

August 13, 2012

The Road Home: Improving Visitation through Collaboration

As charged by the Child Welfare Council, the Visitation Committee¹ has been meeting regularly to research and discuss ways to improve visitation for parents with their children who are in foster care and for children in foster care with their siblings. While our Committee is multi-disciplinary and our hope is to improve collaboration between the dependency court, child welfare and the other parties and players that are part of our system, we have focused primarily on what judicial officers and lawyers can do to contribute to improved visitation for families in the system. The task of improving visitation is vitally important and demands our attention.

Our research and discussions have led us to some pertinent general conclusions:

- In general, children need frequent contact to maintain their family attachments, feel safe in foster care and comprehend the trauma of removal. Visitation is important for children's developmental and permanency needs. Frequent visitation also helps parents stay engaged in services. Parents should not be punished for non-compliance by limiting visitation.
- Visits should happen as frequently as possible with the minimal supervision needed to preserve safety. Whenever possible, visits should be organized around normal family activities like outings, haircuts and ball games. Coaching and skill-building should be provided where appropriate to move the family toward unsupervised visitation and reunification.
- The Department of Human Services – Child Welfare (DHS) has comprehensive Rules and Procedures regarding visitation designed to:
 - Promote frequent contact between children, parents, siblings and other significant connections of the child. OAR 413-070-0800;
 - Recognize the right to visitation. OAR 413-070-0830;

¹ The Visitation Committee Members are:

John Culver • *Attorney • Metropolitan Public Defenders*

Lisa Fithian-Barrett • *Referee • Multnomah County Juvenile Court*

Mary Geelan • *Early Childhood Coordinator • Multnomah County Commission on Children, Families & Community*

Lori Hinkel • *DHS Supervisor*

Shary Mason • *Juvenile Court Improvement Program Model Court Analyst • Multnomah County*

Jennifer Meisberger • *Attorney • Ronnee Kliewer & Associates*

Heidi Moon • *CASA Supervisor • Multnomah County Juvenile Court*

Elizabeth Sherman • *Director • Family Connections, Volunteers of America of Oregon, Inc.*

Diana Stuart • *Judge • Multnomah County Circuit Court*

Dana Torrey • *FBS Consultant • Department of Human Services*

Michele Warden • *Training Specialist • Child Welfare Partnership, Portland State University*

Merri Souther Wyatt • *Judge • Multnomah County Circuit Court*

Julie McFarlane • *Attorney • Youth, Rights & Justice*

*** Appreciated input from Jerry Burns, DHS**

- Require that visitation rights, the importance of visitation and expectations for visitation be explained to the family and child. OAR 413-070-0840;
 - Require development of a Temporary Visit and Contact Plan (when child enters care) and an Ongoing Visit and Contact Plan (within 30 days and reviewed at least every 90 days. OAR 413-070-0830;
 - Provide guidance for when visits should be supervised. OAR 413-070-0870; and
 - Provide guidance for documentation of visits. OAR 413-070-0880.
- See Attachment 1 – DHS OARs on visits and
Procedure Manual Chapter IV – 26 Family visitation and contact
- Despite DHS’s comprehensive rules and procedures for visitation, visitation, between children, who have been placed in foster-care, and their families is an underutilized and under-emphasized resource. Although much research has illuminated the positive effects of visitation, most visitation plans are inadequate.
 - Research has indicated the importance of parent-child visitation as a predictor of family reunification. One reunification study found that children who have had visitation with their mothers were ten times more likely to be reunified with her. In fact, the study illuminated that visitation is a stronger predictor of reunification than the mother’s presenting problems. In addition, foster children who saw their birth parents at least once every two weeks exhibited fewer behavioral problems, less anxiety, and less depression.
 - The positive impact of visitation has been empirically established and visitation plans should evolve to reflect such knowledge. Professionals from the legal community are key members in the visitation scheme. Judges, for example, are given the crucial authority, from removal to the establishment of a permanent plan, to make legal findings to ensure that the child is safe, is given a fair opportunity to remain with or be reunited with her family, and to make sure a permanent placement is found with in a timely manner.
 - On a policy level judges and attorneys are in a unique position to inform the community about the gaps in services and to mobilize community leaders and resources to address these gaps. Best practices and model programs to improve visitation should be examined. Judges and attorneys should facilitate collaborative community efforts to improve visitation practices and overcome barriers to successful visitation.

We also came to more specific conclusions, which led us to develop checklists for Judicial Officers and attorneys to apply to individual cases (the Checklists are attached):

- The intent of DHS’s Rules and Procedures regarding visitation is to be inclusive of all parties involved in the cause to develop a comprehensive visitation plan for a child and her/his family. To develop a comprehensive visitation plan, all parties –judges, attorneys, parents, families, DHS, etc. – need to contribute to the process and the visitation plan.

“Our collective approach should be to see every family benefit from frequent visitation in the least restrictive, least intrusive, and most appropriate conditions for their family case plan. To accomplish this, we all need to work together as a team with the family to develop a visitation plan that relies first on the family and their support structure, and then on the community...DHS caseworkers and

SSA's need to be the source of last resort when it comes to visitation."

-Jerry Burns, DHS

- Attorneys can advocate for good visitation plans that serve the needs of their clients. Attorneys should be aware of research about visitation and its impact on the well-being of children, the motivation of parents and ultimately the family's chances for reunification. Attorneys should be familiar with DHS's visitation policies and procedures (see attachment 1).
- Judges and attorneys can help parents understand the expectations of them in visitation and why visitation is important for their child and for their chances of being reunified (see attachment 2 Rise issue on Visitation).
- On a case-by-case basis, judges have the legal authority to make court orders describing in some detail the quantity and quality of visitation necessary to serve the best interests of the child and to make the reunification process meaningful. Judges can make their expectations clear to caseworkers and can, by devoting adequate time to regularly reviewing visitation plans, encourage improvement in visitation and visitation reports provided to the court.
- Ultimately, if actual visitation, and visitation plans and reports are inadequate, attorneys can advocate for and judicial officers can and should require that better visitation plans be developed by DHS, make specific orders for visitation or withhold a reasonable efforts finding. While such orders and findings may, in the view of some, be too infrequently made, the Committee recognizes that such actions alone may be counterproductive in an environment that is unable to support the quantity and quality of visitation that is desired in every case. We recommend that the court forum of the case be utilized to maximize collaboration to improve visitation before making such orders or findings.
- Judges and attorneys can help explore kith and kin resources to support visitation. They can encourage foster parents to be open to helping facilitate visitation. Judges can help put limits on the types and duration of supervised visitation or visitation supports that are required by the facts of any given case, thus helping to free up limited resources to improve visitation in other cases.
- By inquiring at the Shelter Hearing when the first visit will occur and encouraging DHS where feasible to provide that visit within 48 hours, judges and attorneys can improve practice in this area and reduce trauma for children at this critical stage.
- By assuring visitation plans are developed and applied in a timely manner, with input from parents, children and foster parents, involving the family's support system (church, friends, neighbors, relatives, etc.) and modified as the case progresses, judges and attorneys can keep the focus on meeting the needs of the children and helping the case progress to reunification or other permanency option.
- By utilizing the attached Checklists, Judges and attorneys can assure that the vitally important needs of children and families are being best met by our system.