

LOS ANGELES COUNTY SUPERIOR COURT  
JUVENILE COURT VISITATION COMMITTEE

# FAMILY VISITATION GUIDELINES

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JUVENILE DEPENDENCY COURT PROTOCOL  
FOR DEVELOPING FAMILY VISITATION PLANS

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TABLE OF CONTENTS

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INTRODUCTION/SUMMARY _____	3
PURPOSE/PHILOSOPHY STATEMENT _____	4
TEAMING PROCESS _____	6
COURT ORDERS _____	8
DEPENDENCY CASE STAGES _____	9
Stage 1: Pre-Detention Hearing Family Visitation Plan (Initial 72 Hours Following Removal) _____	9
Stage 2: Detention Hearing/Pre-Disposition Family Visitation Plan _____	10
Stage 3: Disposition Family Visitation Plan _____	11
Family Visitation Plan Review _____	11
Post-Jurisdiction Visitation Plans _____	11
 FAMILY VISITATION PLAN _____	 12
Preliminary Considerations/Factors to Consider _____	13
Participants' Considerations and Responsibilities _____	13
Judicial Officers' and Attorneys' Considerations and Responsibilities _____	18
Family Visitation Plan Elements _____	19
<i>Visitation Objectives (reason for each visit)</i> _____	19
-----	19
<i>Frequency of Visits</i> _____	19
<i>Developmental</i> _____	<i>Visitation</i> _____
-----	<i>Guidelines</i> _____
-----	19
<i>Additional Visitation Contacts</i> _____	20
<i>Persons to Participate in Visitation</i> _____	20
<i>Visitation for Teen Dependent Parents and Their Children</i> _____	20
<i>Sibling Visitation</i> _____	21
<i>Type of Supervision</i> _____	21
<i>Visit Location</i> _____	22
<i>Visitation Problems</i> _____	22
<i>Visiting in Specific Situations</i> _____	22
<i>Transportation</i> _____	24
-----	24
<i>Safety Planning</i> _____	24
<i>Team Agreement</i> _____	24
<i>Changes</i> _____	<i>to</i> _____ <i>the</i> _____ <i>FVP</i>
-----	24
 BIBLIOGRAPHY _____	 25
 SUB-COMMITTEE MEMBERS _____	 26

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## INTRODUCTION/SUMMARY

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In June, 2005, the Los Angeles County Juvenile Dependency Court convened a committee to create visitation guidelines for the County of Los Angeles. The Court recognized the pivotal role that visitation plays in the reunification process, the importance of considering child development issues in relation to visitation, and the lack of a cohesive system for creating effective and appropriate visitation plans.

The Visitation Guidelines Committee reviewed numerous documents in preparing these protocols (see attached bibliography). The Drafting Subcommittee consisted of community stakeholders from throughout the juvenile court system with expertise in policy, social work, and training, including a number of representatives from the Department of Children and Family Services (DCFS).

The resulting protocols provide a cohesive system for creating family visitation plans (consistent with court orders) designed and later re-assessed in team meetings that include all of the people affected by visitation.<sup>1</sup> These plans must be specific in nature (as to time, location, transportation arrangements, and activities), taking into consideration the purpose of the visits, the strengths and needs of the parents and children, the role of the supervisor (if any), alternatives to in-person visitation, and a myriad of other issues that are outlined in detail in this document.

At the time of detention, DCFS needs to evaluate what visitation/contact is appropriate and create an initial plan for such visitation, preferably through a team process. At the initial detention hearing, the Court will usually make general visitation orders. A detailed family visitation plan, consistent with the more general court orders, will need to be created by a Family-Centered Team involving as many participants as appropriate (including parents, relatives, caregivers<sup>2</sup>, children, and service providers). Whenever feasible, this plan should be created prior to the disposition hearing, and a copy should be provided to the Court. As the case progresses and placements change, the plan will be modified, including liberalization of visits, when warranted.

These guidelines are adopted with the understanding that full implementation will require DCFS protocols to be drafted that are consistent with this document, training will have to be developed, forms will have to be created, and resources will need to be identified. Additional efforts of the Visitation Guidelines Committee will focus on identifying resources to help facilitate visitation, and ensuring sufficient training of Children's Social Workers. While DCFS will be responsible for training social workers and caregivers, the Committee currently envisions the creation of a team to design cross-training of the other dependency system stakeholders (e.g. attorneys, judicial officers, CASA staff and volunteers).

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<sup>1</sup>This team based approach was proposed in the Family Reunification Report, the product of a work group convened by the Los Angeles County Commission for Children and Families and DCFS in 2004.

<sup>2</sup> For the purposes of this document, the term "caregiver" includes relative caregivers, foster parents, foster family agency staff, and group home staff.

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## PURPOSE/PHILOSOPHY STATEMENT

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These guidelines provide specific tools, protocols, and strategies for ensuring that planned and purposeful visitation occurs for children and families served by the Los Angeles County Child Welfare System. Supported by research, best practice standards and legal statutes, visitation serves as the most essential service element for these families towards achieving the outcomes of safety, permanency and well-being. More specifically, visitation is the most critical factor in ensuring and supporting safe and timely re-unification for children and their birth families as the primary permanency option. Its central and fundamental place amid the array of services and supports to at risk families cannot be understated.

The success of visitation is contingent upon every involved party valuing the importance of the visitation's purpose. This document provides guidance to (and sets standards for) those individuals and groups who play key roles in supporting families and is based on the following principles/values and themes:

- The law (Welfare and Institutions Code ("WIC") sections 300 and 308) provides specific guidance for developing, implementing and monitoring visitation plans and shall be the primary point of reference in the development and implementation of visitation plans and protocols.
- While recognizing the statutory authority and mission of the Juvenile Court and DCFS; community stakeholders, partnering agencies and families share responsibility and accountability for outcomes. Consistent with emerging/best practice, such outcomes are more readily achieved through "team based" approaches to decision-making, assessment, planning and support. Therefore, team based approaches to developing and updating *Family Visitation Plans* (FVPs) are strongly referenced in this document.
- In delivering child welfare services, priority consideration should always be given to the delivery of community and family based interventions that allow children to safely remain with their families and in their communities. The provision of out-of-home care is always a last resort when these in-home services and interventions cannot adequately ensure child safety.
- When out-of-home care is needed, it must serve as a goal directed service to achieve safety and permanency for children in environments where essential connections for children are maintained. Therefore, in the placement process, any and all efforts shall be made to maximize and maintain a child's healthy connections with family, culture, community and school-of-origin. This includes the placing of siblings together and supporting healthy sibling bonds, unless in so doing, child safety is compromised.
- When out-of-home care is necessary, visitation should serve as a family-centered, family empowering activity to assess, maintain, strengthen and re-build healthy family and community connections while reducing identified risks. It not only serves to maintain contact/access between parents and children, but allows family members to practice and demonstrate new skills/behaviors that are needed for them to safely be together. As such, visitation plans and activities should be inexorably linked to a uniquely tailored Case Plan that clearly identifies outcomes for the family, builds on their strengths and resources, and meets specific child and family needs. Across time, if re-unification is found not to be possible, visitation allows parents, children and caregivers to be more directly and actively engaged in the concurrent planning process to support timely development and activation of an alternative permanent plan.

- Visitation plans developed with and for family members (including parents, siblings and other relatives) should reflect the unique child and family situation based on their place in the continuum of service delivery and juvenile court process. They should also include a wide range of contact and access formats from face-to-face visitation to any and all other forms of written, telephonic, email, and/or video contact. Where appropriate, visitation should also include significant others who have a meaningful and supportive relationship with the child and family and who may also play a key role in achieving case goals.
- These guidelines assume that a determination has been made that visitation is in the best interests of each child and will not negatively impact the child's physical and/or emotional well-being. When visitation is appropriate, the visitation plan should be specifically tailored to the particular family and care should be given at all times to protect the child from physical and/or emotional harm.

As Family Visitation Plan are implemented, it is the shared responsibility of those working with the family to monitor implementation, providing feedback and working together to address specific issues and concerns regarding the quality, timeliness and quantity of visitation that occurs for a family.

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## TEAMING PROCESS

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Family-Centered Team-Decision Making ("FTDM") is a collaborative concept in which the Department of Children and Family Services ("DCFS") staff, family members, caregivers and community service providers work together when any placement decision is contemplated, or when it is determined a team process is appropriate (see FTDM document). Once a child is removed from his/her parents, the CSW is first and foremost required to ensure that the child is safe. At the same time, the CSW is also charged with securing the least restrictive, and most appropriate, out-of-home placement for the child as well as preserving the child's familial and community connections. Under existing DCFS policy, the CSW should call for a TDM or a FGDM to help facilitate a discussion around keeping the child safe and future case planning. Attention to keeping the child in his/her school-of-origin is also part of the placement decision to ensure educational stability and maintain consistency in the child's academic learning. Given these mandates, the CSW is in a unique position, with the information obtained at the team meeting to memorialize and prepare effective Family Visitation Plans ("FVPs"). At the initial TDM, the first visit is arranged and the CSW develops the initial visitation plan based upon the information from the TDM. Similar formats can also be used to modify FVPs.

**Throughout this document, Teaming Process (Team) is a generic term that includes, but is not limited to: (1) Team Decision-Making (TDM); (2) Family Group Decision-Making (FGDM); (3) Permanency Planning Conferences; (4) Family Conferencing, and; (5) Meetings convened to specifically plan visitation. Moreover, Teams are an integral part of such processes as Point of Engagement ("POE") and Multidisciplinary Assessment Teams (MAT). The type of Team utilized will depend on the needs of the family as well as on the nature and stage of the dependency case.**

A team process should be used for discussing, updating and troubleshooting of any FVP. Teams should be convened at each of the below-listed dependency case stages and/or whenever a child is removed or replaced, as such placement decisions directly affect visitation

Each Team, with the exception of FGDM, should include the following members<sup>3</sup>:

- Team Facilitator
- DCFS Children's Social Worker (CSW), Emergency Response Worker and/or Supervising Children's Social Worker.
- Parents/Legal Guardians
- Caregivers (including Residential Facility Representatives and FFA Personnel)
- Children 10 years of age and older, unless inappropriate

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<sup>3</sup> Inability to convene all principle members of the TEAM shall not delay visitation, especially in the early stages of a dependency case. Efforts shall be made to notify these members of the results of the team meeting.

Additionally, every effort should be made to include the following individuals where appropriate:

- Children under 10-years-old
- Siblings
- Relative and Non-Related Extended Family Members and Support People (e.g. clergy, childcare providers, medical or mental health providers, family friends, significant others, or other service providers known to the family.)
- MAT Providers
- HUB Evaluators
- Probation Officers
- Community Service Care Providers
- Public Health Nurses
- Educators
- Regional Center Personnel
- Child Care Providers
- Community Partners
- DMH Personnel
- School Personnel
- Community Family Preservation Network Representatives
- CalWORKS Staff
- Parent Advocates
- Child Advocates or Court Appointed Special Advocates ("CASAs")
- Medical Placement Unit Representatives
- START Supervisors
- Family Preservation Representatives

It is important that Teams include a multitude of players and that the membership of the team is fluid and responds to the needs of the family in relation to the stage and objectives of the dependency case.<sup>4</sup>

Team meetings are arranged by the DCFS Scheduler. The Scheduler is responsible for contacting all parties relevant to the dependency case as well as inviting community members not currently involved with the family to the Team meeting. Meetings should be scheduled in neighborhood locations close to the child's family in order to maximize attendance by family and community support providers.

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<sup>4</sup> For a complete description of TEAM Meeting participants and their respective roles, see *DCFS Procedural Guide 0070-548.03 Team Decision-Making (Released on 12/21/05)*

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## COURT ORDERS

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Oftentimes, the judicial officer makes general visitation orders, such as “supervised visits approved by a DCFS approved supervisor, at least twice per week, with DCFS discretion to liberalize.” The Court, as often as possible, will provide DCFS with the discretion to liberalize visits including overnights and weekends in order to support reunification and the developmental needs of the children. The FVP is envisioned as a detailed implementation of the Court’s orders. While the Team’s Family Visitation Plan (FVP) at the time of the disposition hearing will be submitted to the dependency court judicial officer, the dependency court is the final decision maker. The FVP must be consistent with dependency court orders (as well as any criminal court orders.) If the dependency court makes orders that are inconsistent with the FVP, then the procedures outlined below, in “Changes to the FVP,” should be followed in order to bring the FVP into compliance with the relevant court orders. The social worker should ensure that visitation is consistent with all court orders until the FVP has been changed.

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**DEPENDENCY CASE STAGES**

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Stage 1: Pre-Detention Hearing Visitation (within the initial 72 hours following removal)

- Team meeting is held either prior to the child's removal from the home or when the child has already been removed, by the end of that business day or within 24 hours prior to the detention hearing.

Stage 2: Detention Hearing/Pre-Disposition Visitation Plan

- A Team meeting is held following the Detention Hearing to update the Family Visitation Plan (FVP) that will be in effect until the Disposition of the case.

Stage 3: Disposition Visitation Plan

- A Team meeting to develop a recommended FVP to be presented at the Disposition Hearing.

**STAGE 1: PRE-DETENTION HEARING FAMILY VISITATION PLAN  
(INITIAL 72 HOURS FOLLOWING REMOVAL)**

Children, parents and siblings shall have access to each other as soon as possible and as frequently as possible following removal from a parent, when safe.<sup>5</sup> This is important to strengthen the family bond and lessen trauma to the child(ren). So that children do not feel isolated from their families upon being placed in protective custody, children should have the opportunity to visit with their families in a face-to-face meeting prior to their first court date, but in any event no later than 72 hours following removal, especially with children under 5 years of age. The CSW shall make a diligent and reasonable effort to ensure regular telephone contact prior to the detention hearing, unless that contact would be detrimental to the child. Such phone calls should take place as soon as practicable, but not later than 5 hours after the child is taken into custody. The child should be permitted to maintain regular phone contact, unless it is determined detrimental to the child or otherwise inappropriate, as discussed below. Hence, when safe, it is the responsibility of the CSW to facilitate both the face-to-face visits and phone calls with the child and his/her family as soon as possible. Siblings should be kept together, where appropriate. If siblings cannot be placed together, every attempt to facilitate visitation during this stage should be made.

Visitation and/or telephone calls should not be facilitated by the CSW if such contact is not in the best interests of the child. Before making any determination to prohibit visitation, the CSW should first evaluate whether a supervised visit would alleviate concerns regarding the contact. The CSW should discuss with parents the parameters of the initial visitation during this stage before the visitation is disallowed. Reasons not to permit visitation or contact may include: (1) the CSW has good reason to believe the parent may coach or otherwise harass the child; (2) the child was subjected to severe physical abuse; (3) the child was the victim of sexual abuse; or (4) the child does not wish to visit. These factors do not necessarily preclude visitation; safeguards that can be put in place and detriment to the child must be considered in making such a decision.

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<sup>5</sup> At this time, DCFS' Point of Engagement process is uniquely suited to provide Team Decision Making in regards to the pre-detention hearing visitation plans.

<b>Protective Custody Family Contact Timeframes</b>	
<i>First 24 Hours</i> Child removed from parent/legal guardian and relocated to placement.	As soon as child is situated in a placement, the CSW should work to immediately facilitate contact between the child and the family. Most likely, this will be in the form of a phone call within 5 hours.
<i>24-48 Hours</i> Child secured in placement.	Telephone contact between the child and family is mandatory for those children old enough to communicate via phone when determined that such contact is safe. Moreover, the CSW shall attempt to arrange for a face-to-face visit. For children not old enough to communicate via phone, extra effort shall be made to arrange for a face-to-face visit.
<i>48-72 Hours</i> Child secured in placement and detention hearing is pending.	The CSW shall facilitate a face-to-face visit when determined that such contact is safe. It is mandatory for children to have the opportunity to visit with their families (parents and siblings) before their first court date when determined that such contact is safe.

Note that special attention should be given to arranging face-to-face visits between younger children and their families. Not only do younger children have a more difficult time communicating by telephone, but children under four years of age are not required to be in court. Thus, they may not have the opportunity to visit with their parents on the day of the hearing.

While the focus at this stage of the dependency case is to ensure family visitation and/or contact as soon as the child is removed from the home, the CSW should be assessing certain factors in anticipation of the development of a Pre-Detention FVP. First, the CSW must evaluate potential visitation supervisors if he/she feels that supervision for family visits is needed. The CSW should pay special attention to the ability of the child's caregiver to supervise visits as well as to provide transportation or a meeting space for the family visits. In addition, the CSW should ensure that the child's placement does not obstruct the family's ability to participate in visitation.

#### **STAGE 2: DETENTION HEARING/PRE-DISPOSITION FAMILY VISITATION PLAN**

A detailed proposed Family Visitation Plan should be attached to the Detention Hearing Report that notes the caregiver's and CSW's statements regarding their ability to transport, supervise or otherwise facilitate visitation and phone calls. During the Detention Hearing, the Court shall evaluate all available information, including the plan developed at the most recent Team meeting, and formulate visitation orders that would be in effect until the Disposition Hearing. Based on these orders, the parties present at court, physically or by phone/email, would develop the most specific visitation plan possible. During this planning time, participants would list any unresolved issues to be addressed at the Family-Centered Team meeting that will occur in the next few days following the Detention Hearing. This process would require more time allotted to Detention Hearings, the possibility of cases being recalled for the parties to provide the Court with the visitation plan, and potentially for CSWs to routinely be on call for Detention Hearings. The visitation plan developed at the Detention Hearing, when appropriate and feasible, shall apply the same framework described below.

DCFS shall convene a Team meeting within five business days of the Detention Hearing. The Team is to further develop a Pre-Disposition Family Visitation Plan that: (1) ensures the child's safety and well-being are not compromised; (2) maintains connections between the removed child and his/her family; (3) allows parents and siblings the opportunity to bond with the child; (4) assesses the risks associated with returning the child to his/her family; (5) builds networks of support to facilitate the child's reunification with the family; (6) addresses resources to facilitate visitation (supervisors, location, transportation, etc.), and (7) considers the scheduling needs of families and other parties.

The Pre-Disposition Family Visitation Plan developed by the Team should include the same factors/considerations discussed below in the "Family Visitation Plan" section. At this stage, it is imperative that the FVP be considered in making placement decisions for the child. For example, the proximity of the child's placement to the parent and the ability of the caregiver to accommodate the FVP should be considered. Given that the Team will most likely be presented with limited information, the FVP produced during this period may not be as comprehensive as the FVP submitted to the dependency court for the Disposition Hearing. However, the Team shall make every effort to thoroughly complete all sections of the FVP.

If the Team finds that visitation is not in the child's best interests, a clear statement regarding why pre-disposition visitation is not permitted must be included in the Pre-Disposition FVP. The Team should consider alternatives to face-to-face family visits (phone calls, e-mail, letters) where such alternatives do not pose a threat to the child's safety and well-being. If such contact is appropriate, the Pre-Disposition FVP shall include a schedule regarding when these contacts are to occur and list any conditions placed on the alternative arrangements.

### **STAGE 3: DISPOSITION FAMILY VISITATION PLAN**

The Disposition Family Visitation Plan developed by the Team must incorporate all of the FVP elements noted below. The Disposition FVP will be submitted to the court for the Disposition Hearing. If the dependency court makes orders that significantly alter the Disposition FVP, the Team must reconvene to modify the FVP (see "Court Orders" section). If reconvening the entire Team is not possible, DCFS must bring together the parties affected by the court order as necessary to modify the FVP. Team meetings can also be called to implement specific recommendations after disposition. Team meetings can move forward without all members in attendance so long as reasonable efforts have been made to contact all parties. The CSW must further attempt to reach all Team members not able to attend the meeting via phone, mail, or e-mail to gather feedback and notify all such parties of the Disposition FVP.

### **FAMILY VISITATION PLAN REVIEW**

The FVP will clearly indicate the date the plan is to be reviewed by the Team, and for any Revised FVP to be developed. The FVP must be reviewed at every Team Meeting. At every review, the Team shall examine all information received from the child, parents/guardian, foster parents, group home staff, FFA Social Worker, CSW and visit supervisors before modifying the FVP. The Team shall also consider changes in the child's or family's circumstances or any request made by the child or family in regards to visitation.

### **POST-JURISDICTION VISITATION PLANS**

For cases in which the CSW is recommending termination of jurisdiction with either a family law court order or with a legal guardianship in place, the Status Review Report submitted to the Court should have an FVP attached which makes specific recommendations (days, times, locations, transportation, supervisors, holidays, birthdays).

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## FAMILY VISITATION PLAN

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Prior to the disposition hearing, DCFS shall convene a Team meeting to develop an FVP focused on family reunification. Where a no contact order is issued for a parent or party, such parent or party shall not be included in the FVP until the no contact order is vacated. A no contact order placed for one parent or party shall not affect the inclusion of other family members in the FVP plan. The Team must create a plan specific to the family's needs, yet with enough flexibility to facilitate changes made in court. This plan must be made available to the court on the day of the disposition hearing.

The Team will structure the FVP on the information received from the above-noted pre-disposition visitation plan. Hence, information collected regarding the family's strengths and needs (including barriers to reunification) will be crucial in developing a meaningful FVP. **If, after a conscientious and concerted effort, the team cannot reach agreement on a component of the FVP, the final recommendation will be made by DCFS.**

The FVP must provide the following:

- A visitation schedule, detailing the dates and times the family can visit.
- Length, start/end times (see p. 20 re: exception)
- List resources to be used to meet the visitation time frames
- A visitation location(s).
- Transportation arrangements for children (removed children, siblings) and parents/guardians.
- Arrangements for the child to communicate with parents/guardians by phone, mail, etc. (p.20).
- Any conditions placed on the visitation by the Team or Court to ensure the safety and well-being of the child. These conditions may include the requirement that the visits be supervised or that the parent refrain from discussing the upcoming dependency case.
- Limits: Supervising, Phone, Mail, etc.
- Plan for supervising if applicable
- Supervisor contact information and qualifications (link to Objectives)
- Who are visitors and their contact information
- Who are prohibited
- Visitation Objectives
- List of strengths and needs
- Purpose of each visit and who should attend
- How to handle anticipated problems
- Plan for Specific Situations (see p. 24 & 25)
- Safety Plan
- Children's requests
- Sibling visit plan
- Teen Parents and their children
- Adjunct activities
- Agreed upon Do's & Don'ts
- Visitation Plan Review date
- Signatures showing agreement to the plan

## **PRELIMINARY CONSIDERATIONS/FACTORS TO CONSIDER**

In developing the FVP, the Team shall examine the following:

- Physical/emotional well-being of the child(ren).
- Parents' strengths and needs. The Team shall list the parents' strengths in the FVP as well as any needs (e.g. mental health, drug addiction, parenting skills, developmental delay) for which they require assistance to reunify with their children.
- Parents' obligations. Parents' work, school, treatment and court-ordered responsibilities must be assessed by the Team in developing an effective visitation plan.
- Child(ren)'s strengths and needs. The Team shall examine the strengths as well as any needs (e.g. medical, mental health, developmental) of the child(ren) that need to be addressed to facilitate family reunification.
- Child(ren)'s desires. The FVP shall include the child(ren)'s requests in regards to participating in visitation and ultimately reunifying with their parents/guardians.
- Child(ren)'s obligations. The Team must consider any school, social, treatment or work-related obligations of the child(ren) in developing the FVP.
- Sibling Visitation. The FVP must assess the appropriateness of sibling visitation and include specific guidelines concerning how sibling visitation will be facilitated. The frequency, duration, location, transportation, and type of contact should be detailed in the FVP.
- Pre-removal family activities. The Team must identify how the family spent time together prior to the child being removed from the home, and where appropriate facilitate visits that incorporate the pre-removal activities. Note that these should include school and preschool activities. It should be made clear to all parties that the parent is the Holder of Education Rights, unless these rights have been limited by the court.
- Available resources. The Team must evaluate all resources at the family's and caregiver's disposal to aid in family visitation/reunification and is encouraged to think creatively in developing additional resources. Note that the parents and family members should be afforded opportunities to participate in the removed child(ren)'s school functions and medical visits.
- Child(ren)'s Placement. The child(ren) should reside in the most appropriate placement that best facilitates the goals and objectives of the FVP.
- Caregiver's Needs. The Team must take into account the caregiver's needs, concerns and resources in developing the FVP.
- Case Plan Goals. The FVP should be utilized to assist the family in reaching case plan goals.
- Resources. Availability and limitations.

## **PARTICIPANTS' CONSIDERATIONS AND RESPONSIBILITIES**

In developing the FVP, the Team shall take into account the specific needs of case participants. Moreover, the FVP must clearly define each participant's responsibilities in relation to visitation and clearly connect these responsibilities to the reunification objectives. Such needs and responsibilities should take into consideration the level of supervision required, the continuum of care to be provided to the child and the multitude of parties who can participate in the Team and visitation. The following guidelines, standards, and responsibilities should be considered for each of the following case participants:

In developing the FVP, the Team must assess the following in regards to the child's parent/legal guardian:

- Level of risk posed by parent, if any
- Transportation issues or problems
- Work, school or court-mandated program obligations
- Strengths/weaknesses

- Whether or not the parent is a Regional Center client or otherwise developmentally delayed
- Incarceration
- Institutionalization
- Court-ordered restrictions
- Relationship with caregiver

In developing the FVP, the Team must assess the following in regards to the child(ren):

- School obligations
- Community/extracurricular activities
- Therapy/counseling or other court-mandated sessions
- Child(ren)'s desire to spend time with peers
- Issues with transportation
- Safety with/between proposed visitors, given specific case history
- Child(ren)'s desire to participate in visitation with parents, siblings and other relatives
- Medical appointments or other medical considerations
- Address the child's anxieties and expectations
- Safe environment

In developing the FVP, the Team must consider the following in regards to caregivers:

- Willingness of caregivers to have the visitation occur in the home/facility
- Number of children in the home for whom visitation must be coordinated (not just children of case being reviewed).
- Impact on other children in home
- Transportation
- Space for accommodating visits
- Ability and appropriateness of caregiver to supervise visits
- Restrictions on the visitation the caregiver feels are needed

#### *Team Facilitator*

In relation to visitation, the Team facilitator is required to:

- Remain neutral with respect to all meeting participants.
- Model respectful interaction with the family, staff and other participants.
- Create an inclusive meeting environment.
- Manage the Team meeting, and facilitate the development of the FVP.
- Support DCFS best practices and procedures.
- Recognize and appropriately utilize all available resources.
- Guide the team towards generating creative solutions that address and ensure child safety.
- Work to develop a consensus among all Team participants.
- Focus on family strengths.

#### *Parents/Legal Guardians*

In relation to visitation or other contact with the child, the parent/legal guardian is required to:

- Ensure the emotional/physical safety and well-being of the child.

- Provide a drug/weapon/violence free environment and not be under the influence of alcohol or drugs during the visit.
- Ensure no unauthorized visitors are present.
- Provide transportation where possible (have a valid driver's license, car insurance and, if needed, a car seat.)
- Take parental role during interaction with child (For example, ask about school progress.)
- Plan and engage in the Team meeting and in between visits
- Plan age appropriate activities in the Team meeting and with the social worker and supervisor, making sure to bring specifically listed items such as food, diapers, special toys or games, and engaging the child(ren) throughout the visit.
- Respond to direction from the visitation supervisor, if applicable.
- Follow any pre-established visitation guidelines developed by the Team.
- Attend visits on time.
- Call as soon as possible to cancel a scheduled visit, but no later than twenty-four hours before the visit.
- Make contact with the child to explain cancellation or other visitation problems, if such contact is allowed.
- If incarcerated or institutionalized, initiate communication (i.e. phone calls, letters, e-mails) in accordance with the FVP.

#### *Child(ren)*

The Team will encourage the child(ren) to:

- Participate in the Team meeting to develop the FVP, where appropriate.
- Voice questions or concerns about visitation to the Team.
- List persons who should and should not be included in visitation.
- Discuss visits with the CSW, caregiver, parent, attorney or CASA after the visit.
- Provide information to the Team regarding feelings about on-going visitation and how the FVP should be revised.

#### *Caregivers*

Caregivers include foster parents, relative caregivers, FFA and group home staff, and non-related extended family caregivers.

In relation to visitation, caregivers are required to:

- Ensure the well-being of the child including the provision of emotional support.
- Comply with the finalized and/or court approved FVP.
- Participate in the Team meeting to develop and review the FVP as appropriate.
- Be familiar with the case plan.
- Inform the CSW of any problems in complying with the FVP (scheduling conflicts, etc).
- Respect the importance to the child of his/her family, and make every effort to ensure communication/interaction between the child and the family to the greatest extent possible. Where appropriate, this communication/interaction should include phone calls, mail and e-mail.
- Accommodate adjustments to the FVP to the greatest extent possible.
- Maintain contact with the CSW regarding visitation progress. This should include an objective description of the child's behavior before and after visitation.

- Maintain objectivity, and remain committed to the permanency plan.
- Share with the parent any changes or concerns related to the child's health and education.
- Prepare the child for visits. This should include describing the location of the visit to the child and what type of contact the child can expect during the visit to the greatest extent possible.
- Dress child in accordance with visitation facility (e.g., jails, drug treatment facilities) regulations as informed by the CSW or the facility.
- Provide transportation as negotiated in the FVP.
- Notify CSW of any unplanned contacts between the child and parent or caregiver and parent.

#### *DCFS CSW*

In developing and implementing the FVP, the CSW shall:

- Convene the Team meeting.
- Explain the Team meeting process to parent, caregiver, and child.
- Clearly identify the factors that required DCFS intervention (SDM assessments).
- Determine the need for supervised visitation, the type of supervision required<sup>6</sup>, create a detailed supervision plan, and outline the roles and duties of the person providing the supervision.
- Identify, evaluate and approve visitation supervisors prior to the Team meeting, if need is anticipated.
- Articulate relevant family's strengths to be tapped and/or utilized during the visit, and document in the FVP.
- Collaboratively plan, with the parents, age appropriate activities for the parent(s) and child(ren) to participate in during visits.
- Ensure that the FVP is understood by the parent(s) and implemented as designed by the Team.
- Prepare parents for the range of reactions children may have to visits.
- Address barriers to the FVP's implementation.
- Work with Team to modify the existing FVP to conform to subsequent court orders.
- Explain facility requirements to caregivers if the child(ren) will be visiting incarcerated or institutionalized parents (e.g. dress code, gifts, food).
- When facilitating a visit, prepare the child for the visit. This should include describing the location of the visit to the child and what type of contact the child can expect during the visitation to the greatest extent possible. This is especially important in regard to children visiting incarcerated parents. At the end of the visit, prepare the child to transition back to the caregiver.
- Explain to the caregiver any specific requirements (i.e. dress code, gifts, food) the child must abide by during visits. This is especially important in regard to children visiting incarcerated parents.
- On an ongoing basis, evaluate the FVP through direct interviews with visitation participants and review of the visitation supervisor's logs, including determining whether the objectives are being met and any need to update the objectives.
- Inform the court of visitation progress, as detailed in the Dependency Court Reports memo on the required contents of DCFS reports, and provide the court with a copy of any visitation supervisor's logs.
- Evaluate and review the FVP at all Team meetings.
- Describe specific topics not to be discussed during visitation, such as the court case or making unrealistic promises.

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<sup>6</sup> Throughout this document, the term supervisor is intended to cover the full range of supervisory roles, from a parenting coach to an observer whose only role is to ensure that a parent is not inappropriate during a visit. The level of supervision required may shift along the continuum throughout the course of the case. The TEAM must clearly define what type of supervision is needed at each stage of the case.

- Give parents suggestions for what to say at the beginning and end of the visit and topics to discuss with child(ren) during the visit.
- Ensure caregivers are aware of their role in family reunification, of the parents' strengths and how visitation supports family reunification.
- Contact affected parties in regards to scheduling conflicts and, where necessary, reconvene the Team to resolve these conflicts.
- Provide a copy of the FVP, as well as any changes to the FVP, to all affected parties, including parents, children 10 year of age and older, attorneys, caregivers and the court.
- Provide relative caregivers with referrals to kinship resource centers, as appropriate.

### *Visit Supervisors*

In fulfilling their obligations pursuant to the FVP, visitation supervisors are required to:

- Ensure the physical and emotional safety of the child.
- Comply with the FVP and court orders.
- Understand his/her role as supervisor in regard to the relevant case issues and purpose of visits in relation to the case plan.
- Place no other restrictions on the visitation other than those already established by the Team, except in the case of an emergency when the child's safety is jeopardized.
- Encourage positive interaction between child and family.
- Model appropriate parent-child interactions.
- When outlined in the FVP assist parent with parenting skills. If the FVP requires such coaching, then the coach must be qualified and have sufficient training. Describe any problems with parent's skills (away from the child) where an objective of the visitation is to build parenting skills.
- Develop a signal for the child to use to indicate discomfort or fear during the visit.
- End the visitation session should the child experience undue discomfort or high anxiety.
- Terminate the visit if visiting party will not conform to the guidelines established in the FVP. Give one warning before ending visit, where appropriate.
- Complete Visitation Supervision Log at the end of each visit. Provide a copy of this log to the CSW.

### *Siblings*

Where appropriate, siblings shall:

- Participate in the Team meeting to develop the FVP.
- Voice questions or concerns about visitation to the Team.
- Discuss visits with the CSW, caregiver, parent, attorney or CASA after the visit.

## JUDICIAL OFFICERS' AND ATTORNEYS' CONSIDERATIONS AND RESPONSIBILITIES

### *Judicial Officers*

Judicial Officers:

- Set minimum standards for visitation.
- Review the FVP and modify if necessary.

### *Attorneys*

In regard to the development and implementation of the FVP, all attorneys involved in the dependency proceedings have an obligation to communicate their client's concerns regarding visitation to the dependency court and other parties within the confines of the attorney/client privilege. All attorneys should communicate other parties' concerns to their own client where appropriate and bring their own client's concerns to the court's attention. Additionally, specific attorneys have the following responsibilities in regards to the FVP and visitation:

- Parent's Attorney
  - Maintain contact with client.
  - Communicate visitation plan and guidelines to the parent.
  - Answer any questions the parent may have with respect to the FVP.
  - Review the FVP to ensure it is consistent with court orders.
- Child's Attorney
  - Provide input to the CSW for the development of the FVP.
  - Take an active role in implementing the FVP, when appropriate.
  - Relay court-ordered visitation or responsibilities to both the child and his/her caregiver.
  - Discuss with the child and his/her caregiver the transportation arrangements, visitation location and visitation purpose as outlined in the FVP.
  - Review the FVP for adequacy in meeting the child's needs.
  - Review the FVP to ensure it is consistent with court orders.
- County Counsel
  - Review the FVP to ensure it is consistent with court orders.

## FAMILY VISITATION PLAN ELEMENTS

### *Visitation Objectives (reason for each visit)*

After evaluating the strengths and needs of the family, the Team must identify the family’s barriers to reunification and develop visitation objectives designed to overcome each barrier. For example, possible reasons for visitation may include: (1) establishing and/or strengthening the parent-child relationship and securing the family bond; (2) instructing parents in child care skills; (3) helping parents gain confidence in meeting the child’s needs; (4) identifying and assessing potentially stressful situations between parents and their children; (5) providing time for the family to play together or otherwise spend time with one another; and (6) helping families transition to a family permanency plan.

A statement must be made in the FVP describing the purpose for the family visit and connection to the needs of the family.. Note that the visitation objectives may change over the life of the dependency case.

### *Frequency of Visits*

Visitation frequency should correspond to the child’s age and developmental stage and be consistent with the family’s permanency goal. The frequency guidelines in the chart below pertain to face-to-face visits. While additional communicative means such as phone calls, letters, etc. can and should be used to strengthen the bond between parent and child, they are not to be used as an alternative to face-to-face visits. The Team shall utilize the following developmental guidelines in establishing the frequency and duration of visits:

<b>Developmental Visitation Guidelines</b>	
<b>Age</b>	<b>Frequency/Duration of Visits</b>
0 – 6 Months	<ul style="list-style-type: none"> <li>• Daily visits are optimal.</li> <li>• Families should visit at least three times a week for 30-60 minutes.</li> <li>• During this developmental period, the focus should be on short, frequent visits.</li> </ul>
6 – 12 Months	<ul style="list-style-type: none"> <li>• Families should visit at least three times a week for one hour.</li> <li>• Children in this developmental period begin to attach to caregivers. Therefore, visits should be scheduled so as to verify the parent as the child's primary caregiver.</li> </ul>
1 – 4 Years	<ul style="list-style-type: none"> <li>• Families should visit at least twice a week for 1 1/2 hours.</li> <li>• Separation during this timeframe can create developmental problems for the child. Potential separation anxiety necessitates frequent visits for a longer duration to affirm the parent’s role as primary caregiver.</li> <li>• All desires from verbal children should be solicited and considered.</li> </ul>
5 – 12 years	<ul style="list-style-type: none"> <li>• Families should visit at least once a week for two or more hours.</li> <li>• Children in this developmental stage can tolerate more time between visits.</li> <li>• Note that once the child starts school, the visitation plan should be expanded so that the parent can attend school/community-based activities as well.<sup>7</sup></li> </ul>
13 – 15 Years	<ul style="list-style-type: none"> <li>• Families should visit at least once a week for two or more hours.</li> <li>• The Team must take into consideration the child’s desires.</li> </ul>
15 – 18 Years	<ul style="list-style-type: none"> <li>• No recommendation regarding the specific frequency/duration of visits.</li> <li>• Child’s desires should be strongly considered in creating the FVP.</li> </ul>

<sup>7</sup> Note that a parent’s participation in a non-interactive activity (such as watching the child's baseball game or attending a music recital) does not replace a family visitation session and is not considered a visit. However, such activities are strongly encouraged.

Unless the FVP specifically states why the above guidelines are not feasible, the frequency and duration of visits are to be defined by the age of the child, as indicated in the chart. The Team must also take into consideration the developmental level of the child. With all verbal children, the Team is required to solicit the child's desires regarding visitation and to take such desires into consideration as appropriate.

Visitation must include time for the parent to focus exclusively on the child. To supplement this direct focus time, the Team should consider additional contact time during children's extracurricular activities (such as sporting events), doctor's visits, school meeting, preschool sessions and IEP meetings where appropriate. The parents' attendance at such meetings and events does not replace a visitation session.

The FVP should specifically state the date that visitation is to begin, the length of the visits and the start and end time of the visits. If specific times cannot be set, the FVP should list the person responsible for arranging the visits. The FVP should also list the necessary resources to facilitate visitation. **Note that the frequency and duration of the visits should increase as the family moves toward reunification. The FVP should also anticipate the need for flexibility in start and end times (such as giving the supervisor discretion to extend a visit to allow the parent to finish reading a book to the child).**

#### *Additional Visitation Contacts*

The FVP should include additional ways (alternative communication means) to facilitate contact between the child and family members as well as other significant people in the child's life, where appropriate. These means may include, but are not limited to:

- Telephone calls (including the provision of calling cards)
- Letters
- E-mails or instant messaging
- Exchange of photographs and video tapes
- Videophone sessions
- Adjunct activities

Note that these alternatives should only be used in addition to face-to-face visitation or where face-to-face visitation compromises the child's safety or well-being. As with face-to-face visitation, the FVP shall include the times, frequency, duration and supervision level required for these alternative contacts.

In general, children have the right to private telephone calls. In addition, a child's outgoing or incoming mail should not be opened. However, if the Team determines that these contacts are detrimental to the child, they can be specifically limited in the FVP.

#### *Persons to Participate in Visitation*

The FVP must clearly identify who is to participate in the visits. Moreover, the FVP must list contact information for every visitation participant. A list of all persons prohibited from the visitation should be included in the FVP. Note that different participants will attend each visitation depending on the type of visit that is to be facilitated. For example, if a purpose of the visit is to teach parenting skills, the Team may decide that only the parent and the child should visit. However, if the purpose of the visit is to facilitate family bonding, all family members may be encouraged to attend the visit.

#### *Visitation for Teen Dependent Parents and their Children*

When the parent is a dependent of the court, and the parent and child are either not residing together or are residing together with restrictions placed on the parent's contact with the child, the FVP should address

issues specific to teen parents. The FVP must provide for both access and opportunity for meaningful visitation, as appropriate.

The FVP for teen parents should take into consideration the existing or planned Shared Responsibility Plan, pursuant to WIC 362.1.

The supervisors for teen parent visits should understand that often teens interact with their children differently than older parents and that the behavior of teen parents should be evaluated with that understanding.

### *Sibling Visitation*

Given the strong bond between most siblings, the Team must facilitate sibling visits and the FVP must provide for regular and frequent visitation between siblings, unless inappropriate. Reasons to not permit visitation or contact with a sibling may include: (1) the CSW is concerned that the sibling may coach or otherwise harass the child; (2) the child was subjected to severe physical abuse at the hands of the sibling; or (3) the child was the victim of sexual abuse by the sibling. Before making any determination to prohibit visitation, the CSW should first evaluate whether a supervised visit would alleviate concerns regarding the contact. In cases where one child of the sibling group is placed in an adoptive home, sibling contact should be attempted, as appropriate.

The FVP must include a statement regarding how sibling visitation will be facilitated. Whenever possible, siblings should visit together within the context of whole family visitation. However, where parents cannot visit with the removed child, then sibling only visits shall be scheduled. The Team can help to maintain on-going contact between siblings by recommending:

- that one CSW be assigned to the sibling group
- placement of the child within his/her home neighborhood or home school district
- placement of the sibling group with the same caregiver whenever possible
- that children be permitted to take shared vacations
- joint therapy sessions for siblings
- siblings be enrolled in the same childcare or after school programs.

### *Type of Supervision*

The FVP shall include the type of supervision, if any, required during the visitation. Unless the FVP specifically states the reasons why supervised visits are required, or the court otherwise orders visits to be supervised, all visits should be unsupervised.. Where the Team finds that supervised visits are necessary, the Team shall document in the FVP how supervision will ensure the child's safety and support the objectives of the FVP. The reasons for requiring supervised visits may include the need to: (1) facilitate interactions between the parent and the child; (2) model positive parenting behavior; and (3) mediate conflicts between the parent and child. Visits should be supervised where the child's safety and well-being are compromised. Specifically, supervised visits should be considered where: (1) a family member is physically/emotionally abusive to a child; (2) a parent makes unrealistic or inappropriate promises to the child; (3) the child is afraid of being alone with the parent; (4) the child was removed for sexual abuse and/or severe physical or emotional abuse, and a therapist or social worker has not indicated that unsupervised visitation is appropriate; (5) the child is at risk of being abducted; (6) a parent has previously coached the child, (7) a parent tests positive for drugs; and (8) the child reacts negatively to visitation.

Where supervised visitation is required, the FVP shall include arrangements for the supervision, and, when possible, list the name and contact information of the supervisor. The supervisor shall be an unbiased person. The FVP shall describe the qualifications of an approved supervisor and link these qualifications to

the visitation objectives. In addition, the FVP should set forth any negotiated and/or required visit conditions established by the Team and include any agreed upon "do's and don'ts" (including issues around food, candy, gifts, books and toys). Every effort should be made to ensure that the same supervisor is used at every visit. Finally, at the end of every visit, the supervisor shall assist the parent in preparing for the next visitation session (e.g., time, location, restrictions in FVP, items to bring, etc.).

#### *Visit Location*

The visit location should be as family-like as possible. The visitation environment should be the least restrictive, most appropriate setting to carry out the activities toward achieving the objectives of the FVP. The Team should first consider the family home. Where children cannot visit in the home, other locations may include the caregiver's home, relatives' homes, parks or shopping malls, and FFA or DCFS offices (only when no more suitable location can be identified).

When selecting a location for visits, the Team must consider the suitability of the environment for developmentally related activities and the required transportation involved. The Team should take into account the parents' attitudes and feelings about the child's caregivers as well as the caregiver's willingness and capacity to be involved in visitation.

#### *Visitation Problems*

The FVP shall establish procedures for handling circumstances in which problems arise with the visitation. For example, in the case where parents are uncooperative visitation participants (this may include times in which the parent is absent frequently from visits or exhibits destructive behavior during the visits), the FVP should outline procedures to mitigate the effects on children (such as terminating the visits or, in the case of absenteeism, scheduling future visits within the child's daily activities or at the home of a relative so the child can still visit with family). Also, the FVP must take into consideration the ramifications of cancelled visits. **Visitation may never be used as a punishment or reward.** For example, if a parent cancels a visit or is late, does the parent lose a visitation session, or is the parent allowed to reschedule? What happens when a caregiver cancels a visit? All such circumstances and appropriate consequences shall be described in the FVP.

When conflicts in scheduling, time or location occur, the Team shall consider solutions and alternatives that best facilitate successful visitation between parents and children. At all times, the importance of the partnership between the caregivers and birth parents shall be underscored.

#### *Visiting in Specific Situations*

Certain situations may require the Team to structure the visitation sessions, or to disallow any visitation between the child and certain family members. The following chart outlines common circumstances in which the Team must pay additional attention to the design of the FVP.

Circumstance	Team Response in FVP
Incarcerated Parent	<ul style="list-style-type: none"> <li>• The Team shall carefully consider what visitation/contact is appropriate.</li> <li>• Visitation must be facilitated if the facility at which the parent is placed is a reasonable distance from the child's residence, unless such contact would be detrimental to the child.</li> <li>• If face-to-face visits are not feasible or are otherwise inappropriate, the Team shall consider phone calls and/or other communicative means.</li> <li>• The CSW must investigate what the particular facility requires to secure permission for the child to visit, who can accompany the child to visits, and how frequently the child is allowed to visit the parent. The CSW should also inquire as to the facility's policies regarding dress code, gifts and food. Such information shall be brought to the Team. The CSW should also investigate programs in which the parent can remain with the child.</li> <li>• The CSW must explain to the child what he or she should expect during the visit to the facility.</li> <li>• At all times, the Team shall examine the child's feelings in visiting the parent in jail or prison.</li> <li>• The CSW and caregiver shall prepare the child to comply with facility regulations.</li> </ul>
Chemical Treatment Program	<ul style="list-style-type: none"> <li>• The Team shall assess the child's feelings about visiting the parent in such an institution.</li> <li>• The CSW shall investigate the facility's visitation policies in order to assist the Team in structuring the FVP. The CSW shall investigate programs where the child can be with the parent during the treatment.</li> </ul>
Mental Health Placement or Hospitalization	<ul style="list-style-type: none"> <li>• In determining whether or not visitation is appropriate when the parent is placed in a mental health facility, the Team shall consider the child's desires and needs, the parent's desires and needs, the parent's level of functioning, the specific mental disorder being treated, and the recommendation of the parent's therapist.</li> <li>• Where visitation is appropriate, the CSW shall investigate the facility's visitation policies in order to assist the Team in structuring the FVP.</li> </ul>
Domestic Abuse	<ul style="list-style-type: none"> <li>• In cases of violent confrontation between parents, the Team should not schedule visits with both parents together until an intervention or treatment specialist determines that such visits do not pose a threat to any family member.</li> <li>• Safety should be the Team's paramount concern in regard to the child and the domestic violence victim, especially upon initial contact.</li> <li>• Confidentiality regarding residences and contact information should be maintained where a danger is posed by a parent.</li> <li>• The FVP must be consistent with any criminal court orders. Also, the Team shall abide by any restraining orders placed on a family member in developing the FVP.</li> <li>• The Team can arrange for different visiting schedules for both parents and safe drop-off/pick-up locations.</li> <li>• A safety plan should be in place should a batterer who is excluded from family visits unexpectedly appears at visitation.</li> </ul>

Sexual Abuse	<ul style="list-style-type: none"> <li>• Visits should not commence between the child and his/her abuser if the Court determines that such visits would be detrimental. To assist the Court in determining whether or not visitation would be detrimental, the Team should obtain input from the abuser's therapist.</li> <li>• Visits should occur with therapist or other support person present.</li> </ul>
Permanency	<ul style="list-style-type: none"> <li>• Visitation should not necessarily end once reunification services are terminated. In recommending termination of family reunification services, DCFS should make a recommendation to the juvenile court as to whether visitation should be modified.</li> <li>• The Team shall consider whether or not to permit visitation when a freed minor is an older child in a non-adoptive home and the parents have matured or their circumstances have otherwise changed.</li> </ul>

*Transportation*

The FVP shall clearly delineate who is responsible for transporting the child to the visit location. Where the parent is responsible to transport him/herself, the Team will ensure that the visitation location is as convenient as possible for the parent and that the parent has adequate means of transportation. Transportation funds should be made available as necessary and where appropriate.

*Safety Planning*

Every FVP should include an action plan in the event that an emergency arises. Such a plan must state the responsible party to be contacted and what further steps should be taken by all relevant parties.

*Team Agreement*

The FVP shall contain a signature page listing the names and contact information of the persons participating in the FVP development. All participants shall sign the page indicating their consent to, approval of, or receipt of the plan. Once signed, the FVP will be distributed to parents, caregivers, supervisors, attorneys, the dependency court and children ten years of age or older.

*Changes to the FVP*

Visits can be limited or terminated immediately, without consulting the Team or the court, where there is imminent danger to the child's life, safety, health or well-being of any of the visit participants. Such action must be well documented, and an Team meeting shall be convened as soon as possible, unless DCFS is requesting a no contact order from the court.

Other than the above-described situation, any changes to the FVP must be made with the Team members, most likely during the FVP Review. However, changes can also be initiated by the CSW without convening a Team meeting by calling/emailing all affected parties regarding the changes and obtaining their input and consent. In modifying the FVP, the Team shall also consider any problems with visitation indicated by parents. All changes should take into consideration the best interest of the child, any ongoing risk associated with the child's contact with the family, and the family's progress towards reunification. The revised FVP must be distributed to parents, caregivers, supervisors, attorneys, the dependency court and children ten years of age or older. It is important to note that visitation objectives will evolve based on the family's success in reaching prior objectives. So long as reunification is the goal, the Team should work towards liberalizing and increasing visitation when the parent is in compliance with the case plan.

The CSW shall report to the child's attorney any significant changes to the visitation plan that deviate from the current Court order. Further, unless the Court specifically provided discretion to DCFS to make such visitation plan changes in a particular case, the CSW shall file the appropriate motion or petition to request the court order the change.

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