

Visits:
Strategies for Achieving
Legal Standards and
Best Practice Outcomes

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Defining Visits and Connections

“Visits” is a word that often is associated with an hour visit conducted in your local county office. These rooms are often not very homelike (no windows, not enough space, too small, not age appropriate for older children, etc.) This type of visit is often only with the parent the child was removed from and child. This is a very limited view of visits. Connection planning is a better term as the purpose is to maintain and enhance ALL of the child’s connections and to do it in a variety of ways.

Connection Planning includes: Visits or activities that maintain a child’s connections with parents, extended family, people with whom the child has an emotional connection and the child culture can include:

- Face to face contact - the preferred form of visiting.
- Telephone, internet calling, video calling
- Letters or email
- Video or auditory tapes, pictures
- Webcasts, social networking sites
- Attending religious activities or education
- Participation in family or cultural activities
- Medical, education or therapeutic meetings or sessions
- Any creative method of maintaining connections

It includes all types of people and relationships (birth parents, siblings, extended families, friends, teachers, religious leaders, even pets).

All levels of supervision can occur to provide safety on visits:

- Unsupervised
- Observed/Monitored
- Supervised
- Therapeutic

Children are more resilient when they have multiple healthy connections. Resiliency is the key to surviving trauma.

Purpose of Visits/Connections:

- The primary purposes are to:
 - Meet the child's developmental and attachment needs;
 - Meet the child's rights to maintain connections with people with whom the child has an emotional bond.
- The secondary purposes are to:
 - Assess a parent's ability to safely parent his/her child;
 - Teach parenting skills;
 - Determine the final permanency plan.

The goal is that each visit/connection:

- Allows the child to be safe and that it is held in the most natural and home-like location possible.
- Maximize the amount, frequency and type of contacts to slowly transition a child home and evaluate the families' ability to safely care for the child.
- Children and parents may feel *discomfort* before, during or after a visit. A child should not be traumatized by visits.
- Have as much contact and as many connections as possible in order to help the child handle grief, loss, and separation, transition into or out of foster care, be safe, maintain cultural connections, and more.
- *In some cases* contact that is not face-to-face may be necessary to ensure the child's safety as the parent develops his/her skills.
- Only in the most extreme cases is it necessary to ensure the child has *no connection*, of any type, with a specific family member. This does not mean a child then would have no connection with anyone in his/her family. A child, who is so traumatized that no type of connection can occur, should be receiving therapeutic help regarding the trauma.

Visits – Federal Laws²

- 1) Adoption and Safe Family Act of 1997,
- 2) Federal Adoption Assistance and Child Welfare Act of 1980 *and*
- 3) Fostering Connections to Success and Increasing Adoptions Act of 2008.
 - These laws require Reasonable/Active Efforts – even for parents experiencing long term incarceration.
 - The Fostering Connections Act states that reunification services should include visits with parents and siblings, and transportation to visits.
 - Regular visits and other forms of contacts are not to be withheld less there is clear and convincing risk of harm to the child.
 - Siblings must be placed together unless it would be detrimental to the children and if not placed together they must be provided visits.
 - All adult relatives must be located within 30 days of placement and informed of their rights to be the caregiver for the child, to have contact with the child and to be involved in the case planning.
 - Children should be maintained in the school of origin when moved into care.
 - The Child and Family Services Reviews, completed by the Federal Government, require states to track their conformity with and achievement of “Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.”
 - ♦ ITEMS measured for this outcome are:
 - Visiting with parents and siblings in foster care
 - Placement with siblings
 - Preserving connections with extended family, school, religion, community and heritage
 - Relative placement
 - Proximity of foster care placement
 - Relationship of child in care with parents.³
 - ♦ “Information from the CSFR Final Report identifies...lack of sufficient visitation between children in foster care and their parents” as a potential barrier to achieving timely reunification.⁴
 - Appellate court rulings indicate that parents who are not offered visit services have NOT been provided reasonable/active effort services.⁵

Research on Visiting

And How Research Informs Best Practice

- “More frequent parent-child [visits are] associated with shorter placements in foster care.”⁶
- Children who are visited frequently by their parents are more likely to be returned to their parents’ care and have less behavior problems.⁷
- “Increased [child welfare] worker contact with parents of children in care is associated with more frequent parental [visits] and ultimately with a shorter time in placement.”⁸ Child welfare workers are responsible for initiating contact with parents and encouraging them to attend visits.
- “When [child welfare] workers did **not** encourage parents to visit or use visit locations other than the agency office or engage in problem-solving with parents; children tended to remain in foster care 20 months or more.”⁹
- It is **normal for children to react and grieve losses** they have experienced. These reactions are seen before, during and after visits. This is because visits remind the child of his/her loss, and each visit includes both a reunion and another separation. “Children’s reactions to separation have been well documented in divorce research: More than half...were openly tearful, moody, and pervasively sad. One third or more showed a variety of acute depressive symptoms, including sleeplessness, restlessness, difficulties concentrating, deep sighing, feelings of emptiness, play inhibition, compulsive overeating,” and other symptoms. Some children were overwhelmed by their anxiety. Very young children returned to the use of security blankets, using toys they had outgrown, regressed in toilet training, and increased masturbatory activities.¹⁰ **However, not having visits does not mean a child does not have any reactions to grief and loss.**
- Parents who are given regularly scheduled visits have a better attendance rate than parents who are told to request visits and thereby visits are not regular.¹¹
- Visits can cause a parent to feel pain, anger, guilt, anxiety, humiliation, and ambivalence about the loss of his/her child.¹²

- The psychological well-being and developmental progress of most children who experience separation from a parent is enhanced by frequent contact with both of his/her parents. It is rare that having NO contact of any type with a parent is in the best interest of the child.¹³
- Frequent contact with parent(s) reassures the child that the parent wants to see him/her and misses the child and this enhances the child's well-being.¹⁴
- Children are attached to their parents and family members and desire to have visits with their parents, their siblings, and other people important in their lives. The majority of people who grow up in foster care have **contact with a member of their families as young adults, and nearly half have contact with their parents.**¹⁵ *If contact with a parent would harm the child/youth, we must help the child/youth prepare to have contact in a safe way. Assuming the youth will just not have contact can lead to unsupervised contact initiated by the youth without our knowledge or support.*

Best Practice Expectations for Visits/Connections¹⁶

- California law and policy say that we must develop a **written** visit plan.
- A visit plan should include the following elements:
 - Purpose
 - Frequency
 - Length
 - Location
 - Who attends
 - Activities
 - Supervision
 - Responsibilities (rules, boundaries, who does what before, during, or after the visits)
 - What to have at the visits¹⁷
- Visit plan development needs to include **all** involved parties. Everyone involved in the case must know about the plan even if they did not help to develop the plan. They should be provided with a written copy of the plan.¹⁸
- Conflict between the parents, between the foster parents and the parents, or among professionals is often expressed by the adults as a desire to protect the child from harm. Do not allow adult conflicts to interfere with a child's right to have a relationship with his/her parent. (Example: It would be better for the child not to have visits because....)
- Make visits a normal part of life. Visits should occur **WHERE** the child would normally be and should include **WHAT** the child would be doing whenever possible. Visits should allow the family to show love and affection as is normal in that family (unless that has been shown to be abusive).
- Whenever possible, visits should occur at a consistent date, time, and place.
- The best practice recommendation is that the first visit occurs **within 48 hours of placement**.¹⁹ The younger the child, the more critical it is that the visit occur soon. Children should be offered an opportunity to call someone the day of placement. This may include parents, attorney, siblings, or someone else who will help the child handle separation issues.

- “The location of the visit should be the **least restrictive, most normal environment**, in the community, that can assure the safety of the child.”²⁰
- Visits should take place, in the following order of preference: 1) in the home of the parent; 2) in the home of a relative or foster parent; 3) in a park or public location; or 4) in an agency setting.
- Jails and child welfare agencies are the *least* normal, most institutionalized settings in which visits can take place. Visits should be held in the agency only if that is the only way the protection of the child can be assured. When visits must occur in these locations, do not expect to see normal parent/child interaction.
- Visits should be scheduled at least **weekly** and more often if at all possible. “Because physical proximity with the caregiver is central to the attachment process for infants and toddlers, an infant should ideally spend time with the parent(s) daily, and a toddler should see the parent(s) at least every two-to-three days.”²¹
- “The visit should be of adequate duration to maintain the parent/child relationship. In general, **one to four hours is usually an appropriate time range**.”²²
- Discontinuing visit or opportunities to maintain connections is a life altering decision as it may lead to a permanent break in that relationship. The decision should be made after all efforts to have safe visits/contacts have not worked and the decision should be reviewed by the judicial officer.
- **Overnight visits** can be considered when it is assured that the child can be protected in the home. “Theoretically, if the child is safe at home for lengthy visits, including frequent overnight visits, he [or she] probably should be moved home with close follow-up supervision and in-home supportive services.”²³
- No child should ever be returned home to a parent who has not had successful multiple unsupervised overnight visits in the home of the parent. These visits must include all the people who will be living with the child; i.e. if the mother has a boyfriend who will be living in the home when the child is returned, that person needs to be a part of the visit.

- Children should visit regularly with any sibling who lives in another home. Visits with other relatives and people with whom the child has emotional attachments should also occur.
- Foster parents/caregivers should be involved and help to support visits. Foster parents must be willing to support the child through the transitions, grief/loss issues, reactions, and emotions related to visits.
- The assigned caseworker (the person writing case plans, court reports, and testifying) must observe at LEAST one face to face contact between the parent and child every month. It is seldom necessary to discontinue ALL forms of contact between a child and his/her family in order to protect the child. If safety is an issue, connections may need to start with less than face to face contact. Any decision to eliminate all forms of contact with the family must have the approval of the court. Then efforts must be made to find a means of addressing the safety issues to determine if contact may begin at some future date.
- Visits must include planned interactions/ activities between the parent and child to enhance attachment.

California Laws

WIC 16501.1(f)(9) – Services for reunification/concurrent planning

- When permanency goal is reunification, case plan must address both how services will restore family capacity AND how legal permanency will be achieved, should reunification fail.

WIC 358.1(b), 366.21(e) & .22(a) Permanency addressed in hearings

- Efforts to achieve legal permanency must be addressed at Disposition Hearing & in subsequent court reports.

WIC 309 (e)(a) Relative notification and right to care for child

- Locate and notify all relatives of the child who is in care and their right to provide care for the child. Must be done within 30 days of placement.

WIC 361.3 – Relative Placement

- All relative caregivers must be assessed on their ability to provide permanency for a child.

AB 490 School

- Efforts must be made, in choosing a placement and supporting caregivers, to maintain continued attendance in the child's school of origin.

WIC 362.1(a)(1)(A) Visitation with parents, guardians, and siblings

- Visitation shall be as frequent as possible between the parent or guardian and the child, consistent with the well-being of the child.

WIC 366.1. (f)(1) Siblings and non-related significant people

Each court report must contain the following information:

Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A)The nature of the relationship between the child and his or her siblings.

(B)The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C)If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D)If the siblings are not placed together, the frequency and nature of the visits between siblings.

(E)The impact of the sibling relationships on the child's placement and planning for legal permanence.

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

WIC. CODE 358.1 Relative Visits

(c)Whether the best interests of the child will be served by granting reasonable visitation rights with the child to his or her grandparents, in order to maintain and strengthen the child's family relationships.

WIC. CODE 16501.1 Siblings kept informed about each other

(6)When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

- (A)The death of an immediate relative.
- (B)The birth of a sibling.
- (C)Significant changes regarding a dependent child.

Permanency Planning Hearing – 26 hearing

In any case in which the court orders that a hearing pursuant to Section 366.26 shall be held, it shall also order the termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child pending the hearing unless it finds that visitation would be detrimental to the child. The court shall make any other appropriate orders to enable the child to maintain relationships with other individuals who are important to the child.

One factor for court to determine the right to request extension of reasonable effort services at the .26 hearing is: A) That the parent or legal guardian has consistently and regularly contacted and visited with the child.

Phone Contact

Worker must offer a child who is ten years of older two phone contacts **within one hour** of detention with parents or attorney. W&I Code 308(b)

(W&I Code 16001.9(9)) telephone access for children in out-of-home care. Children and youth have the right to confidential phone calls and caregivers need to provide a private space.

WIC 366.22 (a) and (b): *Incarcerated & Hospitalized Parents* – Extended Reunification time can be requested

The permanency review hearing would be continued for up to six months, provided it is held no more than 24 months from the date the child was originally taken from the physical custody of the incarcerated or institutionalized parent or legal guardian.

(1) That the parent or legal guardian has consistently and regularly contacted and visited with the child.

(2) That the parent or legal guardian has made significant and consistent progress in the prior 18 months in resolving problems that led to the child's removal from the home.

(3) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her substance abuse treatment plan as evidenced by reports from a substance abuse provider as applicable, or complete a treatment plan post discharge from incarceration or institutionalization, and to provide for the child's safety, protection, physical and emotional well-being, and special needs.

SB 1064 Reuniting Immigrant Families

- Authorize the court to provide an extension in the family reunification period so that child welfare agencies can provide a more diligent search for parents who may be detained or deported, or help find a potential relative placement.
- Affirm that immigration status per se is not a disqualifying factor in evaluating placement of a child with a relative (including their own parent). Authorize use of a relative's foreign consulate identification card or passport to be used to initiate fingerprint clearance so that a relative can be a placement for their relative child in the foster care system.
- Require the California Department of Social Services provide guidance to social workers on referring children eligible for Special Immigrant Juvenile Status to receive assistance in acquiring protective status. Case workers and court staff are sometimes the first and only person an immigrant child or family encounters who may be able to identify their eligibility for this immigration relief option.
- Article 37 of the Vienna Convention on Consular Relations clearly states that consular officers have the right to assist their nationals in cases of death, guardianship or trusteeships and that consular post shall be informed without delay. However, there is inconsistent and under-utilization of the consular offices.

CDSS Division 31-201 Regulations

- Order of service priority when determining the case plan goal: FM → FR → PP
- Permanency priority: Reunification → Adoption → Legal Guardianship
- Prior to termination of reunification services, determine potential for adoption

CA 4th Appellate District – D062170

- The agency failed to provide visitation while the father was in drug treatment thereby the father was not provided reasonable effort services. Reunification services were reinstated.

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¹⁵ *Of those who aged out, or left foster care upon reaching young adulthood without returning home or being adopted, "...more than eight out of ten (82.9%) of the young adults were in touch with at least one member of their biological families. About one-half, or 48.3%, were in touch with their mothers, fathers, or both. A large majority of these were also in touch with at least one sibling or another relative....All together 22.1% were in touch with their fathers, 35.8% with their mothers, 41.7% with another relative, and more than 3 out of 4 with at least one sibling"*

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¹⁶ *The Best Practice Expectations for Visits compiled and presented here are conclusions informed by research, policy, and law, as well as by the professional literature related to visiting. Note that while they may overlap, best practices are different from agency policy or legal policy. Best practice standards can be considered recommendations for effective practice; they are guidelines which provide direction for our work and point out things we should consider in making case decisions in order to achieve desirable outcomes. Agency policy can typically be considered protocols or "rules" developed by the agency that workers are expected and required to follow, while workers are mandated, or legally required, to act according to local, state, and federal laws without exception. These best practices were developed utilizing a variety of resources, including the following primary sources of information:*

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