly visitation an impossibility. In the latter case, the district, at a minimum, must, except as herein after provided, plan for and facilitate monthly visits between the parent and the child. In the case of children 13 years or older placed by the court as PINS or juvenile delinquents in an institution less than 100 miles from their homes, and the placement that was chosen, pursuant to the standards expressed in section 430.11 of this Part, makes biweekly visitation impossible, the district, at a minimum, must plan for and facilitate quarterly visits between the parent and the child; however, at the time a service plan for discharging the child is developed, appropriate visits, of a greater frequency than quarterly, between the child and the family must be arranged. In the case of children 13 years or older placed by the court as PINS or juvenile delinquents in an institution 100 miles or more from their homes, the standards contained in this subparagraph do not apply. At the time the service plan for discharging the child is developed, appropriate visits between the child and the family must be arranged. Any act to limit or terminate visiting for children voluntarily placed in foster care must comply with the</p>

	<p>circumstances of the parties and is consistent with the best interests of the child. In the absence of such an agreement between the parties, the court may, in its discretion, upon application of any party or the child's attorney, order an alternative schedule of visitation, as described herein, where it determines that such schedule is necessary to facilitate visitation and to protect the best interests of the child.</p> <p>(d) The order providing an alternative schedule of visitation shall remain in effect for the length of the placement of the child as provided for in such instrument unless such order is subsequently modified by the court for good cause shown. Whenever the court makes an order denying or modifying visitation rights pursuant to this subdivision, the instrument described in section three hundred eighty-four-a of this chapter shall be deemed amended accordingly.</p> <p>(11) Siblings, placement and visitation. (a) In reviewing any petition brought under this section, the court shall inquire if the social services official has arranged for the placement of the child who is the subject of the petition with any minor siblings or half-siblings who are placed in care or, if such children have not been placed together, whether such official has arranged for regular visitation and other forms of regular communication between such child and such siblings.</p> <p>(b) If the court determines that the subject child has not been placed with his or her minor siblings or half-siblings who are in care, or that regular visitation and other forms of regular communication between the subject child and his or her minor siblings or half-siblings has not been provided or arranged for, the court may direct such official to provide or arrange for such placement or regular visitation and communication where the court finds that such placement or visitation and communication is in the child's best interests. Placement or regular visitation and communication with siblings or half-siblings shall be presumptively in the child's best interests unless such placement or visitation and communication would be contrary to the child's health, safety or welfare, or the lack of geographic proximity precludes or prevents visitation....</p>	<p>requirements set forth in section 431.14 of this Title. The efforts of the districts to facilitate at least biweekly visiting must include:</p> <ul style="list-style-type: none"> (a) provision of financial assistance, transportation or other assistance which is necessary to enable biweekly visiting to occur; (b) follow-up with the parent or relative when scheduled visits do not occur in order to ascertain the reasons for missed visits and to make reasonable efforts to prevent similar problems in future visits. Any act to limit or terminate visiting for children voluntarily placed in foster care must comply with the requirements set forth in section 431.14 of this Title; and (c) arranging for visits to occur in a location that assures the privacy, safety and comfort of the family members. In no case, except where a family court has ordered supervised visiting, will congregate visits involving members of more than one family satisfy the provisions of this subparagraph.
<p>North Carolina</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p>N.C.G.S.A. § 7B-905.1. Visitation</p> <p>(a) An order that removes custody of a juvenile from a parent, guardian, or custodian or that continues the juvenile's placement outside the home shall provide for appropriate visitation as may be in the best interests of the juvenile consistent with the juvenile's health and safety. The court may specify in the order conditions under which visitation may be suspended.</p> <p>(b) If the juvenile is placed or continued in the custody or placement responsibility of a county department of social services, the court may order the director to arrange, facilitate, and supervise a visitation plan expressly approved or ordered by the court. The plan shall indicate the minimum frequency and length of visits and whether the visits shall be supervised. Unless the court orders otherwise, the director shall have discretion to determine who will supervise visits when supervision is required, to determine the location of visits, and to change the day and time of visits in response to</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>

	<p>scheduling conflicts, illness of the child or party, or extraordinary circumstances. The director shall promptly communicate a limited and temporary change in the visitation schedule to the affected party. Any ongoing change in the visitation schedule shall be communicated to the party in writing and state the reason for the change.</p> <p>If the director makes a good faith determination that the visitation plan is not consistent with the juvenile's health and safety, the director may temporarily suspend all or part of the visitation plan. The director shall not be subject to any motion to show cause for this suspension but shall expeditiously file a motion for review.</p> <p>(c) If the juvenile is placed or continued in the custody or guardianship of a relative or other suitable person, any order providing for visitation shall specify the minimum frequency and length of the visits and whether the visits shall be supervised. The court may authorize additional visitation as agreed upon by the respondent and custodian or guardian.</p> <p>(d) If the court retains jurisdiction, all parties shall be informed of the right to file a motion for review of any visitation plan entered pursuant to this section. Upon motion of any party and after proper notice and a hearing, the court may establish, modify, or enforce a visitation plan that is in the juvenile's best interest. Prior to or at the hearing, the court may order the department and guardian ad litem to investigate and make written recommendations as to appropriate visitation and give testimony concerning its recommendations. For resolution of issues related to visitation, the court may order the parents, guardian, or custodian to participate in custody mediation where there is a program established pursuant to G.S. 7A-494. In referring a case to custody mediation, the court shall specify the issue or issues for mediation, including, but not limited to, whether or not visitation shall be supervised and whether overnight visitation may occur. Custody mediation shall not permit the participants to consent to a change in custody. A copy of any agreement reached in custody mediation shall be provided to all parties and counsel and shall be approved by the court. The provisions of G.S. 50-13.1(d) through (f) apply to this section.</p>	
<p>North Dakota</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> NDCC, 27-20-32.2 § 27-20-32.2. Reasonable efforts to prevent removal or to reunify--When required 1. As used in this section, "reasonable efforts" means the exercise of due diligence, by the agency granted authority over the child under this chapter, to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family or, after removal, to use appropriate and available services to eliminate the need for removal, to reunite the child and the child's family, and to maintain family connections. In determining reasonable efforts to be made with respect to a child under this section, and in making reasonable efforts, the child's health and safety must be the paramount concern. 2. Except as provided in subsection 4, reasonable efforts must be made to preserve families, reunify families, and maintain family connections:</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>

	<p>a. Prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home;</p> <p>b. To make it possible for a child to return safely to the child's home;</p> <p>c. To place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that such a joint placement would be contrary to the safety or well-being of any of the siblings; and</p> <p>d. In the case of siblings removed from their home who are not jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless it is contrary to the safety or well-being of any of the siblings.</p> <p>3. If the court or the child's custodian determined that continuation of reasonable efforts, as described in subsection 2, is inconsistent with the permanency plan for the child, reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.</p> <p>4. Reasonable efforts of the type described in subsection 2 are not required if:</p> <p>a. A court of competent jurisdiction has determined that a parent has subjected a child to aggravated circumstances; or</p> <p>b. The parental rights of the parent, with respect to another child of the parent, have been involuntarily terminated.</p> <p>5. Efforts to place a child for adoption, with a fit and willing relative or other appropriate individual as a legal guardian, or in another planned permanent living arrangement, may be made concurrently with reasonable efforts of the type described in subsection 2.</p> <p>6. Removal of a child from the child's home for placement in foster care must be based on judicial findings stated in the court's order, and determined on a case-by-case basis in a manner that complies with the requirements of titles IV-B and IV-E of the Social Security Act [42 U.S.C. 620 et seq. and 42 U.S.C. 6701 et seq.], as amended, and federal regulations adopted thereunder, provided that this subsection may not provide a basis for overturning an otherwise valid court order.</p> <p>7. For the purpose of section 27-20-30.1, reasonable efforts were made under this section to meet the child's needs before a foster care placement for a child remaining in care for continued foster care purposes.</p> <p>NDCC, § 50-25.1-06. Protective and other services to be provided The department shall provide protective services for the abused or neglected child and other children under the same care as may be necessary for their well-being and shall provide other appropriate social services, as the circumstances warrant, to the parents, custodian, or other persons serving in loco parentis with respect to the child or the other children. The department may discharge the duties described in this section through an authorized agent.</p>	
<p>Ohio</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>

		<p><Related Regulation> [This regulation seems not to apply for child placement case.] OAC 5139-36-15 Visiting and communications (A) A CCF shall have a written policy, procedure, and practice concerning visits and communications between a juvenile and family and friends, which is reviewed annually and updated as needed. The procedures which are provided to parent(s) and juvenile shall include, but not be limited to the following: (1) Designated visiting area (2) Designated visiting hours to include weekends and evening hours (3) Provisions for special visits (e.g., attorney, clergy, persons who have traveled long distances) (B) A CCF shall ensure that arrangements for visitation between the juvenile and family or friends are not in conflict with the individual case plan. Visits shall be supervised in accordance with the case plan....</p> <p>OAC 5139-35-17 Visiting and communications The following standards are recommended: (A) A CRC shall have a written policy concerning visits and communications between a child and family and friends. The information in this policy shall be included in written materials routinely provided to parents or legal custodians of the child and to the child. (B) A CRC shall ensure that arrangements for visitation between the child and family or friends are not in conflict with the service plan. Visits shall be supervised in accordance with the service plan....</p>
<p>Oklahoma</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> 10A Okl.St. Ann. § 1-4-707. Dispositional orders--Determinations A. The following kinds of dispositional orders may be made and shall be in accordance with the best interests of the child: 6. a. If the court determines that reunification services are appropriate for the child and a parent, the court shall allow reasonable visitation with the parent or legal guardian from whose custody the child was removed, unless visitation is not in the best interest of the child, taking into consideration: (1) protection of the physical safety of the child, (2) protection of the life of the child, (3) protection of the child from being traumatized by contact with the parent, and (4) the child's expressed wishes.</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>
<p>Oregon</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Regulation> OAR 413-070-0860. Types of Visit and Contact Plans (1) The Temporary Visit and Contact Plan.</p>

		<p>(a) The caseworker must jointly develop a written Temporary Visit and Contact Plan with the parents or guardians, and may involve the child, family members, safety service providers and the substitute caregiver to participate in facilitating visitation and supporting the ongoing safety plan when the child first enters substitute care or at the time of the first court hearing required by ORS 419B.183, whichever is first. The visits must be planned to manage child safety.</p> <p>(b) The court may make an order regarding visitation between the child or young adult's parents, siblings, or grandparents.</p> <p>(c) The caseworker must arrange a Temporary Visit and Contact Plan that assures child safety.</p> <p>(d) The plan must include the following:</p> <ul style="list-style-type: none">(A) The names of each person, including the child's siblings, with whom the child may have contact; and(B) A description of the contact permitted with each person that includes:<ul style="list-style-type: none">(i) The type, time of day, frequency, length, and location of the visits; and(ii) The reason for supervised visits when supervision is required. <p>(e) If the first visit with the parent or guardian does not occur within the first week of a child's placement in substitute care, the caseworker must document the reason the visit did not occur in case notes in the Department's electronic information system.</p> <p>(f) The caseworker must provide a copy of the Temporary Visit and Contact Plan to the parents or guardians and to others participating in the Temporary Visit and Contact Plan.</p> <p>(2) The Ongoing Visit and Contact Plan.</p> <p>(a) The caseworker must develop an Ongoing Visit and Contact Plan with the parents or guardians within 30 days from the date that the child enters substitute care. The caseworker may involve the child, family members, safety service or treatment providers, and the substitute caregiver to participate in facilitating visitation in the development of the visit and contact plan. A copy of the written plan is given to each participant. The visits must be in the least restrictive manner in which the child or young adult's safety can be managed.</p> <p>(b) The caseworker may involve grandparents and other relatives, as identified in OAR 413-070-0060 to 413-070-0087, in the development of the Ongoing Visit and Contact Plan.</p> <p>(c) The caseworker must arrange an Ongoing Visit and Contact Plan that supports child safety, the ongoing safety plan, the best interests of the child, and any orders of the court regarding visitation with a child or young adult's parents, siblings, or grandparents.</p> <p>(d) When an Ongoing Visit and Contact Plan is revised, the caseworker completes a revised Ongoing Visit and Contact Plan and provides a copy of the revised plan to each participant.</p> <p>(e) A plan that prohibits a parent, guardian, or sibling's visit must include the reason for each prohibition and state, if applicable, the conditions under which the Department would begin or resume contact.</p>
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		<p>parent or guardian, substitute caregiver, or the Department.</p> <p>(3) The Ongoing Visit and Contact Plan may be reviewed or revised at any time and must be reviewed every 90 days.</p> <p>(4) An Ongoing Visit and Contact Plan must comply with the Interstate Compact on the Placement of Children (see ORS 417.200 and OAR 413-040-0200 to 413-040-0330).</p>
<p>Pennsylvania</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p>23 Pa.C.S.A. § 6108. Relief</p> <p>(a) General rule.--The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:</p> <p>... (4) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children. In determining whether to award temporary custody or establish temporary visitation rights pursuant to this paragraph, the court shall consider any risk posed by the defendant to the children as well as risk to the plaintiff. The following shall apply:</p> <p>... (iii) Where the court finds after a hearing under this chapter that the defendant has inflicted serious abuse upon the plaintiff or a child or poses a risk of abuse toward the plaintiff or a child, the court may:</p> <p>(A) award supervised visitation in a secure visitation facility; or</p> <p>(B) deny the defendant custodial access to a child....</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>
<p>Rhode Island</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>	<p>There seem to be regulation regarding presumption of unsupervised/liberal visitation for subsequent visits</p> <p><Related Regulation></p> <p>R.I. Admin. Code 14-1-700.0040. Visitation</p> <p>Location</p> <p>A. The location of the visits can have a great effect on the tenor of the parent/child interaction. To allow for the most beneficial parent/child interaction, the visits should occur in the least restrictive setting which still ensures the safety of the child:</p> <p>1. The DCYF office offers the most restrictive setting for parent/child interaction but most effectively guarantees the safety of the child:</p> <p>a. This setting is used if there is clear evidence that the child's physical and/or emotional health would otherwise be endangered; and</p> <p>b. This setting may be preferred initially if there is suspected risk to the child and a more thorough assessment of the parent/child interaction is indicated.</p> <p>2. Supervised visits in the parent's home are less restrictive than at the DCYF office yet still ensure the safety of the child:</p>

		<ul style="list-style-type: none">a. Visits in the natural home are beneficial because the parent and child are in familiar surroundings; andb. Visits in the natural home most closely resemble normal family functioning and aid in the reunification process. <p>3. Other locations may include neutral settings (relative home, park, community agency, shopping mall, etc.), the foster home/institution or unsupervised visits in the parent's home. Each setting offers varying degrees of restriction and varying degrees of insured safety to the child:</p> <ul style="list-style-type: none">a. A neutral setting may serve to defuse anxiety, especially if the precipitating placement event was significantly traumatic to the child;b. A neutral setting may encourage otherwise difficult communication between parent and child, especially in the case of the older child;c. By using such controlled settings as community mental health agencies, the interaction between parent and child can be therapeutically monitored;d. Visits in the foster home provide a more natural home setting. Such visits may only take place in the foster home with the permission of the foster parents;e. The foster parent's home is not to be used when there is a threat to the safety of the foster parent; andf. Unsupervised visits in the parent's home are least restrictive and provide the least protection for the child. This setting is used only once it is determined that there is minimal or no risk to the child. <p>Supervision</p> <p>A. The initial visit after placement must be supervised by the assigned worker or his/her designee in order to:</p> <ul style="list-style-type: none">1. Assess the parent/child interaction;2. Assess any possible risk to the child; and3. Aid the parent(s), child and foster parent(s), (when applicable) in determining the focus of the visitation. <p>B. Subsequent visits are supervised under certain circumstances:</p> <ul style="list-style-type: none">1. The physical and/or emotional safety of the child is the major factor in determining the need for ongoing supervision. The focus of supervision is to maintain an atmosphere which will assure the physical and/or emotional well-being of the child and limit negative parent/child interaction;2. Supervision is a tool used by the agency to evaluate the quality of the parent/child relationship;3. Through supervision the parent(s) and child can be aided in such areas as anger, fear, separation issues, and parent/child interaction;4. Through supervision the parent(s) can be offered role modeling;5. There is an existing Court order. <p>C. Visits can be supervised by a variety of people depending upon the reason for</p>
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		<p>supervision and the task(s) to be achieved:</p> <ol style="list-style-type: none"> 1. The primary service worker will directly supervise the following: <ol style="list-style-type: none"> a. The initial visit after placement; and b. Visits where the unique skills of the worker are needed to assess, evaluate, or assist the parent(s), child, and/or foster parent(s), (when applicable) with issues which might affect the goal or direction of the case. 2. Case aides or designated Junior Resource Specialists will supervise visits where: <ol style="list-style-type: none"> a. There is a clear understanding of the focus of the visits; b. There is identified risk to the child and the parent/child interaction has to be observed or monitored but not evaluated; and c. Decisions regarding the goal or direction of the case will not be required. 3. In some situations auxiliary support staff, such as mental health counselors and select support personnel, may supervise visits when: <ol style="list-style-type: none"> a. The attitude, behavior, or emotional state of the parent(s) or child requires a structured, therapeutic environment for visits; b. Problems exist where a clinical evaluation of the parent/child interaction is needed; and c. The auxiliary support staff has primary planning responsibility regarding the child in care. 4. At no time are relatives, foster parents, or other care takers to be used for ongoing supervision of visits: <ol style="list-style-type: none"> a. Supervision is the direct responsibility of DCYF and its agents; b. There could be a conflict of interest between the role of visit supervisor and the ongoing relationship that person has with the parent(s) and/or child. This could negatively affect the quality of supervision given; c. Although role modeling can be a by-product of supervision, it is not the main intent. Supervision limits, to varying degrees, the parent/child interaction while the intent of role modeling is to enhance this interaction; and d. With respect to certified relative homes, relatives are required to sign a Boarding Home Agreement and are informed at the time of the certification study of the need to limit access to the child by the parents in compliance with the visitation plan.
<p>South Carolina</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> Code 1976 § 63-7-1680. Approval or amendment of plan. (A) If the court orders that a child be removed from the custody of the parent or</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>guardian, the court must approve a placement plan. A plan must be presented to the court for its approval at the removal hearing or within ten days after the removal hearing. If the plan is presented subsequent to the removal hearing, the court shall hold a hearing on the plan if requested by a party. The plan must be a written document prepared by the department. To the extent possible, the plan must be prepared with the participation of the parents or guardian of the child, the child, and any other agency or individual that will be required to provide services in order to implement the plan....</p> <p>(E) The fourth section of the plan must address matters relating to the placement of the child including, but not limited to, the following: ... (2) visitation or other contact with siblings, other relatives, and other persons important to the child. The plan shall provide for as much contact between the child and these persons as is reasonably possible and consistent with the best interests of the child....</p> <p>Code 1976 § 63-15-50. (Formerly cited as SC ST § 20-7-1535) Domestic violence and visitation; payment for treatment.</p> <p>(A) A court may award visitation to a person who has been found by a general sessions, magistrates, municipal, or family court to have committed domestic violence, as defined in Section 16-25-20 or Section 16-25-65, or in cases in which complaints were made against both parties, to the person found by a general sessions, magistrates, municipal, or family court to be the primary aggressor under Section 16-25-70, only if the court finds that adequate provision for the safety of the child and the victim of domestic violence can be made.</p> <p>(B) In a visitation order, a court may: ... (2) order visitation supervised by another person or agency;....</p>	
<p>South Dakota</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> SDCL § 26-8A-26. Termination of parental rights--Return of child to parents or continued placement--Annual permanency hearing for child in foster care If an adjudicated, abused, or neglected child whose parental rights have not been terminated has been in the custody of the Department of Social Services and it appears at a dispositional or review hearing that all reasonable efforts have been made to rehabilitate the family, that the conditions which led to the removal of the child still exist, and there is little likelihood that those conditions will be remedied so the child can be returned to the custody of the child's parents, the court shall affirmatively find that good cause exists for termination of the parental rights of the child's parents and the court shall enter an order terminating parental rights. If the court does not find at the hearing, which shall be conducted in the same manner as a dispositional hearing, that good cause exists for termination of parental rights, the court may make further disposition of the child as follows: (1) Return custody of the child to the child's parents, guardian, or custodian,</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>

	<p>with or without supervision during which the court may require the parent, guardian, custodian, and any other adult residing in the home, to cooperate with home visits by the department and may require the parent, guardian, custodian, and any other adult residing in the home, to submit, at the request of the department, to tests for alcohol, marijuana, or any controlled drug or substance. If the adjudication of abuse or neglect was related to the use of alcohol, marijuana, or any controlled drug or substance, the parent, guardian, or custodian, and any other adult residing in the home, may be required, in those areas where such testing is available, to submit to regular tests for alcohol, marijuana, or any controlled drug or substance. If a positive test for alcohol, marijuana, or any controlled drug or substance is obtained, or if the person fails to submit to the test as required, the department may immediately remove the child from the physical custody of the parent, guardian, custodian, or any other adult residing in the home whose test was positive or who failed to submit to the test, without prior court order subject to a review hearing, which may be telephonic, within forty-eight hours excluding Saturdays, Sundays, and court holidays. As used herein, any controlled drug or substance means a controlled drug or substance which was not lawfully prescribed by a practitioner as authorized by chapters 22-42 and 34-20B;</p> <p>(2) Continue foster care placement of the child for a specified period of time, and, if the child is sixteen years of age or older, direct the department to determine the services needed to assist the child to make the transition from foster care to independent living and, if appropriate, provide a plan for independent living for the child;</p> <p>(3) Place the child who is sixteen years of age or older in the custody of the department or a child placement agency, with or without guardianship of the child, in another planned permanent living arrangement following a determination that a compelling reason exists that the placement is more appropriate than adoption or with a relative or with a legal guardian other than the department and under a court-approved plan that determines visitation rights of the child's parents, guardian, or custodian. Under this subdivision, the court may retain jurisdiction of the action and proceedings for future consideration of termination of parental rights if termination of parental rights is the least restrictive alternative available in keeping with the best interests of the child.</p> <p>In no case may a child remain in foster care for a period in excess of twelve months from the time the child entered foster care without the court holding a permanency hearing and making a dispositional decree setting forth one of the above options. The court shall review the child's permanency status and make a dispositional decree every twelve months thereafter as long as the child continues in the custody of the department. The court shall determine whether the state has made reasonable efforts to finalize the permanency plan that is in effect. That determination shall be included in the dispositional decree.</p>	
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Tennessee	There is no provision regarding presumption of unsupervised/liberal visitation	There is no regulation regarding presumption of unsupervised/liberal visitation
Texas	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provisions> V.T.C.A., Family Code § 263.107. Visitation Plan (a) This section applies only to a child in the temporary managing conservatorship of the department for whom the department's goal is reunification of the child with the child's parent. (b) Not later than the 30th day after the date the department is named temporary managing conservator of a child, the department in collaboration with each parent of the child shall develop a visitation plan. (c) In determining the frequency and circumstances of visitation under this section, the department must consider: (1) the safety and best interest of the child; (2) the age of the child; (3) the desires of each parent regarding visitation with the child; (4) the location of each parent and the child; and (5) the resources available to the department, including the resources to: (A) ensure that visitation is properly supervised by a department employee or an available and willing volunteer the department determines suitable after conducting a background and criminal history check; and (B) provide transportation to and from visits.</p> <p>V.T.C.A., Family Code § 263.109. Court Implementation of Visitation Plan ...(c) If the order regarding visitation between a child and a parent requires supervised visitation to protect the health and safety of the child, the order must outline specific steps the parent must take to have the level of supervision reduced.</p>	There is no regulation regarding presumption of unsupervised/liberal visitation
Utah	There is no provision regarding presumption of unsupervised/liberal visitation	There is no regulation regarding presumption of unsupervised/liberal visitation
Vermont	There is no provision regarding presumption of unsupervised/liberal visitation	There is no regulation regarding presumption of unsupervised/liberal visitation
Virginia	There is no provision regarding presumption of unsupervised/liberal visitation	There is no regulation regarding presumption of unsupervised/liberal visitation
Washington	There is no provision regarding presumption of unsupervised/liberal visitation	There is no regulation regarding presumption of unsupervised/liberal visitation
West Virginia	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> [This seems apply only for DV case] W. Va. Code, § 48-27-509. Conditions of visitation in cases involving domestic violence</p>	There is no regulation regarding presumption of unsupervised/liberal visitation

	<p>(a) A court may award visitation of a child by a parent who has committed domestic violence only if the court finds that adequate provision for the safety of the child and the petitioner can be made.</p> <p>(b) In a visitation order, a court may:</p> <p>... (2) Order that supervision be provided by another person or agency;...</p> <p>[They have West Virginia Child Welfare Act (W. Va. Code, § 49-2-801 et. seq.), but I could not find provisions related to visitation in child placement case.]</p>	
<p>Wisconsin</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>
<p>Wyoming</p>	<p>There is no provision regarding presumption of unsupervised/liberal visitation</p> <p><Related Provision> [This seems apply only for DV case]</p> <p>W.S.1977 § 35-21-105. Order of protection; contents; remedies; order not to affect title to property; conditions</p> <p>(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing ...</p> <p>(b) As part of any order of protection pursuant to subsection (a) of this section, the court shall:</p> <p>(i) When the court finds it to be in the best interests of the children, award temporary custody of any children involved to the petitioner. The court shall in this instance provide for visitation with the respondent only if adequate provision can be made for the safety of the children and the petitioner. To provide for the safety of the children and the petitioner, the court may:</p> <p>... (B) Order that visitation be arranged and supervised by another person or agency, and if the other person is a family or household member, establish conditions to be followed during the visitation;....</p>	<p>There is no regulation regarding presumption of unsupervised/liberal visitation</p>