

Changing Visitation into Family Time

OSPD 2018 Southern Region
Parent Representation Seminar
April 26, 2018

What will be discussed

- ▶ [Importance of visitation for children in child welfare cases](#)
- ▶ National resources and NC and NJ laws on visitation
- ▶ Visitation Bench card
- ▶ What should “we” be doing at every hearing to improve on visitation
- ▶ Case planning and Case Practice Model

Child and Family Visitation

- ▶ **Visitation** is essential for a child’s well-being
- ▶ **Visitation** is fundamental to permanency
- ▶ **Visitation** is vital to a child maintaining family relationships and cultural connections

The Importance of Visitation in Child Welfare Cases

- ▶ Research has demonstrated the importance of parent-child visitation as a predictor of family reunification.
- ▶ Consistent quality family visits can shorten a child's stay in foster care and increase the likelihood of a successful family reunification.
- ▶ Visitation reduces and mitigates trauma for the children when removed

Cantos, A.L. & Gries, L.T., (1997). Behavioral Correlates of Parental Visiting During Family Foster Care. Child Welfare, 76 (2) 309-330.
 Center for Advanced Studies in Child Welfare (CASCW) Practice Notes - Visitation, (December 1997). Issue number one, St. Paul, Minn. Available at: <http://www.casw.org/cscw/cascp>
https://www.americanbar.org/publications/child_law_practice/vol_31/july_2012/maintaining_family_relationships_for_child_reunification_in_the_child_welfare_system.html

Importance of Visitation Cont'

- ▶ Frequent, meaningful visits maintains and enhances parent-child bond
- ▶ More contact between parents and children speeds up case plan progress
- ▶ Supervised visitation supports the "Us vs. Them" mentality of child welfare
- ▶ Why waste resources on supervision absent a safety issue?

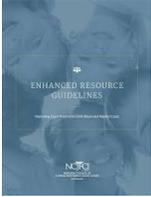
Resource Guidelines



What are the terms and conditions for parental visitation?
 If a child cannot be returned home after the preliminary protective hearing, immediate parent-child visitation often can ease the trauma of separation. Early visitation helps to maintain parental involvement and speed progress on the case. Judicial oversight of visitation helps to ensure that visitation is begun promptly, that it is permitted frequently, and that unnecessary supervision and restrictions are not imposed. The court should make an initial decision concerning the frequency, duration and terms of visitation for the parents, such as whether visitation should be supervised or unsupervised. The court should also decide whether there is a need for any additional orders concerning the conduct of the parents or agency efforts to provide services to the parents or child.

http://www.ncjfcj.org/sites/default/files/resguide_0.pdf

2016 Enhanced Resource Guidelines



ENSURE ADEQUATE AND APPROPRIATE FAMILY TIME

Consistent with child safety, relationships between and among children, parents, and siblings are vital to child well-being. Judges must ensure that quality family time is an integral part of every case plan. Family time should be liberal and presumed unsupervised unless there is a demonstrated safety risk to the child. Sibling family time apart from parental family time should be considered. Family time should not be used as a case compliance reward or consequence.

<http://www.ncfcj.org/sites/default/files/%20NCFJ%20Enhanced%20Resource%20Guidelines%2005-2016.pdf>

A North Carolina Model: Charlotte (Mecklenburg County)

- ▶ The Past
 - STANDARD COURT ORDERED VISITATION
 - One hour per week
 - Supervised by an agency worker
 - At the agency
 - Supervisor taking notes

Typical Visitation Room



Parent's Voices

- ▶ I felt that [my child] hated me. I felt betrayed that we were in a room full of people passing judgment on me, and I felt like a terrible mom.
- ▶ When my oldest son was 2, he was removed because I hit him. Our first few visits were rough. They felt like jail. Being watched and told how to talk or play with my own child drove me crazy. I felt so uncomfortable that I just wanted the visits to end.
- ▶ At the end of the visit, it was hard to say goodbye. My daughter was crying so much...I can still remember her arms stretching out to us. When I looked into her eyes, I felt despair and guilt.
- ▶ <http://www.risemagazine.org/issue-archive/>

Children's Voices

- ▶ I didn't enjoy the visits because the agency felt like jail. The big tables and rolling chairs made it seem like we were in a conference room, and with other visits going on it could be very noisy.
- ▶ Whenever it's possible, agencies should bring the children to the family's house for visits. In a family member's house, you can be relaxed.
- ▶ <http://www.risemagazine.org/issue-archive/>

Visitation Project

- ▶ Training
- ▶ Commitment
- ▶ Team: Agency (Legal, Upper Management, Social Worker Assistant), GAL, Parent Attorneys, and Community Partner)
- ▶ Developed Action Plan with specific tasks for all team members
- ▶ Regular meetings
- ▶ Address visits at each court hearing

Visitation Project Accomplishments

- ▶ Widespread use of Family Connection form
 - Visit Hosts
- ▶ Visitation Handbook
- ▶ Partnered with City Parks and Recreation Department to use facilities for visits
- ▶ Partnered with sororities, fraternities, churches, community organizations
- ▶ Changed Visit Observation Form
 - Copy to parents
- ▶ Changed form court order to increase details about visits

Authorities–New Jersey

- ▶ **Visitation Bench card**
- ▶ **NJSA 9:6B-4:** Child Placement Bill of Rights includes the right of a child living in foster care to maintain contact with:
 - Parents or legal guardian
 - Brothers and sisters when siblings are not placed in the same resource family home
- ▶ **NJSA 30:4C-15.1** defines *reasonable efforts* to include:
 - Facilitating appropriate visitation
- ▶ **NJ Division of Youth and Family Services v. C.M.**
 - (NJ Supreme Court 2010)
- ▶ **Supervision:** N.J.A.C. 3A:15-1.10 & N.J.A.C. 3A:15-1.11
- ▶ **Frequency and Duration:** N.J.A.C. 3A:15-1.1(b) & N.J.A.C. 3A:15-1.14(a)(3)
- ▶ **Location:** N.J.A.C. 3A:15-1.9
- ▶ **Supplemental Contact:** N.J.A.C. 3A:15-1.4
- ▶ **Visits Between the Child and the Child's Family**

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.

Visitation Plans–DCPP CPM

Visitation Plans should be written and included in the case plan.
 Visitation Between the Child and His or Her Family 5-10-2010

All children in out-of-home placement will have visits with their family -- In accordance with N.J.A.C. 3A:15-1.1, the Division shall ensure that each child placed in a resource family home approved by the Division shall have the opportunity to visit with his or her parent(s), siblings and interested relatives. Visits with parent(s), siblings and other relatives may serve to:

- Reinforce the child's identity
- Promote the child's need for stability, consistency, and permanency
- Maintain or establish family relationships
- Assess the parent's and other relative's motivation and ability to care for the child in placement
- Provide an opportunity to model appropriate parenting behavior and skills

NJAC 3A:15-1.4

Case Practice Model-DCF

- ▶ Weekly visits are required -- For most children in out-of-home placement, the goal is to facilitate the first contact and visit immediately upon placement, to reduce the initial trauma at the time of placement. Thereafter, hold a visit every week for a period as long in duration as possible, unless otherwise limited by conditions set forth in N.J.A.C. 5A:14-1.4, Service limitations, 3A:15-1.15, Reasons to limit visits, and Reasons to Limit Visits, below.
- ▶ The frequency and duration of visits is 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 **strongly recommended because they are beneficial for most children in placement, and facilitate movement toward achieving the case goal of return home.** Gradual reunification is promoted through flexible scheduling that allows for visitation on evenings and weekends. This will give families time to adjust to living back together.
- ▶ The visitation plan is developed in cooperation with all affected parties -
 - The frequency and duration specified in each child's visitation schedule is a professional social work decision which shall be made by the Division with full input from all those affected by the visitation plan.
 - A Family Team Meeting is an ideal place to develop the visitation schedule.

Frequency

- ▶ **How Often Should Visits Occur and for How Long?**
- ▶ The goal in most cases should be to hold a visit **every week** for a period as long in duration as **possible.**
- ▶ Special consideration shall be given to the need for pre-school children living in foster care to have frequent visits since their sense of time is different than that for older children or adults.
N.J.A.C. 3A:15-1.1(b) & N.J.A.C. 3A:15-1.14(a)(3)

Location of Visits

- (a) Visits shall take place in the least restrictive, most comfortable setting possible. For example, visits may take place in the home of the parents, relatives or friends or in other suitable locations.
 - (b) Visits may also take place in the out-of-home placement, with the out-of-home placement provider's permission.
 - (c) Visits may take place in a Division office when:
 1. Necessary to protect the child;
 2. For the convenience of those participating in the visit; or
 3. When other suitable locations are not available.
- ▶ N.J.A.C. 3A:15-1.9

Determination of whether visitation is supervised

- (a) The parent or other visitors and the Division representative shall discuss the need for supervised visits at the time the visitation plan is negotiated or renegotiated.
- (b) Unless the Division or the Superior Court, Chancery Division, Family Part finds a need for supervision, **visits shall be unsupervised.**
- (c) If visits will be supervised, the plan shall contain a statement of the reason supervision is required. Reasons for the supervision of visits may include:
 - ▶ 1. Facilitating interactions between the parent and the child;
 - ▶ 2. Modeling positive parenting behavior;
 - ▶ 3. Mediating conflict between the parent and the child; and
 - ▶ 4. Providing protection for the child.

N.J.A.C. 3A:15-1.10

Presumption-Unsupervised

- ▶ Visitation is unsupervised unless the Division or Judge finds a need for supervision.
- ▶ The parent and the Division representative shall discuss the need for supervised visits at the time the visitation plan is negotiated or renegotiated.
- ▶ If visits will be supervised, the plan shall contain the reason why supervision is required. Reasons may include:
 - Facilitating interactions between the parent and the child;
 - Modeling positive parenting behavior;
 - Mediating conflict between the parent and the child; and
 - Providing protection for the child.

N.J.A.C. 3A:15-1.10 & N.J.A.C. 3A:15-1.11

Supervisors

- ▶ Family Friends or others whom the visitor and child feel comfortable with can provide supervision with agreement of all parties
- ▶ Providers with whom DCPD has a contract to supervise visits
- ▶ DCPD staff may supervise under 5 specific circumstances.
 - 1. The Division finds that supervision by a Division representative is necessary to protect the child;
 - 2. Supervision is needed and there is no other person appropriate to provide it;
 - 3. The parent or child wants supervision by a Division representative;
 - 4. The Division representative does not have enough information to determine that supervision is not needed; or
 - 5. The Division does not have enough information to determine that the individual suggested by the parent or others to provide supervision is acceptable.

N.J.A.C. 3A:15-1.10 & N.J.A.C. 3A:15-1.11

Transportation

- ▶ The Division representative shall provide or arrange for transportation of the child to the visit.
- ▶ The Division shall provide or pay for transportation when the parent or other relative lives in New Jersey and verifies that he or she cannot obtain or pay for his or her own transportation.

N.J.A.C. 3A:15-1.13

Practice Tips Inside and Outside of the Court Room

- ▶ Raise visitation at every hearing
- ▶ Case Practice Model
 - Safety planning
- ▶ Proactive Planning
- ▶ Motion for increased visitation
- ▶ Visitation planning
 - Developing a plan with your client
 - Court Reports developed by each party
- ▶ Logistics
 - Resource parent
 - Case worker's Case load

More on Case Planning

- ▶ Outside of the court room
 - Bench card
 - Regulations
 - Legislation
 - Working with resource parents

Discussion

- ▶ What are the concerns? Are there reasons to limit visits through supervision?
- ▶ How to we improve visitation for children and families?
- ▶ What can we do at each hearing?

CONTACT US

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