

November 21, 2011

To: Multnomah County Child Welfare Council
From: Julie H. McFarlane, Chair CWC Visitation Committee
Re: Report and Proposal for Collaborative Effort to Improve Family Visitation

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.

¹ The Visitation Committee Members are:

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- 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;
 - 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):

- 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.

VISITATION CHECKLIST FOR THE SHELTER HEARING

What does the temporary plan for visitation include?

- Review the temporary Visit and Contact Plan (CF 0831A).
 - Is the temporary Visit and Contact Plan in writing?
 - Has DHS reviewed the Plan with the parents (and child when appropriate)?
 - Is the first visit scheduled within 48 hours? If not what are the reasons?

- Is the time and location of visits logistically possible for the parents and supportive of the child's needs?

- Do the frequency and duration of visits take into account the child's attachment and developmental needs? Research indicates that for infants and very young children visits as often as two to three times per week are necessary for the well-being of the child and to protect the bond.

- Are sibling visits needed and what is the plan to provide those?

- Are forms of contact other than face-to-face visits included in the visitation plan? (phone, skype, text, e-mail, letters, inclusion in school activities, church and other appointments of the child)

- Does the placement support frequent visitation? Would a different placement better support visitation?

Is the visitation supervised - why must it be supervised - and what level of supervision is required?

Considerations:

- Is there a threat of danger that requires supervision of visits?
- Can the threat of danger be managed with a safety plan?

Other Considerations:

- Age of the child. Is the child able to talk about the visit and articulate preferences or concerns?
- Is there concern that the parent(s) may behave in an inappropriate or unpredictable way?
- Is a child visiting with a perpetrator or person of concern?
- Is there a safety plan/safety service provider that could support visits?

Threats of danger that may require supervised visits include:

- Concern of violence toward the child during the visit
- The child is intensely fearful;
- Abuse to the child was premeditated;
- The parent has an extremely negative perception of the child;
- There is a likelihood the parent would flee with the child.

- Is significant information about the parents missing? Will supervision of the first few visits allow DHS to obtain more information about the parent(s) to determine whether unsupervised visitation could be provided?
- Make a clear and enforceable written order of expectations for visits. Request that a written on-going visitation plan be developed within the next 30 days and submitted to the court.

On-Going Written Visitation Plan(s)

- What are the results of the protective capacity assessment? What type of visitation is indicated by the protective capacity assessment?
- Should visits be supervised? Should the current level of supervision be reduced or increased?
- Is the visitation plan in writing with language that is clear, concise, and written at a level the parent (and child if appropriate) are able to understand? Has the Agency explained to the parent(s) the reasons for arranging supervised or unsupervised visits to the involved parties?
- Does the visitation plan include a list of supportive kith and kin and other resources to support visitation and indicate how they have been (or will be) utilized?
 - o Location: are the visits taking place in an office and if so, why?
 - o Frequency: can the frequency be increased?
 - o Time: Is the time agreeable to the parent(s) and in the best interest of the child?
 - o Duration: Can the visits be lengthened, if not, why not?
 - o Transportation: Is the transportation arrangement reliable? Are there other alternatives?
 - o Tasks & Activities: What activities are included in the visitation and how can they be improved?

Explain importance of attendance, punctuality, and collaboration:

- Is there a protocol in the visitation plan for handling problems associated with lack of adherence to the visitation plan?
- Does the visitation plan include a protocol for handling emergency situations?
- What other forms of contact are being included: phone calls, e-mails, letters, photos, etc.?
- Do the visitation logs detail the child's reactions to visits and document how the child was supported in coping with the contact?
- Have there been attempts to include the parent in meaningful appointments, tasks, and events.?
- When visits have been cancelled, have make-up visits been provided?

- Encourage collaboration between all parties and reiterate goals: [Highlight areas of possible improvement]

- Does the visitation plan include visitation between siblings, significant others, and among other relatives, if not, why not? If so,
 - How have these visits been going?
 - Have the relatives been supportive in the total visitation plan?
 - Have the visits been conducted in the least restrictive setting?
 - Can these visits be improved in any way?

- Identify in the visitation report the hierarchy of the child's attachments and find how the visits were prioritized - did the caseworker consider the preferences expressed by the child or young adult?

- Locate in the plan the barriers to visitation that must be overcome and highlight how those barriers are being addressed.

- If appropriate, request that visitation reports be filed with the court more frequently and reviews/improvements made more frequent than the mandatory 90-day time frame.

- Decide whether on-going visitation is in the best interest of the child and if not, if any other contact is appropriate.

PARENT'S ATTORNEY VISITATION CHECKLIST

PARENT'S ATTORNEY [Preliminary Hearing and On-going Visitation Plan]

- Inform the parent of his/her right to visitation [ORS 419B.440]
- Explain the visitation process, including:
 - The possibility and reason for supervision
 - The assessment process
 - The possibility of conditions of visitation and why they are imposed
- Underscore the importance of attendance and punctuality
- Articulate the need for good communication between the parent and the caseworker
 - Ensure that the parent has a contact number for the caseworker and the caseworker's supervisor
- Explain the importance of expressing concerns about the visitation to the agency and the lawyer
 - Suggest that the parent keep documentation about the visitation so that he or she can better articulate her concerns or tell her side of the story
- Inquire about possible relatives, friends, and support systems that could possibly assist in the visitation plan
 - Help parent(s) create a contact sheet
 - Share contact sheet with caseworker
 - Throughout the process ask if the resources identified have been utilized and if not, why not?
- Explain to the parent that bringing an activity such as a coloring book and some crayons to the first visit will ease the tension. Advise the parent to bring a snack that is healthy as opposed to junk food.
- Inquire about whether the worker has explained to the parent the child's reactions to the visitation, reaction to new home placement [especially a child's attachment to the foster parent], and the role of the foster parent in the process.
- Inquire about the inclusion of the parent in the child's life activities.
- Inquire about whether the parent is allowed other forms of communication and advocate, if appropriate, for them to be included
- Advocate that the visitation plan be improved and articulate the concerns of the parent
- Inform parent of his or her right to request a review of the visitation plan by the juvenile court

- Become familiar with DHS visitation policies and procedures and visitation community resources