CHAPTER 2

FLORIDA’S FRAMEWORK FOR SUPERVISED VISITATION PROGRAMS

Introduction

The visit monitor's role in facilitating contact between a noncustodial parent and child requires a different perspective than that of a mental health worker, child protective investigator, attorney, or parent educator. The primary responsibility of a visit monitor is to ensure safe contact between a parent and child in a neutral setting.

Supervised visitation programs offer a variety of services in response to the needs of families experiencing dysfunction and victimization. Strong reactions on-site are common in parents, children, and visitation monitors; these require skillful management to ensure a safe experience for all.

Overview

This chapter discusses the purposes of supervised visitation, the types of supervised visitation services currently available in Florida, the characteristics of families referred to supervised visitation, and common reactions of families at visitation. Additionally, this chapter reviews current Florida Supreme Court Minimum Standards, provides a glossary of supervised visitation terminology, and describes the role of supervised visitation staff, volunteers, and other personnel involved in the litigation.

Objectives

Upon completion of this chapter, a visit monitor will be able to:

1. List the purposes of supervised visitation programs;
2. Describe different types of services offered at supervised visitation programs;
3. Identify the Florida Supreme Court Minimum Standards for Supervised Visitation Program Agreements;
4. Describe common dynamics of families referred for supervised visitation services;
5. Describe common reactions to orders for supervised visitation;
6. Identify roles of providers, judiciary, and staff of the Department of Children and Families and Community Based Care agencies;
7. List the knowledge base necessary to facilitate effective supervised visitation services;
8. List key components of program agreements and court orders for supervised visitation; and

9. Describe the process by which program directors accept, decline, or terminate supervised visitation services.

Snapshots

- There are currently 43 programs (totaling 47 sites) offering supervised visitation in Florida.
- Every judicial circuit in Florida is home to at least one supervised visitation program.
- In 2005, Florida programs reported over 36,000 services in the Florida Supervised Visitation Database.
- Five programs in Florida have received federal Safe Havens funding from the US Office on Violence Against Women to provide supervised visitation in domestic violence cases.
- Twenty-one programs receive federal Access and Visitation funding from the U.S. Office on Child Support Enforcement through the Florida Department of Children and Families.

Purposes of Supervised Visitation

Supervised visitation programs provide an opportunity for nonresidential parents to maintain contact with their children in a safe and neutral setting. Other purposes of supervised visitation include:

1. To prevent child abuse;
2. To reduce the potential for harm to victims of domestic violence and their children;
3. To enable an ongoing relationship between the noncustodial parent and child;
4. To facilitate appropriate child/parent interaction during supervised contact;
5. To help build safe and healthy relationships between parents and children;
6. To provide written factual information to the court regarding supervised contact, where appropriate;
7. To reduce the risk of parental kidnapping;
8. To assist parents with juvenile dependency case plan compliance; and
9. To facilitate reunification, where appropriate.
Types of Supervised Visitation Services

Supervised visitation programs may offer a variety of services to enable this contact to occur:

- One-to-one supervision;
- Supportive or educational supervision;
- Monitored exchanges;
- Group supervision;
- Telephone monitoring;
- Ancillary services, such as parent education or community referrals; and
- Therapeutic supervision.

The Clearinghouse has a Toolkit for Monitored Exchange Services available in hardcopy and on the web at http://familyvio.csw.fsu.edu

Florida’s Minimum Standards

Supervised Visitation Programs are an essential element of a model family court in Florida. The Florida Supreme Court’s Minimum Standards for Supervised Visitation Program Agreements set forth standards for independent programs. The Standards can be found on the Clearinghouse website and in the Administrative Supplement.

The Minimum Standards provide a skeletal structure for the following:

- The purposes of supervised visitation;
- The scope of services;
- The roles and minimum qualifications of staff;
- Operating policies and procedures;
- Rules governing case acceptance;
- Maintenance of records;
- Disclosure of case information;
- Complaints, insurance, and security;
- Certification and training requirements; and
- Reports to the court.

* Please see Glossary at the end of this chapter for definitions of these services.
The standards provide direction for chief judges and trial court judges as well as programs. The chief judge of each circuit is required to enter into an agreement with supervised visitation programs that are willing to comply with the standards; moreover, trial court judges may only order parties to supervised visitation programs that have entered into agreements with the chief judge. Independent programs must annually submit an Affidavit of Compliance with these minimum standards to the chief judge and any changes to programs’ role, function, operational policies, procedures and/or capacity must be immediately reported to the chief judge.

Case Referrals to Programs

The majority of families at Florida’s 43 supervised visitation programs have been ordered by the court to do so. Parents may be ordered to use a supervised visitation program by a dependency court judge in cases of child abuse or neglect, by a family court judge in divorce or modification cases, by a judge hearing domestic violence cases, or by a criminal court judge.

At any point in the judicial proceedings, the court may order supervised visitation if the judge believes that it is in the child’s best interest. The parties may request the use of a program, or the court may order it sua sponte – on its own.

Letters of Agreement

As specified in the Supreme Court’s Minimum Standards, Letters of Agreement between the supervised visitation program and the court provide a written, basic outline of the understanding between the chief judge of the circuit and the program director. Each agreement must contain information as to the following:

- The scope and limitations of the program’s services. This would include a list of the kinds of cases that the program can and cannot accept, the hours of operation, and the qualifications of staff.

- The procedures for court referrals to the program. This would include the means by which the program can receive referrals from the court, who writes the court order, and who delivers the court order to the program.

- The manner and procedures for communicating with the court and providing written reports to the court. Supervised visitation programs need a way to send documentation to the court because they are not parties to the cause.

In addition to the Program Agreement with the Court, each program must provide an affidavit of compliance annually.

More information about this topic is included in the Administrative Supplement.
**Court Orders**

When ordering a family to use a supervised visitation program, courts often use a standard court order developed by the program itself. A Sample Court Order is included in the Administrative Supplement.

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**Mandatory Reporting of Child Abuse**

Florida Statutes 39.201 states that any person who knows or has reasonable cause to suspect that a child is abused, abandoned, or neglected shall report it to the Florida Child Abuse Hotline. If a visit monitor suspects abuse or neglect, it must be reported by calling 1-800-96-ABUSE. Supervised visitation programs have exceptions to their confidentiality policies for child abuse and neglect. Programs also should have protocols for making hotline calls.

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**Common Family Characteristics & Reactions**

Almost all families using supervised visitation services have experienced severe family dysfunction or victimization. This may include:

- child abuse;
- child neglect;
- parental substance abuse;
- parental mental illness;
- threats of parental kidnapping;
- parental disability;
- chronic and ongoing parental disputes regarding the child;
- domestic violence; and/or
- other parental criminal activity.

Family members may have experienced emotional or physical reactions to such victimization. Victims may feel pain, shock, denial, fear, anger, or ambivalence, and their reactions may continue well after visitation begins.

The supervised visitation process may help reduce family members’ fears and safety concerns. However, participants at supervised visitation may feel many other emotions during visits, including anxiety and fear about the visitation process. Table 2.1 lists some of the common reactions to supervised visitation for family members as well as visit monitors.
<table>
<thead>
<tr>
<th>Offending Parent</th>
<th>Child</th>
<th>Non Offending Parent</th>
<th>Visitation Monitor</th>
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<tbody>
<tr>
<td>Blaming the victim</td>
<td>Fear of being revictimized</td>
<td>Fear that the child will not be safe</td>
<td>Anxiety</td>
</tr>
<tr>
<td>Fear of the legal system</td>
<td>Anger at offending parent</td>
<td>Shock at the victimization</td>
<td>Fear</td>
</tr>
<tr>
<td>Fear of reprisals by staff</td>
<td>Anger at non-offending parent</td>
<td>Shame or depression about the victimization</td>
<td>Anger</td>
</tr>
<tr>
<td>Shame at the offending behavior</td>
<td>Confusion about rules of supervised visitation program</td>
<td>Confusion about the legal system</td>
<td>Sadness</td>
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<tr>
<td>Anger at being required to have supervision</td>
<td>Guilt about the separation of the family</td>
<td>Ambivalence about the contact between the child and the offending parent</td>
<td>Frustration</td>
</tr>
<tr>
<td>Denial and minimization of victimization</td>
<td>Shame or embarrassment about victimization</td>
<td>Denial about the harm to the child</td>
<td>Uncertainty</td>
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<tr>
<td>Confusion and frustration with the legal system</td>
<td>Longing to have contact with the offending parent</td>
<td>Fear for own safety</td>
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<tr>
<td>Transference of emotions onto visitation program staff</td>
<td>Fear of parent’s anger</td>
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Roles of Supervised Visitation Staff and Cooperating Entities

Cases referred to supervised visitation may include many professionals and quasi-professionals involved in the underlying child custody and child abuse/neglect litigation. The general roles and responsibilities of supervised visitation staff and cooperating entities are described below.

Visit monitors, staff and interns

- Maintain confidentiality and neutrality;
- Ensure that the court’s directives are followed;
- Monitor safety of all participants at visits;
- Relay relevant information relating to the child’s welfare between the custodial parent and the noncustodial parent at the commencement and conclusion of supervised contact (e.g. special needs, medication, diet, etc.);
- Facilitate appropriate visit interaction, if necessary;
- Effectively communicate with program staff on issues related to family dynamics;
- Provide constructive feedback, correction, or redirection to the parties when necessary;
- Suspend or terminate any visit in which the safety of participants or staff cannot be maintained;
- Keep written records of facts observed at visits in formal program forms, pursuant to the program’s Agreement with the Court and directives from the program director;
- Provide community referrals, where appropriate;
- Testify in formal court hearings, when appropriate; and
- Report child abuse pursuant to state law.

Program directors/coordinators

- Maintain and ensure the overall quality of service;
- Assume role of visit monitor when necessary;
- Supervise staff, volunteers, and interns;
- Enter into program agreements with the chief judge of the judicial circuit;
- Ensure that staff receive adequate and on-going training according to the Minimum Standards;
- Make decisions regarding whether the program can accept referrals, based on provisions for case acceptance outlined in the Minimum Standards;
- Decide whether to accept or decline out-of-circuit referrals;
- Suspend or terminate any visit in which the safety of participants or staff cannot be maintained;
- Testify in formal court hearings, when appropriate; and
- Maintain or assist in maintaining the program’s policies and procedures, personnel records, financial records and client records pursuant to the Minimum Standards.
Cooperating Entities

Personnel representing cooperating entities should remain passive observers to the visit, staying as unobtrusive as possible. During a visit, these personnel should not interview the child or ask questions relating to the court case, interact with the parent or the child, talk with staff in the presence of the child or parent, redirect parent-child interaction (this is the job of the visitation monitor), or in any way take over supervision of the visit.

Basic roles of cooperating entities are as follows:

- The Chief Judge in each judicial circuit has responsibility for the oversight of programs operating under the auspices of the court and for entering into program agreements that are in compliance with the Minimum Standards;
- The Guardian Ad Litem (GAL) is certified by the state GAL program to act in a child's best interest in dependency, criminal, and/or family court cases;
- The protective investigator/caseworker representing the Department of Children and Families or the Community-based Care Organization is responsible for receiving, investigating, and acting on reports of child abuse, abandonment, or neglect;
- Law enforcement receives written reports of allegations of criminal activity from DCF and determines whether a criminal investigation is warranted;
- Children’s Advocacy Centers provide a neutral, child-friendly setting for interviews, medical examinations, and counseling of child abuse victims;
- Attorneys: There are at least five types of attorneys who may be involved in cases referred to supervised visitation: prosecuting attorneys, attorneys for the Department of Child and Families, attorneys for the Guardian Ad Litem, the Public Defender and private attorneys for the parties; and
- The Child Protection Team (CPT) is a group of professionals established by the Florida Department of Health to receive referrals from the protective investigators and protective services staff at DCF.

Confidentiality

Supervised visitation program staff must protect the confidentiality of the children and parents who receive program services to the extent required by law. This entails maintaining records according to the Minimum Standards and protecting location information regarding victims of domestic violence and their children. Staff must refrain from discussing individual cases except in formal court proceedings, with program staff, or pursuant to program policies with lawyers, social services agencies or parties to the case.
Case Example  
& Discussion Questions

Read the case example below and then answer the questions about the case.

Julia Mathers is a volunteer at the Great Kids Supervised Visitation Program. She monitors a visit between Mr. Carter and his son, Jake. Shortly thereafter, she is shopping with a friend at the mall, and sees Mr. Carter. She walks up to him and introduces him to her friend as the “father I’ve been helping at Great Kids.”

Discussion Questions:

1. Is it appropriate for the volunteer to identify a person as a client of the program?
2. What kinds of reactions might Mr. Carter have to this introduction?
3. What kinds of reactions might the friend have to this introduction?
4. Do you think that the volunteer should be allowed to continue monitoring visits in the Carter case?

Neutrality

Neutrality entails impartiality and lack of bias and is an important part of supervised visitation programs. Supervised visitation programs, which derive their authority from judicial referrals, should ensure that staff members maintain neutrality in order to sustain the public’s confidence in the administration of justice.

Key issues related to neutrality are that staff treat all parties respectfully, and are not aligned financially, emotionally or legally with either party. Neutrality acknowledges the inequality of risks, i.e., visitation staff may need to take action in response to inappropriate behavior exhibited by one party. Neutrality does not require staff to ignore the fact that a parent may be a risk to the children or other parent. Neutrality requires that class bias, race bias, and occupational bias are avoided. Neutrality does not preclude making referrals to community resources such as victim services.

Judges who send families to supervised visitation programs clearly presume that the services offered by supervised visitation staff will be neutral. If they are not, the program will lose credibility.
Case Example
& Discussion Questions

Read the case example below and then answer the questions about the case.

When Mr. Sims is ordered to use the Sunshine Visitation Program to visit his daughter, Jennie, staff review the court file, which recounts a long history of domestic violence. At the first visit Mr. Sims shows up fifteen minutes late, which results in a concurrent arrival with Mrs. Sims. Russ, the monitor, tells Mr. Sims that he is not to show up late again. During the next visit, Russ interrupts Mr. Sims twice while Sims asks Jennie where she is going to school. During the third visit, Mr. Sims abruptly pushes past Russ to open the waiting room door to see Mrs. Sims when she arrives to drop off Jennie. The program files a critical incident report with the court. Mr. Sims files a motion to have unsupervised visitation, claiming that the staff is biased against him and cannot be neutral.

Discussion Questions:
1. On these facts, do you think that the program staff is acting in a biased way against Mr. Sims?
2. If the program staff takes the above steps to increase safety for Mrs. Sims and Jennie, does that lessen the program’s neutrality?
3. What kinds of steps could the program take to assure Mr. Sims that it is unbiased?
4. Discuss under what circumstances, if any, the program can continue supervising visits in this case.

QUIZ

1. List four purposes of supervised visitation programs.
2. Describe the role of the judiciary in supervised visitation programs.
3. List three reasons why neutrality is important at supervised visitation.
4. Describe the circumstances under which it is appropriate for a program to decline a case referred by the court.
Glossary

This section of the chapter will provide definitions for terminology relevant to supervised visitation. These are drawn primarily from the Supreme Court's Minimum Standards for Supervised Visitation Program Agreements. These will assist programs and staff in communicating with the courts and social service agencies.

Authorized Person is a person authorized by the court to be present, in addition to the noncustodial parent, during supervised contact.

Chief Judge means the chief judge of a judicial circuit or his or her designee.

Child means an unmarried person under the age of 18 who has not been emancipated by order of the court and whose contact with a noncustodial parent is supervised pursuant to a court order. Child may mean more than one child.

Client means the custodial parent, noncustodial parent, or child receiving supervised contact services pursuant to a court referral to a supervised contact program.

Custodial Parent means a natural or adoptive parent, guardian, or state agency and its representatives, who has temporary or permanent legal custody of a child.

Documented Exchange means that the program documents the transfer of the child between the parents. This type of exchange can be used when there is a history of missed, late, or inconsistent visitation.

Exchange Monitoring means the supervision of a child's movement from the custodial to noncustodial parent at the start of noncustodial parent/child visit or from the noncustodial parent back to the custodial parent at the end of the visit. This type of supervised contact is for those cases in which contact causes conflict between the adults but the contact between the parent and child could be expected to proceed without incident.

Facilitate means to encourage age-appropriate activities, promote a child's safety and welfare, and discourage inappropriate conduct. "Facilitate" should not be construed to mean therapeutic intervention.

Group Supervised Visitation means one supervision monitor/observer for several families.

Individual Supervised Visitation means one visitation monitor/observer for one family.

Noncustodial Parent may refer to a biological parent or other adult authorized by a court order to have supervised contact with the child.

Off-site Supervision is supervision of contact between the noncustodial parent and child that occurs away from a site under the control of the program and visit supervisor. Off-site supervision may occur in a group setting or on an individual basis.

On-site Supervision refers to the supervision of a noncustodial parent and child at a site under control of the program and visit supervisor. On-site supervision may include a range of closeness of supervision from continuous close monitoring to periods of time during which the noncustodial parent and child are intermittently monitored by video or audio. On-site supervision may occur in a group setting or on an individual basis.

Phone Monitoring may be when the program contacts parties by phone to verify that visitation occurred as
ordered, or when the program monitors an actual phone call between the parent and child.

**Program** means a person, society, association, or agency, operating independently or under the auspices of the court.

**Program Agreement** is a written understanding between the court and an independent provider of supervised contact services that includes but is not limited to, the scope and limitations of the provider’s services, the procedures for court referrals to the provider, and the manner and procedures for communicating with the court and providing written reports to the court. The Program Agreement incorporates the program’s written operational policies and procedures.

**Therapeutic Supervision** is the provision of therapeutic evaluation or therapeutic intervention to help improve the parent-child interactions. Therapeutic supervision may only be provided for these specified purposes, only by order of the court, and only by trained certified or licensed mental health professionals.

**Supervised Contact** may include supervised visitation, monitored exchange, and third party exchange services provided by a program pursuant to a Program Agreement and court order.

**Visitation Agreement** is a written agreement between the program and each custodial and noncustodial parent including, but not limited to, specific rules, responsibilities, and requirements of the program and the consequences of failing to abide by the same. The visitation agreement shall also advise the clients that no confidential privilege exists as to the program’s records, except as provided by law or order of the court.

**Visitation Monitor/Observer** is the individual trained and authorized by a program to observe the contact between the noncustodial parent and the child and to document such observations, as provided by the program agreement and these standards.

**Visitation Supervisor** means the individual authorized to facilitate, intervene, and terminate a visit, if necessary. The visitation supervisor may also be the visitation monitor/observer.