

Referrals to Supervised Visitation Programs: A Manual for Florida's Judges



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CLEARINGHOUSE ON SUPERVISED VISITATION

The Clearinghouse on Supervised Visitation was created in 1996 through an appropriation from the Office of the State Courts Administrator to provide statewide technical assistance on issues related to the delivery of supervised visitation services to providers, the judiciary, and Florida's Department of Children and Families. Since 1996, the Clearinghouse has received contracts on an annual basis from the Department of Children and Families to continue this provision of technical assistance. In 1998, the Clearinghouse published a training manual, *A Competency-Based Training Manual for Florida's Supervised Visitation Providers*, covering the recommended training content for providers developed by the Florida Supreme Court. Since 1996, the Clearinghouse has also produced two biannual newsletters: *The Bar & Bench Visitation Report* and *The Family Visitation Times*. Additionally, the Clearinghouse has produced other technical assistance tools, provided on-site training around the United States and Canada about supervised visitation, conducted web-chat rooms for providers, and responded to telephone requests for assistance from providers and the courts across the country. In the Fall of 2002, the Clearinghouse made available a new manual: *Child Sexual Abuse Referrals: A Curriculum for Supervised Visitation Providers*, developed using funds from the Children's Justice Act Grant through the Department of Children and Families. In 2003, the Clearinghouse received funding from the U.S. Department of Justice under the Office on Violence Against Women to provide technical assistance to federal Safe Havens – Supervised Visitation grantees. This funding was renewed for 2005-2006.

The Clearinghouse on Supervised Visitation has a national advisory board comprised of the following individuals: Lynn Rosenthal, Executive Director of the National Network to End Domestic Violence; Robin Thompson, National Domestic Violence Consultant; Judge George S. Reynolds III, Circuit Judge, 2nd Judicial Circuit; Terrence Thomas, Special Agent, Florida Department of Law Enforcement; Teri Walker-McLaughlin, President, Supervised Visitation Network; Karen Cole, Circuit Judge, 7th Judicial Circuit; John Haines, Regional Vice-President, Children's Home Society of Florida; and Sonia Crockett, attorney for the Guardian Ad Litem Program.

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INTRODUCTION

This manual is designed to assist courts in making safe and effective use of supervised visitation programs and in understanding the abilities and limitations of supervised visitation program staff and volunteers.

Results of Judicial Survey

In October 2003, the Clearinghouse was commissioned to conduct a survey by the Florida Task Force on Children's Justice to determine practices of judges with regard to supervised visitation. The survey results revealed the following:

- **Judges want enhanced training.**

Judges expressed interest in obtaining additional training on topics relevant to supervised visitation. These topics include:

- Signs and symptoms of child sexual abuse;
- Family dynamics in child sexual abuse cases;
- Domestic violence;
- Research on the incidence of child victimization at supervised visitation programs;
- Research on the characteristics and prevalence of juvenile sexual offenders; and
- Identification of child sexual abuse resources and reports.

- **Judges may be unfamiliar with the Florida Supreme Court's Minimum Standards.**

- Survey findings indicate that 73% of judges responding to the survey did not know or could not answer whether there was a formal agreement between their respective chief judge and the supervised visitation program in their circuit.

- **Judges support the use of supervised visitation programs and want to understand their operating procedures, referral processes, levels of expertise, and security.**



Florida is among several states that have developed standards for the provision of supervised visitation services. The international Supervised Visitation Network promulgated its own set of Standards and Guidelines. However, as of 2004, no state has incorporated all of SVN's guidelines.

- **Judges understand that programs must receive pertinent case and background information in order to keep children safe during visits.**
- **Judges want to keep children safe and provide parental contact, and thus need supervised visitation programs to help them reach those goals.**

How Judges Can Use this Manual to Improve Supervised Visitation Referrals

This manual can be used in several ways:

- **As background information:** Use this manual as a resource to learn about statewide practices at supervised visitation programs. It will also be helpful in judicial collaborations with related social services agencies and community domestic violence committees.
- **As a primer on Florida’s Minimum Standards:** Use this manual to learn about the Minimum Standards for Florida’s Supervised Visitation Program Agreements.
- **As program agreement assistance:** Use this manual when formulating and annually updating formal agreements between programs and the court pursuant to the current Minimum Standards.
- **As a security primer:** Use this manual to help decide what kinds of risks can be present in certain types of referrals. This will assist in determining whether a case should be referred to a program, and will help identify the kinds of behaviors that may be present in dependency, family court, and domestic violence referrals. All case examples in this manual are from actual critical incident reports made to the Clearinghouse by Supervised Visitation programs.
- **As a bench manual:** Throughout this manual, lists are presented, to assist with determining what kinds of information should be included in court orders and throughout the case.
- **As a source of guiding principles:** This manual presents basic guiding principles to assist judges with making referrals to supervised visitation. Those guiding principles are described next.

GUIDING PRINCIPLES

Five guiding principles are presented in this manual to guide judicial referrals to supervised visitation programs. These principles are derived from the research conducted by Clearinghouse faculty and staff and national experts on issues related to supervised visitation, the presenting issues experienced by families who use supervised visitation programs, and the experience of supervised visitation providers. Each principle is further explained in the chapter material. The overarching theme of these principles is that judges should:

- 1. Understand the dynamics of each case.**
- 2. Acknowledge the purposes and limitations of the local supervised visitation program.**
- 3. Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.**
- 4. Include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.**
- 5. Ensure that the staff of the supervised visitation programs have sufficient expertise and training to protect the families in each individual case.**

Best Practices

Most chapters will present best practices to help describe ways to enhance judicial referrals in specific kinds of cases. Clearinghouse staff has developed expertise on issues related to supervised visitation by working closely with program directors and staff, tracking cases and critical incidents, assisting programs with their inquiries about responses to difficult situations, researching and keeping current on research related to supervised visitation statewide and nationally, serving on the international board of the Supervised Visitation Network, and providing training and technical assistance to programs across Florida and nationwide. The best practice recommendations provided herein are a result of this cumulative expertise.

Case Examples

Within each chapter of the manual are case examples which are used to illustrate both the dynamics of cases ordered by the court to supervised visitation programs and the problems which occur when improper referrals are made. Each of the case examples used in this manual are actual case

events reported to the staff of the Clearinghouse on Supervised Visitation by supervised visitation providers.

Substantive Issues

This manual contains substantive information regarding two issues: domestic violence and child sexual abuse. Although other serious problems may bring families to supervised visitation programs – such as substance abuse, emotional abuse and kidnapping – judges have specifically identified child sexual abuse and domestic violence to be presented by the Clearinghouse in this manual. The Office of the State Courts Administrator provides judicial training on these and many other issues.

Judge’s Checklist

Each chapter includes a judge’s checklist of items for use by individual judges to consider in working with their local supervised visitation programs.

Quizes

Quizes are included to provide judges wiith an opportunity to reflect on the content in each chapter.

CHAPTER ONE

The Evolution of Supervised Visitation

PURPOSE: The purpose of this chapter is to describe the evolution of supervised visitation services nationally and specifically in Florida; to describe various models of supervised visitation programs including their funding and staffing; and to enhance judicial understanding of the issues surrounding the provision of supervised visitation services.

LEARNING OBJECTIVES

By the end of this chapter, judges will be able to:

1. Describe the purposes of supervised visitation programs.
2. Describe the evolution of supervised visitation programs from child welfare to family court and domestic violence cases.
3. Identify the kinds of cases referred to supervised visitation programs.
4. List the various models of supervised visitation programs in Florida.
5. Identify the **Florida Supreme Court's Minimum Standards** for Supervised Visitation Program Agreements.
6. List topics on which supervised visitation staff are required to receive training.

GUIDING PRINCIPLES

Judges can use the guiding principles to:

- 1. Understand the dynamics of each case.** This chapter reveals that cases referred to supervised visitation programs can arise out of dependency, family law/dissolution, domestic violence, and even criminal cases. These cases can be complex both legally and psychosocially, and the most appropriate referrals are the ones in which the court has received training/education.
- 2. Acknowledge the purposes and limits of the local supervised visitation program.** This chapter explains that each individual program may be limited in the kinds of cases it accepts or in which it can provide safe visits.
- 3. Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.** This chapter describes the mandate for programs to have agreements with referring courts and the Supreme Court's Minimum Standards for those agreements.
- 4. Include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.** The court has access to a great deal of information about each case. Supervised Visitation program staff need to know enough of these details to provide adequate safety and security measures to avoid revictimization on site.
- 5. Ensure that the supervised visitation program staff have sufficient training to protect the families in each individual case.** There may be cases in which the court would like to order the use of a supervised visitation program but the staff does not have the expertise or training to deal with the issues in a particular case. The court should not assume that simply because a program accepts a certain type of case generally (e.g., dependency) that its staff has the ability to accept *all* of that type of case.

What are Supervised Visitation Programs?

Supervised visitation programs provide the courts with an opportunity to allow noncustodial parents to maintain contact with their children when a safe and neutral setting for such contact is indicated. Programs may offer a variety of services to enable this contact to occur:

One-to-one supervision: Visits in which one monitor is assigned to a single family during a scheduled visit are often described as having one-to-one supervision.

Monitored exchanges: Supervision of a child's movement between the residential and nonresidential parent immediately before and after unsupervised visitation is often referred to as monitored exchange or supervised exchange.

Group supervision: Supervision of several families at one time during a supervised visit is called group supervision or group visitation.

Telephone monitoring: When staff monitor phone calls from the nonresidential parent to the child, it is described as telephone monitoring or telephonic visitation.

Ancillary services: In some programs, parenting classes and other services are offered in addition to the primary service, which is supervised visitation or monitored exchange.

Therapeutic supervision: In some programs, mental health professionals provide therapy/counseling to the family during the visit. This can only take place under specific circumstances and by qualified staff, and is referred to as therapeutic supervision.



Every judicial circuit in Florida is home to at least one supervised visitation program. See Appendix for list of Florida programs



In the past, Florida judges asked parents to find a “neutral third party” to supervise visits. Visitation programs are designed to avoid such a decision, because parents’ volunteers may be “vulnerable to the non-custodial parent’s demands and threats, rendering the supervision ineffective.”

(Harshbarger and Winsten, 1993)

Purposes of Supervised Visitation

The purposes of providing supervised visitation include:

1. To provide a safe and neutral location for noncustodial parents to maintain contact with their children;
2. To prevent child abuse;
3. To reduce the potential for harm to victims of domestic violence;
4. To enable an ongoing relationship between the noncustodial parent and child;
5. To facilitate appropriate child/parent interaction during supervised contact;
6. To help build safe and healthy relationships between parents and children; and,
7. Where appropriate, to provide written factual information to the court regarding supervised contact. (Minimum Standards for Supervised Visitation Program Agreements, 1998)

History of Supervised Visitation

Historically, supervised visitation services have been provided in child welfare situations where a child is in a court-ordered, out-of-home placement due to allegations or findings of abuse or neglect. Supervised visitation programs offered an alternative to caseworkers attempting to supervise visits in the offices of Florida’s Department of Children and Families (DCF). In the past decade, however, there has been an increased reliance by courts on supervised visitation programs in family law cases involving allegations of parental misconduct. In cases involving domestic violence, for instance, research findings document the detrimental impact upon children who witness domestic violence, as well as the increased risk of harm for both children and adults.

In Florida, supervised visitation services were historically provided by H.R.S./D.C.F. staff in dependency cases. In the early 1980's a few freestanding supervised visitation programs were established primarily for dependency cases. The 1990's saw the emergence of over 40 programs in Florida serving both dependency and family court cases.

No longer limited to dependency cases, supervised visitation programs now accept a variety of court referrals, including those involving the following allegations:

- Child abuse and neglect;
- Child abandonment;
- Domestic violence;
- Mental illness;
- Parental substance abuse;
- Parental criminal history;
- Child sexual abuse;
- Threats of parental abduction of a child; and
- Parental estrangement and long term absence.

Judges Provide the Impetus for Programs

It is often judges who see the connection between what a family in crisis needs and how a new service in the community can respond. This is how the Court Appointed Special Advocate/Guardian ad Litem (CASA/GAL) movement began, when Judge David Soukup of Washington State recognized the need for children to have "citizen advocates" in court. Likewise, it is individual judges and the court system that work with individuals in the community to develop new supervised visitation programs using "citizen monitors." For example:

- Many supervised visitation programs in Florida began with a judicial call to action. For example, Judge Robert Evans



Promoting the utilization of qualified programs for supervised visitation and/or monitored exchange is considered essential or fundamental to a model family court.

A Model Family Court for Florida: Recommendations of the Florida Supreme Court and the Family Court Steering Committee, 2000



“[I]n those communities that do not have an established program, it would be well worth the court’s time to spearhead the development of a supervised visitation program.”

(Judge David Dugan,
2003)

was spurred to act upon hearing news of a murder/suicide in a divorce case over which he presided.

- In Illinois, where there are currently only eight monitored exchange programs, the *Chicago Tribune* reported that many judges are “pushing for” the development of more services in the wake of several highly-publicized child deaths in custody cases. According to the *Tribune*, they say that “the simple act of keeping parents apart reduces conflict and eases a child’s fears.”
- Heritage House in St. Louis, Missouri, which specializes in high-conflict cases, was started as an initiative by Judge Thomas Frawley. Heritage House and its services have been the subject of published studies on supervised visitation.
- In 1998, the community of Huntsville, Alabama, held a “Community Vision Summit” to address ideas for serving children of abuse and neglect. Judge Susan T. Moaquin started the “Both Parents Supervised Visitation Pilot Program” from that event.

(See Endnotes for citations.)

Providers of Supervised Visitation

Who Provides Supervised Visitation Services?

Nationally, there are hundreds of supervised visitation programs. Many are members of the international Supervised Visitation Network (SVN), a networking and membership association for providers of supervised visitation. In 2003, SVN listed over 600 members worldwide, most of which are in the United States. In Florida, there are 48 sites providing court-ordered supervised visits. (See Appendix.)

How Are Programs Organized?

Programs have different organizational arrangements, depending on the resources of the communities they serve. Although

judges may initially assist in the development of supervised visitation services, they maintain little oversight afterwards. *There is currently no agency that either certifies or monitors these programs in Florida.*

Court-based programs: Sometimes programs are a component of the court system and operate in courthouses or court annex buildings, using court security personnel and bailiffs to provide screening of clients or security during visits.

Certified domestic violence center-based programs: Other programs are affiliated with certified domestic violence centers, and use certified domestic violence counselors as visitation monitors. Many programs have at least some affiliation with local DV centers, which provide training on the dynamics of domestic violence to supervised visitation staff.

Social services and community-based care programs: Supervised visitation programs may be part of a larger non-profit social services agency (such as Children's Home Society, Devereaux Foundation, or a community drug program), which may provide an entire array of services to families in crisis.

Child advocacy center operated programs: Child Advocacy Centers provide a child-friendly atmosphere for counseling, medical examinations, and interviews of child victims of sexual abuse and their non-offending parents. Several child advocacy programs in Florida also operate supervised visitation programs.

Other models: Other supervised visitation programs are operated by non-profit counseling programs, for-profit/ private counseling programs, and community collaborations of courts, universities, and social service agencies. These may be housed in therapists' offices, church facilities, university-owned buildings, and public schools.

Supervised visitation programs can be located in schools, churches, courthouses, universities, YMCA's and YWCA's child care agencies, and even renovated houses. Many programs have limited hours but often operate on weekends and evenings to accommodate the schedules of children and parents.

(Marsh, 2000)

How Are Programs Funded?

No statewide (or national) dedicated funding source exists for all supervised visitation programs. This lack of revenue impacts programs' stability and results in chronic underfunding for many programs. Most Florida programs exist on a combination of funding sources. Some programs receive funding from a variety of sources, including the federal Safe Havens provisions of the Violence Against Women Act, state Access and Visitation Grants, Preserving Safe and Stable Families Grants, private foundations, municipal/county, and United Way funding.

Who Staffs Supervised Visitation Programs?

Programs may be staffed by:

- paid staff,
- volunteers,
- and interns, depending on the structure and budget of the program.

Research by the Clearinghouse has indicated that most Florida programs rely extensively on volunteers; the average program has only a few paid staff members.

The individuals trained and authorized by the program to observe contact between the noncustodial parent and the child and to document such observations may be called *visitation monitors* or *visitation observers*.

Table 1: Training Requirements for Staff

The Florida Supreme Court's Minimum Standards (1998) mandate that all visitation supervisors and monitor/observers are to have demonstrated proficiency in competency-based training as specified by the Clearinghouse on Supervised Visitation, which shall include, but shall not be limited to, the following areas:

- child development,
- child abuse indicators,
- mental health,
- substance abuse,
- parental alienation,
- domestic violence,
- cultural diversity,
- and crisis intervention.

Points of Judicial Referrals

Dependency Cases

In dependency cases, governed by Chapter 39, Florida Statutes, the court can order supervised visitation – by DCF or by a Supervised Visitation Program – at any stage of involvement with the Department of Children and Families.

1. **At the shelter hearing:** If the court finds that probable cause exists to remove a child or keep a child in shelter pending further investigation of the case, **visitation is ordered unless there is a clear and convincing showing that visitation is not in the best interest of the child.** §39.402(9), Florida Statutes.
 - DCF must provide a recommendation on visitation to the court.
 - Visitation should begin within 72 hours of the shelter hearing; if not, DCF must provide justification to the court.
 - Legislative intent for out-of-home placement: visitation at least once a month with parents unless the court orders otherwise. §39.4085(16).
2. **At the arraignment:** At the hearing in which the parents/legal custodians enter pleas in response to the Petition for Dependency, the court orders visitation unless there is clear and convincing showing that visitation is not in the best interest of the child. §39.506.(6).
3. **At the adjudicatory hearing:** At this hearing the petitioner must prove the allegations of the Petition for Dependency by a preponderance of the evidence. The court orders visitation if a child has been removed from the home, unless it is not in the best interest of the child. §39.402(9). The court must:
 - Consider recommendations of DCF regarding visitation.
 - Enter an order that clearly defines a visitation schedule.
4. **At the disposition hearing:** The disposition hearing is a hearing at which the judge considers reports and recommendations regarding the child's placement and may include a review of the case plan. If the child has already been removed

from the home, the judge should inquire as to whether there has been visitation and whether the parents or DCF recommend any changes.

5. **At any point:** The court may order visitation at any point in dependency proceedings.
 - When a Petition for Shelter Placement or a Petition for Dependency has been filed or when a child has been taken into custody and reasonable cause exists, the court has the authority to issue an injunction to prevent any act of child abuse or any unlawful sexual offense involving a child. The conditions of the injunction shall be determined by the court, which conditions may include ordering the offender to have only limited or supervised visitation with the child. §39.504.

Dissolution and Modification Cases

It is the public policy of the state of Florida to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved (F.S. 61.13(2)(b)(1)). In family court cases governed by Chapter 61 Florida Statutes, courts are directed to determine all matters relating to custody and visitation of minor children in accordance with the “best interests of the child.” There are several ways in which a family can be referred to a supervised visitation program:

- **Agreement of the parties:** The parties, whether pro se or represented by counsel, may agree that the use of a supervised visitation program is necessary. They may do this in formal mediation or by informal agreement. The court can subsequently enter an order formalizing the parties’ agreement, if it determines that such a referral is in the child’s best interest.
- **Motion of a party:** One party may ask the court, in the form of a written or oral motion, to order that the parties use a supervised visitation program in legal separation, dissolution, modification of final judgment, or related cases.



**The story is familiar.
Every family judge
has presided over
and every family
lawyer has tried a
visitation case
involving an
alcoholic or drug-
addicted parent.**

(Cole, 2003)

- **Sua Sponte Order:** A judge may decide on his or her own, after reviewing the facts of the case, that a supervised visitation program is necessary to allow safe contact between a parent and a child.

Domestic Violence Cases

It is the explicit intent of the Florida Legislature, with respect to injunctions for protection against domestic violence issued pursuant to §741.30, that the court **shall consider supervised visitation**, withholding visitation or other arrangements for visitation that will best protect the child and petitioner from harm (F.S. 741.2902). A court can order supervised visitation:

- when it issues the temporary injunction ex parte, or
- when it issues a final judgment on injunction for protection against domestic violence.

Criminal Court Cases

Sometimes courts order only supervised contact between a parent and a child when that parent has been charged with a crime.

Case Example

Mr. and Mrs. Jones are currently involved in extensive litigation involving the primary residency of their two children, Joey and Josee. Both parties have filed numerous motions requesting sole parental responsibility and alleging severe parental misbehavior. The civil court has granted Mrs. Jones temporary primary residency, with generous visitation time for Mr. Jones. Mrs. Jones has alleged that Mr. Jones is an alcoholic. Last weekend, Mr. Jones was arrested, charged, and released pending trial for DUI on I-10 with the children in the car. Mrs. Jones has asked that Mr. Jones' visitation with the children be suspended until the charges are resolved. Mr. Jones denies the DUI charges and promises never to drink with the children present. The judge is concerned about the DUI charges, but wants the children to maintain contact with their father. The paternal grandmother offers to drive the children to her home for visitation, but testifies that she does not believe the charges against her son. She vehemently states that Mrs. Jones is a terrible person who has a vendetta against Mr. Jones. The judge is concerned about the charges, whether the grandmother would prevent Mr. Jones from driving with the children while under the influence of alcohol, and about the strong possibility that the grandmother would use visitation as an opportunity to criticize Mrs. Jones. She orders the family to use the Sunshine Visitation Program twice a week so that Mr. Jones can see his children pending the outcome of the trial.

Minimum Standards for Supervised Visitation Programs

There are currently no statutes that address standards for the practice of supervised visitation in Florida; however, the Family Court Steering Committee developed minimum standards in 1998 for programs that accept court referrals. (See Appendix.) These standards, approved by the Florida Supreme Court, address the following issues:

- Basic terminology and definitions;
- Purposes of providing Supervised Visitation;
- Roles and responsibilities of
 - The chief judge,
 - The program director, and
 - The visitation supervisor;
- Basic operating procedures;
- Rules for intake, termination of contact, and discharge;
- Records management;
- Staff training requirements; and
- Employment requirements.

Under the Minimum Standards, supervised visitation programs are to have a program agreement: a written understanding between the court and an independent provider of supervised contact services including, but not limited to:

- The scope and limitations of the providers' 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 Administrative Order signed by Justice Harding is included in Appendix A.

QUIZ

1. What are some of the purposes of supervised visitation?
2. What types of cases are referred to supervised visitation programs?
3. Does an agency provide oversight statewide of supervised visitation programs?
4. Discuss when supervised visitation can be ordered in dependency cases.
5. Who staffs supervised visitation programs?

— **Judge's Check List**

4

- Review the Florida Supreme Court's Minimum Standards for Supervised Visitation Program Agreements**
- Identify your circuit's local visitation program(s).**
- Check to determine whether your local program(s) have an agreement with the court.**
- Review your local program's policies and procedures.**
- Optional: Visit your local visitation program.**

Chapter One Endnotes

Judges Provide the Impetus for Programs

In 1976, Superior Court Judge David Soukup of Seattle, Washington, obtained funding to recruit and train community volunteers to assist children in court. The Court Appointed Special Advocate (CASA) pilot program was formed. See CASA website <http://www.nationalcasa.org/newsroom/history.htm>.

Judge Robert Evans had ordered unsupervised visitation between Daniel Demmer and his two-year-old daughter Sarah, despite warnings from Demmer's wife Laura that he had a violent temper and kept a loaded gun. During one of the unsupervised visits, Daniel Demmer called 911 to report his own suicide before killing himself with his handgun. When police arrived, they also found Sarah, whom he had shot four times in the chest before turning the gun on himself. Police said the suicide note indicated that Demmer was upset about the divorce and the amount of time that he was allowed to spend with his daughter. For a newspaper account of the murder/suicide, see Tom Leithauser, *Man Shoots Daughter 4 Times, Calls 911 Before Shooting Himself in the Head*, ORLANDO SENTINEL FL, Nov. 8, 1996, available from the Orlando Sentinel Archives, at www.orlandosentinel.com. Judge Evans's response was to organize county support for what became Orlando's Family Ties Supervised Visitation and Exchange Program, described as "sort of a de-militarized zone" in particularly nasty divorces. Greg Dawson, *Jovial Judge Does Some Serious Good*, ORLANDO SENTINEL, October 15, 1997, available at Orlando Sentinel Archives. Other supervised visitation programs have been created in response to an identified community need, such as was recognized in Huntsville, Alabama.

In May 1998, a "Community Vision Summit" was held to develop a plan for reducing child abuse and neglect, and Judge Susan T. Moquin helped start the pilot program called Both Parents Program. The program was born out of the recognition that children deserve regular and safe access to their non-custodial parents, whether they are in foster care or embroiled in their parents' custody battle. See Pam Berry, *Message from the Coordinator*, BOTH PARENTS PROGRAM NEWSLETTER, Vol. 1 Issue 1, p. 1 June 2000, on file with the authors.

Amanda Vogt, *Making Divorce Less Painful for Parents and Their Kids*, THE CHICAGO TRIBUNE, page one, February 5, 2003. "The body of Joshua Gleeson, 3, was found floating in the Des Plaines River near Channahon, and the body of his sister, Ashley, 5, was recovered the next day. Their father, Patrick Gleeson, 48, is charged in their shooting deaths, which allegedly took place during a court-ordered visit. Gleeson issued a statement that his custody battle and visitation disputes with the children's mother were making him depressed. He suggested the children were now better off. On Oct. 1, Mary Elizabeth Brunson-Waller, 3, was shot to death by her father... Mary Elizabeth's parents were entangled in a custody dispute, and authorities said John Brunson believed he was about to lose visitation privileges when he killed his daughter as she slept in her car seat." "Family advocates and many judges are pushing for more monitored exchange sites... They say that the simple act of keeping the parents apart reduces conflict and eases a child's fear."

CHAPTER TWO

A Framework for Judicial Referrals: Case Indicators, Program Agreements, Court Orders, Documentation & Critical Incidents

PURPOSE: The purpose of this chapter is to assist judges with recognizing family characteristics which may indicate or contraindicate supervised visitation; to understand the components of program agreements and court orders; to recognize the need for background documentation in referrals; and to understand the types of critical incidents that have occurred at supervised visitation.

LEARNING OBJECTIVES

By the end of this chapter, judges will be able to:

1. Recognize case indicators/characteristics for consideration of supervised visitation court referrals.
2. List key elements of a model agreement between a supervised visitation program and the court.
3. Identify key elements of a model Court Order for Supervised Visitation.
4. List common critical incidents in supervised visitation.
5. Identify case background information necessary for supervised visitation program staff to review prior to scheduling services.

GUIDING PRINCIPLES

Judges can use the guiding principles to:

1. **Understand the dynamics of each case.** There are common indicators that lead judges to consider ordering supervised visitation. Sometimes such orders can be beneficial to families; however, some case dynamics may be so potentially dangerous and severe that the use of a supervised visitation program may not be appropriate.
2. **Acknowledge the purposes and limits of the local supervised visitation program.** Understanding local programs' operations ensures safer, more effective judicial referrals. However, if the program cannot protect the child because of staffing issues, security arrangements, or training deficiencies, then the case should not be referred for supervised visitation.
3. **Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.** Agreements between the court and the supervised visitation program provide a clear, written understanding of the duties of the court and the program in each case. A sample is provided in the Endnotes following the Quiz..
4. **Include sufficient background information in each referral to ensure that staff can adequately prepare for and monitor each case.** As described in this chapter, court referrals should include information such as law enforcement reports, past violent behavior, and mental health professionals' recommendations so that staff are aware of the dynamics and security needs of each case.
5. **Ensure that the supervised visitation program staff have sufficient training to protect the families in each individual case.** Critical incidents are described in this chapter, revealing how dangerous and unpredictable cases in supervised visitation can be. Programs that have not trained staff on the complexities of case dynamics should not be sent those types of cases.

Case Indicators for Supervised Visitation

Supervised visitation can be appropriate and beneficial for many families coming before the court. However, supervised visitation should not be viewed as the solution to all situations families may experience. There is little current research that indicates which families may benefit from supervised visitation and which will not. Judges must be aware of variables which may impede the effective use of such services and must be aware of ways in which they may enhance the effectiveness of these services by requiring ancillary services during the order for visits, re-evaluation of referrals in a timely fashion, or other actions. *Some situations presented by families are so severe and present such great risk for harm to children, their parents, and others, that judges should refrain from ordering supervised visits.*

In the table that follows, common case indicators for supervised visitation are listed. Variables are added to inform judges of case dynamics that may indicate that visitation is contraindicated without additional information or intervention.

The variables here refer to the degree to which certain indicators are present, the length of time they have been manifested, and any ancillary services provided. Sometimes the variables in the case will make it appropriate for supervised visitation. The role of the judge is to consider all variables before making a referral to a supervised visitation program.

Table 2: Variables Which May Impact Referral Decision

Common Case Indicators for Supervised Visitation	Variables Which May Indicate or Contraindicate Referral to Supervised Visitation
High Conflict Families	Degree, types, and history of threats of physical violence; threats of kidnapping
Child Neglect	Length of neglect; ancillary support services; current physical & mental health status of children
Child physical abuse	Length & severity of abuse; current physical & mental health status of child/parent; provision of ancillary services
Parental substance abuse	Parent's current substance use; parent's treatment compliance; determination of whether parent's substance use will negatively impact visit
Parental mental illness	Degree of parent's mental illness, parent's medication compliance; treatment compliance; assessment of impact of parent's mental illness upon visit; staff training; program security
Parental Developmental Disability	Degree of disability, assessment of disability's impact upon visit; staff training
Domestic Violence	Nature of prior violence (e.g., threats of homicide or suicide; lethality assessments); prior use of weapons; impact of domestic violence on the children; prior acts of using the children to control the adult partner; level of threats (i.e. threats of weapons; kidnapping); order for protection; staff training; security
Child Sexual Abuse	Current physical & mental status of child; ancillary services; staff training; parental compliance; danger to others
Termination of Parental Rights	Involvement of child's therapist; staff expertise; parent's status; security

Understanding Program Operations

The most effective court orders reflect the referring judge's understanding of program operations and policies. Judges may gain this knowledge in any of the following ways:

- **By working with the program to help develop program policies.** This happens most often in new and developing programs. It is often the court that sees the need in the community for a supervised visitation program and takes an active role in gathering community resources to develop the program.
- **By periodically reviewing program policies.** Judges who routinely refer cases to their local programs may specifically ask the program director for periodic (non-case-specific) updates on program operations.
- **By visiting the program to familiarize him/herself with the program.**
- **By serving as an advisory board member or allowing a member of the court staff to serve as a member.**

It is essential for referring judges to have an understanding of the following:

- **The name of the program, address, and program director's name.**
- **The date and times that the program is open for visits:**
 - Some programs operate daily; some only a few days a week.
 - Some programs offer extended hours and night time visits.
- **The program's basic visit schedule:**
 - Many programs limit each family to one (or sometimes two) visits each week, in order to accommodate a larger number of families.
 - Some programs offer dependency cases on particular days and dissolution and domestic violence cases on other days.
 - Some programs can only afford security personnel on-site

during certain days. Therefore, higher risk cases should be scheduled during those days.

- **Whether the program maintains a waiting list:**
 - When a program has limited resources, it may resort to a waiting list, keeping the court and families apprised of their place on the list and the length of time it may take for them to begin using the program.
- **The types of cases the program accepts:**
 - Some programs do not accept cases involving child sexual abuse allegations.
- **Fees, if any, charged by the program:**
 - Most programs charge nominal fees to help defer program costs.
 - Programs funded by the federal government under the *Safe Havens* provisions of the *Violence Against Women Act* are not allowed to charge any fees to victims of domestic violence.
 - Some programs use sliding fee scales which are based on income.
 - Programs usually rely on the court to decide how to divide the costs between the parties in the court order.
 - Some programs ask judges not to waive visitation fees entirely, and set a minimum fee even for indigent clients.
- **The length of time a case can be referred for visits:**
 - Most programs have a time limit for families using the program.
 - Most programs will supervise cases over a period of six months or a year.
 - Very few programs accept open-ended referrals due to a concern that they may be forced to turn away new families because of space and resource restrictions.
- **The continuum of on-site security measures offered at the program:**
 - The majority of Florida supervised visitation programs have

on-site security during at least *some* visits. However, judges should be familiar with the continuum of security measures offered by local programs. Some programs only have security on site during visits in cases involving domestic violence allegations, not during dependency cases. This is true even though research indicates that there is often a high correlation between child maltreatment and domestic violence, and domestic violence may not have been identified in the child abuse case.



The American Bar Association encourages courts to provide or identify, and make use of, locations in which supervised visitation and visitation exchanges can safely occur.

(ABA, 2000)

- Some programs use private security guards, who do not carry weapons. Other programs use off-duty law enforcement during visits.
- Despite the fact that critical incidents are common at supervised visitation programs in Florida, there is currently no requirement that programs provide security personnel on-site during visits. The current Minimum Standards only require that programs have written security measures and emergency protocol/procedures.
- Other security measures may include the use of metal detectors to screen for weapons (*note: these may be used in programs by non-law enforcement staff to screen for weapons*), walkie-talkies, cellular phones, panic buttons, one-way mirrors in visitation rooms, cameras in parking lots, alcohol detection tests, and rules regarding bringing packages or gifts on site.
- **Basic program rules:** Judges should be generally aware of the rules by which the program is administered. For instance, many programs prohibit the use of corporal punishment, the use of alcohol and non-prescription drugs, smoking, profanity, and bringing knives or guns onto the premises.
- **Expertise of staff:** Judges should know the general levels of expertise of staff. Very few directors are licensed mental health professionals. In fact, most directors in Florida have only bachelor's degrees. Most programs rely extensively upon community volunteers to monitor visits. These volunteers are often trained by program directors prior to monitoring visits



The Program Agreement incorporates the program's written operational policies and procedures. An annual Affidavit of Compliance is required of independent programs.

but typically do not have prior experience or formal education in working with the types of families that are court ordered to receive services.

Program Agreements with the Court

The Minimum Standards for Supervised Visitation Program Agreements provide a basic outline of the content of agreements between the chief judge of a circuit and the program director. Below are the required categories (in bold) and suggestions to include additional particular information.

The Scope and Limitations of the Provider's Service

These might include:

- A list of the kinds of cases that the program can accept:
 - Some programs refuse to accept cases involving allegations of child sexual abuse because of inadequate staff expertise or security personnel.
 - Some programs may be required by contract with DCF to accept a certain number of dependency cases, and only have a limited number of 'slots' available for other kinds of cases.
- The circumstances under which a particular case may be declined by the program, such as:
 - The volatile nature of the case or client, after consideration of the facts and background of the case;
 - The fact that staff may not be adequately trained to manage issues identified during intake;
 - The fact that security provided by the facility may not be adequate to keep the families, staff, or surrounding community safe;
 - Insufficient resources;
 - Many programs have waiting lists at some point in their operation, and families cannot be immediately accepted be-

cause of limitations of space, staff, and funding;

- Conflict of interest; and
- Security provisions or availability.

The Procedures for Court Referrals to the Provider, Including:

- The means by which the program can receive referrals from the court. There are two issues that must be resolved:
 - Who provides the court with an order to sign?
 - In some circuits, the program and court have collaborated on a model court order for supervised visitation.
 - In others, the parties or their attorneys (if they are represented by counsel) prepare the order as specified by the judge.
 - Who delivers the court order to the program?
 - In some circuits, it is the parties or their attorneys who deliver the court order.
 - In others, the clerk of court has a designated spot for the orders to be placed, and visitation program staff collect the orders periodically.
 - The Guardian ad Litem Program may also agree to be the designee of court orders for supervised visitation.

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. This documentation may include:
 - Observation reports, which may include a comprehensive account of events that took place at a visit;
 - Critical incident reports, which provide a detailed account of potentially harmful behavior exhibited by a parent or child, either toward another client or program staff/volunteer during a visit;

It is not unusual for a parent to arrive under the influence of alcohol or drugs or make a complaint of marks found on a child during a visit.

(Marsh, 2000)



Judicial Alert

Although best practices and the Minimum Standards require the court and a program to have an agreement as to an appropriate procedure for providing reports to the court, many do not, making this issue one of the largest obstacles to effective program-court communication.

- Termination notices; and/or
- Cancellation reports.
- Each circuit may differ in how reports are sent to the judge. These ways include written reports or verbal communication (in a pre-determined manner), and may be made immediately upon incident, upon request from the court or agency, or by subpoena duces tecum.

A Sample Program Agreement is included in the Endnotes following the Judge's Checklist.

Case Example

The Sunshine Visitation Program receives a court referral in a dissolution case. When the program director reads the pleadings, she realizes that the two-year-old child has been hospitalized frequently, and has been diagnosed with a rare emotional disorder, which results in extremely disruptive behavior. The director sends a letter to the court, copied to the parties, declining the referral, based on the staff's inexperience with the disorder.

Court Orders

When a court orders a family to use a supervised visitation program, it often uses a standard court order developed by the program itself in conjunction with a circuit court judge and/or a local attorney. **Orders should include at a minimum:**

1. The names and birth dates of the children who will be using the visitation center;
2. The address of the program and a contact name and phone number;
3. The schedule of visitation, including the frequency (weekly, twice a week, etc.), cost (including who will pay the fee and

where the fee should be paid), and the duration of the court order;

4. The names of the custodial parent and person visiting the child and whether anyone else can attend the visit with that person (for example, grandparents, siblings, step-parents, etc);
5. The program rules incorporated by reference, and a directive for the parties to comply with them;
6. A statement authorizing the program to terminate a visit when necessary; and
7. A directive for parties to notify the program in case of cancellation.

Many additional optional provisions, as well as a sample court order, are included in the Endnotes following the Judge's Checklist.

Case Example

Judge Smith ordered the Jones family to use the Sunshine State Supervised Visitation program for Mr. Jones's visitation with his children. The court ordered visitation was specified to be on Mondays and Wednesdays from 5-8 p.m. The Sunshine Visitation Program, however, only accepts clients in dissolution cases on Tuesdays and Saturdays. Mr. Jones becomes extremely upset when he learns that he can only see his children on Saturdays, as his work schedule does not allow time off on Tuesday evening. In addition, the court does not specify who is to pay the program fee of \$30 per visit, and Mr. Jones insists that he should not pay for a program that he does not want to use. The children are excited to see Mr. Jones at the first visit, but he has brought along his brother Manny, whom staff insist cannot participate in the visit. Mr. Jones is so angry with the confusion that he yells at staff and has a hard time relaxing with his children.

Common Critical Incident Reports

The Clearinghouse has tracked critical incidents nationally. Critical incidents are incidents which may endanger the emotional or physical health of visitation participants or staff. The following incidents are relatively common at supervised visitation programs:

High conflict cases seriously harm the children involved...[they] are marked by a lack of trust between the parents, a high level of anger, and a willingness to engage in repetitive litigation.

(Ramsey, 2001)

Incidents Involving Alcohol Abuse

Examples:

- Parents showing up for visits smelling of alcohol.
- Non-residential parents arriving openly intoxicated.

Incidents Involving Outstanding Warrants for Arrest

Law enforcement officers executed outstanding warrants for arrest at SV programs. Residential and nonresidential parents were arrested on-site for crimes including passing worthless bank checks, battery, violations of injunctions against domestic violence, or non-payment of child support.

Incidents Involving Parental Inability to Comply with Program Rules

- Parent unwilling/unable to refrain from criticizing/yelling at child;
- Parent unwilling/unable to refrain from speaking about the court case;
- Parent unwilling/unable to refrain from criticizing other parent;
- Parent unwilling/unable to refrain from criticizing staff; and
- Parent using profanity on site.

Incidents Involving Threats of Physical Aggression/Intimidation

- Parent raising fist to staff;
- Parent making threat about injuring staff/other parent; and
- Parent yelling at staff, following staff closely around office.

Incidents Involving Nonresidential Parent Trying to Contact/Send Message to Other Parent

- Parent trying to send notes to other parent; and
- Parent trying to send packages to other parent.

Incidents Involving Domestic Violence

- Parent repeatedly quizzing child as to other parent's whereabouts/location;
- Nonresidential parent refusing to comply with time schedule of program to gain access to other parent; leaving early, waiting in parking lot across street; arriving late to enhance likelihood of meeting spouse/child; and
- Parent sending messages and threats to other parent (e.g. hiding messages in child's juice boxes, on the child's clothing; even on the child's skin).

Other Critical Incidents

The following critical incidents, although less common, were also reported by supervised visitation staff, raising important issues about security on site:

Incidents involving property damage.

Incidents involving actual acts of physical aggression/intimidation.

- Parent pushing staff away, attempting to reach residential parent; and
- Parent physically aggressive (slapping, punching).

Incidents involving parental developmental disability (visiting parent unable to care for self or child's needs during visits).

Incidents involving child sexual abuse.

- Parents bringing in objects associated with their child's abuse (photographs, written material, toys) that trigger memories of the abuse.
- Parents minimizing/denying abuse to child during visit.

Incidents involving the use of technology (cameras, cell phones) to re-abuse or engage in prohibited communication.

Incidents involving child-snatching.

Incidents involving murder

- Parent killed other parent off-site.



Judicial Alert

Some individuals will use the visitation center to stalk and harm, or even kill, their former partner.

(Macdonald, 1999)

Table 3: Risks in Supervised Visitation

Dependency Cases	Domestic Violence Cases	Family Law Cases
<p>In dependency referrals, risk of the following behaviors may be present:</p> <ul style="list-style-type: none"> • parent showing up under the influence of drugs • physical abuse of children by playing too roughly • slapping, shaking, or hitting child • sexual abuse of the child by forcing the child to have physical contact, spending time with child in bathroom alone while fondling the child or exposing genitals • emotional abuse of the child by yelling at child • scolding child, ignoring child, making unrealistic promises to child about returning home, asking probing and inappropriate questions • attempting to kidnap the child • using alcohol or illegal drugs • threatening to harm the child or other parent • coercing the child to recant abuse allegations 	<p>In domestic violence referrals, risk of the following behaviors may be present:</p> <ul style="list-style-type: none"> • threatening to hurt victim or children physically • hurting the victim or child • threatening to kidnap the children • kidnapping the children • stalking the victim and children upon arriving/departing from program • using another person to help stalk the custodial parent • intimidating children to get them to reveal their current living arrangement, phone numbers, schools, etc. • slashing tires or other destruction of property • testing or violating program rules • requesting “special privileges” such as unsupervised time with children • denying or minimizing abusive behavior (“It’s all a misunderstanding”) • blaming other parent for having to use visitation program • attempting to bring weapons to program • making suicide threats • violating injunctions • manipulating staff, volunteers, and other clients. 	<p>In family law referrals, risk of the following behaviors may be present:</p> <ul style="list-style-type: none"> • coming to program under the influence of drugs or alcohol • threatening the other parent • threatening to kidnap children • stalking • bringing new partners to program to flaunt new relationships • intimidating children • telling the child “secrets” which cannot be heard by staff • manipulating children with special gifts • being hostile to program staff • preoccupying program staff with baseless complaints or requests • attempting to have staff intervene to change court order • criticizing the other parent to the child or in the child’s presence

Documentation Necessary to Reduce Risk During Visits

When the court orders supervised visitation, the program must have sufficient background information in order to determine whether the program can accept the referral and what action the program should take to protect the child, the non-offending parent, staff, and other visiting families. If the court does not have such background information, the program should be permitted to obtain it, within the parameters of state law. Such information may include:

- Copies of current court orders concerning the child;
- Copies of any Injunctions for Protection Against Domestic Violence concerning the family;
- Law enforcement reports concerning the parents;
- Pleadings or court documents, civil or criminal, concerning domestic violence and the family;
- Criminal background checks;
- DCF/Child protective reports or summaries completed by the caseworker specifically for supervised visitation;
- Mental health information concerning the child. The information should include whether the child has been evaluated and any recommendations by licensed mental health professionals that visitation is appropriate.
- Assessment by the abuser's therapist regarding the appropriateness of contact between the abuser and the child victim; and
- Copies of all current court orders, DCF child maltreatment reports or summaries, pleadings such as the Petition for Dissolution or Modification of Final Judgment, and Injunctions for Protections Against Domestic Violence.

In child sexual abuse cases, there are special considerations for documentation to adequately protect the child victim. These are discussed in Chapter Four of this manual.

Melanie Edwards and her seven-year-old daughter were shot and killed by Mrs. Edwards's estranged husband at a Seattle, Washington, monitored exchange program in 1998.



Judicial Alert

Although the Clearinghouse has determined that it is a best practice for supervised visitation programs to run background checks on all visiting parents, many programs DO NOT have the resources to conduct such checks routinely.

Case Example

Mr. Johnson files a Motion for Emergency Relief, claiming that his ex-wife has not allowed him to see his son in two years. His ex-wife does not respond to the pleading. Judge Jones grants supervised visitation every week to Mr. Johnson beginning 24 hours after the hearing. The visitation program director does a criminal background check on Mr. Johnson and finds that he is listed as a convicted child sexual abuser in a nearby state. She immediately sends a letter declining services until more information is obtained. Judge Jones rescinds his order for visitation.



Judicial Alert

Although the Clearinghouse has determined that having security personnel on site during visits is a best practice to optimize safety, many programs do not have the resources to hire such personnel. Therefore, many programs will be restricted in the kinds of cases they accept because of a lack of adequate security.

QUIZ

1. What kinds of problems can be avoided by determining the visitation schedule of the local supervised visitation program prior to a court referral?
2. In what ways might a referring judge choose to communicate with a supervised visitation program?
3. What are some of the risks that may be present during supervised visitation in domestic violence cases?
4. How will background information obtained by a supervised visitation program assist the staff with keeping the children safe during visits?

— Judge's Check List

4

- Know basic program operation, including times and dates the program is open and limitations of local program services.**
- Assist with drafting a standard court order for supervised visitation, or review and update current standard order.**
- Ensure that a means exists for the program to communicate with the court.**
- Recommend changes to the current Program Agreement consistent with this chapter.**

Chapter Two Endnotes

Sample Letter of Agreement

IN THE CIRCUIT COURT,

_____ JUDICIAL CIRCUIT,

IN AND FOR _____ COUNTY, ANY STATE

LETTER OF AGREEMENT BETWEEN _____ VISITATION PROGRAM and THE
_____ JUDICIAL CIRCUIT

This Letter of Agreement outlines specific criteria to be used by the Judicial Circuit, and Sunshine Visitation Program.

These criteria are necessary to protect all families referred to the Sunshine Visitation Program, as well as staff, volunteers, and the surrounding community.

The COURT agrees to the following:

1. To ensure that referrals are appropriate for the level of service available in a program.
2. To work with staff of Sunshine Visitation Program to establish policies and guidelines to protect all families referred to supervised visitation. The court acknowledges that cases involving domestic violence and/or child sexual abuse require special precautions and staff training.
3. To authorize Sunshine Visitation Program staff to accept or decline court referrals. Programs shall decline to accept a case for which they can not reasonably ensure the safety of all clients, program staff, and volunteers, including but limited to the following reasons:
 - a. The volatile nature of the case or client.
 - b. Visitation personnel are not adequately trained to manage issues identified in the intake.
 - c. Facilities are not adequate to provide the necessary level of security.
 - d. Insufficient resources.
 - e. Conflict of interest.

4. To establish a timely mechanism for review of cases referred to Sunshine Visitation Program. This might include a provision that each case be reviewed after a certain number of visits, or weeks, or months. For example:

The court will schedule each case for a review hearing to check on the status of the case every four months.

5. To establish protocols for appropriate communication between the court and the Visitation program. For example:

The program shall provide copies of all critical incident reports directly to the judge's assistant on yellow paper and provide a copy to the Clerk of Court for filing in the court file.

6. To pay for any services needed to accommodate a family's language barriers or special needs, including sign language interpreters, foreign language interpreters, etc.

Sunshine Visitation Program agrees to the following:

1. To ensure that all staff who monitor visits have specific training in child development, child abuse indicators, child sexual abuse, domestic violence, mental health, substance abuse, parental alienation, cultural diversity and crisis intervention consistent with training from the Clearinghouse on Supervised Visitation and documented in personnel files.
2. To accept only those case referrals for which staff have the requisite case background material, training, and security in place to safely monitor contact.
3. To decline any referrals of cases when staff lack necessary training or education, when background material has not been received, or where lack of appropriate security may allow revictimization of child.
4. To establish guidelines for staff to utilize in all cases, including specific guidelines for use in cases involving domestic violence and child sexual abuse. All guidelines should be pre-approved by the court.
5. To develop policies for handling and reporting of critical incidents.
6. To suspend visits in cases when the child appears to be traumatized by the visit, or when the visiting parent engages in inappropriate behavior or violates program rules.

Chief Judge's Signature

Date

Court Administrator's Signature

Date

Program Director's Signature

Date

Basic Order for Use of Supervised Visitation Program

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR LEON COUNTY, FLORIDA

IN RE: _____, FAMILY DIVISION

Petitioner,

and _____, CASE NO. _____

The Court hereby orders that:

1. The parties participate in the Sunshine Family Visitation Program , 222 Palm St., Any Town, Florida with the following children:

(Please **print** children's names and dates of birth)

Name: _____ D.O.B. _____

Name: _____ D.O.B. _____

2. Visitation is limited to the children and respondent/petitioner (circle one).

Other authorized visitor(s) _____.

The visitation **shall be weekly/biweekly,or as noted** _____, according to the Sunshine Family Visitation Program's calendar (unless otherwise noted below). The parties will be advised of an opening by the Sunshine Family Visitation Program Director. Messages can be left for the Program Director or title of staff at area code and number.

3. The Policies and Procedures of the Sunshine Family Visitation Program are hereby incorporated by reference into this order and both parties directed to comply with them.

4. The cost of services is \$____ per visit/\$__ for monitored exchange/\$_____ (other services) to be divided equally by the parties, unless specified otherwise below:

5. Payment should be made at The Sunshine Family Visitation Program, or mailed to the following address: _____

Checks are to be made payable to: _____.

6. Failure to pay may result in the Court issuing a judgment against the responsible party.

7. The noncustodial parent must bring picture identification to the Sunshine Family Visitation Center at each visit.

8. The parties are ordered to follow the directives of the staff of The Sunshine Family Visitation Program.

9. The Sunshine Family Visitation Program staff is authorized to terminate a visit as necessary.
10. The parties are ordered to notify The Sunshine Family Visitation Program by telephone at _____ before 3:00 pm on the day before the scheduled visitation if they cannot keep a scheduled appointment. Failure to do so will result in the parties being required to pay for the appointment. If two appointments are cancelled by either party, no additional appointments will be scheduled until further order of the Court. The program may require –upon multiple cancellations or absences— that cancellations or absences due to illness must be verified in writing by a physician.
11. The order for use of the Visitation Program shall expire 180 days after the commencement of the parties’ first visitation at the Program. The parties may file a formal Motion to the Court to apply for additional use of the Program.

DONE AND ORDERED at _____, _____ County

Florida, this _____ day of _____, 2004.

(Assigned Judge’s Name) CIRCUIT JUDGE

copy to:

Guardian Ad Litem Program
Parties
Sunshine Visitation Program

Other Sample Provisions for Court Orders

- **Simultaneous Order of Guardian Ad Litem**

___ If line to left is checked, a Guardian Ad Litem is hereby appointed to make recommendations in this cause, and the Guardian ad Litem Program is hereby ordered to submit a standard Order Appointing Guardian ad Litem in this cause.

- **Order for Records Release**

___The following records shall be made available to the Sunshine Visitation Program. Included are provisions specifying what records should be made available to the supervised visitation program in order for a risk assessment to be conducted.

- **Order for no additional contact between parties.**

___Any visitation other than at The Sunshine Family Visitation Program center which occurs during the pendency of this Order shall be reported to the referral source (list the referral source here) or caseworker assigned to this cause and may terminate the parties' use of the Visitation Program.

- **Options to discourage late pick up / Option to discourage late pick up**

___The custodial parent will be assessed a fee of \$1.00 per minute for failure to timely pick up child(ren) on time after the visit.

- **Provisions making visitation contingent on treatment, counseling, or other requirements.**

___The nonresidential parent's visitation is contingent on his/her participation in the following:

___Batterer's Intervention Program ___ Other _____

___Substance Abuse Counseling

The Court should specify the requirement, service provider, and how reports are to reach the visitation program.

- **Order for videotape of visits**

___The program is instructed to videotape all visits between the nonresidential parent and the child, and maintain such records pursuant to Florida laws.

- **Periodic Judicial Review**

___This case shall be reviewed in ___ months.

The Minimum Standards state that "supervised visitation is not a long-term solution" to a family's problems. For this reason, most programs have a time limit for each case. In order for the court to address the underlying reasons for the referral to supervised visitation, periodic judicial review is used to determine that the family is addressing its problems. While judicial review is automatic in dependency cases and determined by statute, most family law orders do not include provisions for judicial review. Courts are encouraged to add such a provision to all supervised visitation orders.

- **Anti-kidnapping Clause**

"[Noncustodial parent]___ shall not remove the child, [name of child]___, from the premises of the [SV Center]. Should NCP___ do so, law enforcement authorities, including, but not limited to [local agency, sheriff, police], are hereby directed and authorized [use all reasonable means necessary]to return the child, ___, to the custodial parent,[name of custodial parent] ___, or, if that parent is not immediately available, to the [SV Center].

This provision may assist the program with having the child returned if the non-custodial parent leaves the site with him/her.

CHAPTER THREE

Supervised Visitation in Domestic Violence Cases

PURPOSE: The purpose of this chapter is to make court referrals more effective by informing judges about the incidence of domestic violence, its impact on victims and children; factors which may present enhanced risks when supervised visitation is ordered and ways to increase the effectiveness of supervised visitation in domestic violence cases.

LEARNING OBJECTIVES

By the end of this chapter, judges will be able to:

1. Describe the power and control wheel that illustrates the cycle of domestic violence.
2. State Florida's statutory definition of domestic violence.
3. Discuss the prevalence and incidence of domestic violence in Florida.
4. Describe characteristics of the impact of domestic violence on victims and children.
5. Identify factors and case dynamics that may heighten the risks involved in visits in domestic violence cases.
6. Discuss best practices, including security measures, for dealing with cases involving domestic violence.
7. List ways judges can evaluate and increase the effectiveness of supervised visitation referrals.

GUIDING PRINCIPLES

Judges can use the guiding principles to:

- 1. Understand the dynamics of each case.** With regard to domestic violence, this means that judges should understand the concepts of power and control, and be familiar with the incidence and prevalence of domestic violence. It also requires a recognition of common characteristics of batterers and victims, and of batterer behavior at visits, as well as the effect of domestic violence on children.
- 2. Acknowledge the purposes and limits of the local supervised visitation program.** Supervised visitation is not a “cure” for domestic violence cases, or a substitute for batterers’ intervention programs. The violence in each case must be addressed directly, with batterers held accountable for their actions. In addition, some visitation programs do not have adequate security personnel on-site, and may not be appropriate for cases involving domestic violence. The violence in some cases may be so severe that even programs with security may not be enough to ensure safety for all participants.
- 3. Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.** In domestic violence cases, this means that programs should address a variety of crucial issues, from staggered arrival and exit times for the parties, separate waiting and intake areas, and on-site security. A policy of one to one supervision of families by staff is also crucial to safety in these cases.
- 4. Include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.** Copies of Injunctions for Protection Against Domestic Violence, law enforcement reports, and other documentation regarding the abuse is essential for program staff to understand how to best protect the victim and children in each case.
- 5. Ensure that the supervised visitation program staff have sufficient training to protect the families in each individual case.** In-depth, on-going training for staff on domestic violence issues is the best protection for children and victims at supervised visitation. Understanding of the myths and facts surrounding domestic violence, common behavior of non-offending parents, children’s reactions to visits, separation violence and the link between domestic violence and child abuse is also crucial for staff to understand.

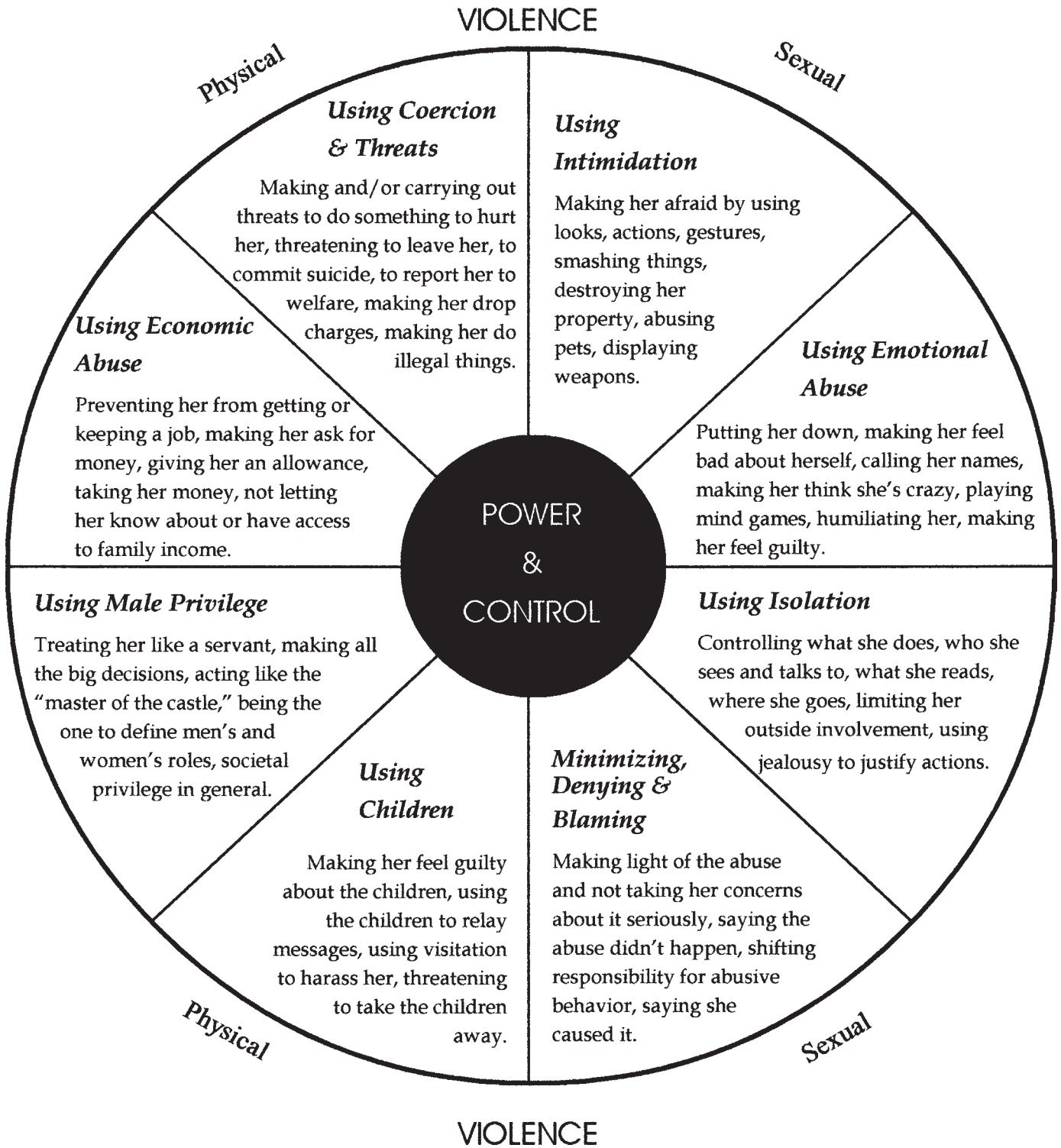
Domestic Violence: A Pattern of Control

The core issue of domestic violence is about power and control over another person through fear and intimidation. Batterers believe they are entitled to control their partners. They believe that the violence is acceptable and will produce the desired results. Therefore, domestic violence is purposeful and instrumental behavior.

The perpetrator's pattern of abusive acts is used to gain compliance from or control over the victim. It is directed at restricting independent thought and action so that the victim will be devoted to fulfilling the needs of the perpetrator. The pattern is not impulsive or "out of control" behavior. Tactics that work to control the victim are selectively chosen by the perpetrator.

The Power and Control Wheel

Developed by the *Domestic Abuse Intervention Project* in Duluth, Minnesota, the Power and Control Wheel (on the following page) illustrates the tactics an abuser uses on the victim. Constantly surrounded by threats and/or actual physical and sexual abuse, the victim is subjected to the various tactics listed in the spokes as the abuser attempts to exert complete power and control over him/her.



Used with permission from the Domestic Abuse Project in Duluth, Minnesota.

Florida Law

Under Florida Statutes §741.28, domestic violence is:

any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member.

Some victims of domestic violence obtain injunctions for protection. Others do not. In order to obtain an Injunction for Protection Against Domestic Violence, the petitioner must plead and prove that he or she has been a victim of domestic violence or that there is reasonable cause to believe he or she is in imminent danger of becoming a victim. Fla. Stat. §741.30(5)(a).

In 2002, the Florida legislature outlined specific factors for the court to consider when determining whether an immediate and present danger of domestic violence exists. These include:

- a history of threats, harassment and physical abuse;
- attempts to harm petitioner, or family members;
- restraining petitioner from leaving the home or contacting police;
- prior orders for protection;
- destruction of personal property;
- injuring or killing a family pet;
- use of, or threats to use, a gun or knife;
- previous criminal history involving violence or threats; and
- threats to kidnap or harm petitioner's children. (Fla. Stat. §741.30(6)(b))

Characteristics of Domestic Violence

The Family Violence Prevention Fund lists characteristics of domestic violence that are important for judges to understand.

They are:

- Domestic violence is a learned behavior.
- Domestic violence typically involves repetitive behavior encompassing different types of abuse. These may include physical abuse, sexual abuse, emotional abuse, economic abuse, and control through the children.
- The batterer – not substance abuse, the victim, or the relationship – causes domestic violence.

- Danger to the victim and children is likely to increase at the time of separation.
- The victim's behavior is often a way of ensuring survival.

(Family Violence Prevention Fund, 2003)

Understanding these characteristics of domestic violence leads to sound judicial decisions affecting victims and their children. Reiterated throughout this chapter, they are important to keep in mind when making referrals to supervised visitation, where batterers have access to their children and to their partners.

Statistics on Domestic Violence

- Family violence is considered an epidemic in the United States.
- Violence against women by their intimate partner is the leading cause of injury and death to women in the U.S.
- Between two million and four million women experience severe violence by an intimate partner each year.
- Women are five times more likely than men to be victims of nonlethal violent crimes committed against them by intimate partners, and over seven times more likely to be murdered by an intimate partner. (Bureau of Justice Statistics, 2001)
- Nearly one in three adult women experiences at least one physical assault by a partner in adulthood.
- Domestic violence is evident in all cultural, ethnic, and racial populations. (Tjaden and Thoennes, 2000)

Incidence of Domestic Violence in Florida

There are thousands of arrests made for domestic violence each year. The following chart provides data on domestic violence crimes and filings in Florida.



Florida Uniform Crime Statistics: According to the Uniform Crime Report for 2002, many crimes in Florida were committed in the context of domestic violence.

Offense	Total Number	Number Related to Domestic Violence	Percent of Total
Criminal Homicide	906	188	21%
Forcible Rape	6,276	1,155	18%
Aggravated Assault	80,877	21,987	27%
Aggravated Stalking	899	268	30%

Cases involving children: In 2003, the Office of the State Courts Administrator published a study of 1,830 domestic violence case files. The study revealed that 49.3% of these cases involved parties with children in common.

Myths about Domestic Violence

Myth, fact, & impact of domestic violence: There are many myths surrounding domestic violence. Unless judges and other court personnel are able to recognize the factual evidence to counter these myths, they may inadvertently continue to perpetuate harm toward a victim.

MYTH: False reporting of family violence is rampant.

FACT: Although many people believe that many women will lodge false charges against their spouses, the rate of false reports is no greater than for other crimes.

IMPACT ON COURT PERSONNEL: Batterers often accuse their partners of fabricating stories of abuse to deprive them of access to their children. Judges and supervised visitation program personnel may hear extremely detailed, calmly told tales of how a batterer's partner is "lying to get back at me for threatening to divorce her," or how she is "an alcoholic and gets out of control."

MYTH: The extent of reported domestic violence in the U.S is exaggerated.

FACT: Experts agree that there is a significant *underreporting* of family violence, for a variety of reasons, including fear of retaliation, shame, the fact that victims are often financially dependent on abusers, desire to avoid encounters with law enforcement, and the stigma attached to violence and victimization. Women who are battered by partners fail to report the crime to law enforcement six times more often than do women who experience violence that is perpetrated by a stranger.

IMPACT ON COURT PERSONNEL: Judges and visitation staff who believe that domestic violence is “not as common as people think it is,” or is “exaggerated by the media” may tend to disbelieve a victim who seeks protection for herself and her children from her batterer. Also, visitation staff may not be as vigilant as necessary at visits.

MYTH: It is easy to leave a violent relationship.

FACT: For some women, it is extremely difficult to leave a violent relationship. Most victims temporarily leave five to seven times before their separation is permanent. Barriers to leaving include:

- lack of resources
 - many battered women have dependent children,
 - many have little property that is solely theirs, and
 - many have no support system to rely upon;
- institutional responses
 - lack of community resources to assist women,
 - responses of clergy and secular counselors whose paramount goal is to “save” the marriage,
 - prosecutors who are reluctant to prosecute cases, and
- traditional beliefs
 - women may not believe divorce is acceptable,
 - women may believe that a violent father is better than no father at all,
 - women may rationalize their abuser’s behavior by blaming stress, alcohol, or unemployment,
 - women simply want their abusers to stop abusing them. (NCADV, 2000)

IMPACT ON COURT PERSONNEL: Judges and supervised visitation providers often express frustration with victims who have “put up with” abuse, or who return to their batterers after seeking protection from the court system. These personnel may also use the victim’s return as “proof” that violence did not occur if they do not understand that the victim may simply be using the only strategies she knows to

survive. If she sees, for instance, that the court system can not keep her from being stalked, she may lose trust in it and be convinced that the only thing she can do to stay alive (or keep her children alive) is to return to the abuser.

(NCADV, 2000)

Domestic Violence Referrals to Supervised Visitation

Sometimes visitation programs receive case referrals in which the court or child protection agency has already identified domestic violence as a problem, or an allegation, in the case. Other times, staff only realize that domestic violence is present after the referral has been made for other reasons. The table below show how this can occur.

Table 4: Domestic Violence Referrals	
Identified Domestic Violence	Unidentified domestic violence
<ul style="list-style-type: none"> • Orders for supervised visitation originating in Injunctions for Protection Against Domestic Violence. • Orders for supervised visitation in dissolution, modification, or paternity cases in which domestic violence has been alleged. • Orders for supervised visitation in dependency cases in which a parent has also been accused of battering the other. 	<ul style="list-style-type: none"> • Orders for supervised visitation in dissolution and modification cases involving alcoholism/substance abuse; domestic violence revealed at intake under questioning by staff. Victim says: “No one ever asked me.” • Dependency cases in which child neglect has been the main focus of the investigation. “I tried to take care of my daughter, but sometimes he hurt me too much.”

Not knowing whether there is domestic violence in a family referred to supervised visitation creates additional risks to the victim, the children, and the staff of the supervised visitation program. Judges should assist programs in identifying the known risks to the victim and the children before the first visit. This

can be done by reviewing records relating to domestic violence, such as injunctions, law enforcement reports, and pleadings relating to custody and visitation. Some cases, however, may present too great a risk for supervised visits.

The Interaction of Substance Abuse and Domestic Violence

Alcohol abuse, especially binge and chronic drinking or binge use of cocaine or other illegal drugs, is strongly associated with battering. However, much domestic violence takes place without alcohol. Some researchers suggest that substance abuse reduces inhibitions and increases aggression; still, substance abuse does not cause domestic violence, although there is a correlation between the severity of abuse and alcohol consumption.

Many batterers have dual substance abuse issues, with use of alcohol and drugs such as cocaine and amphetamines.

Victim Dynamics

Even a single act of violence by a family member may cause long-lasting trauma to the victim or a child. Repeated battering and severe violence causes significant psychological distress. Typical effects of battering on the victim include:

- Fear and terror;
- Low self esteem, shame and embarrassment;
- Nightmares;
- Depression;
- Difficulty with trust and intimacy;
- Anxiety;
- Anger and irritability;
- Numbing and avoidance;
- Post-traumatic stress or mood disorder;
- Suicidal feelings.

These psychological effects are in addition to the physical injuries that can be the direct result of domestic violence, including:

- Nosebleeds;
- Bruises, broken teeth, concussions, black eyes, and facial injuries;
- Bleeding (internal and external), lacerations, cuts;
- Muscle sprains;
- Chronic head, neck, and back pain;
- Burns;
- Hair loss;
- Sexually transmitted diseases;
- Broken bones, including jaw, ribs, arms, legs, fingers, toes;
- Knife and gunshot wounds;
- Injuries to the extremities and trunk area;
- Vaginal or perineal tears; injuries to the sex organs;
- Miscarriage.

Domestic violence perpetrators use domestic violence because it works: it serves to maintain power over the battered woman and to cause her to do what the batterer wants. The batterer learns what works and what doesn't to cause his victim to do his will.

(Field , 2002)

Perpetrator Dynamics

Research indicates that the “typical batterer” uses violence to meet his needs for power and control over others. The typical batterer:

- Frequently denies and minimizes responsibility for his abusive actions;
- Blames his partner for the abuse;
- Blames alcohol or drugs for his behavior;
- Does not have a mental illness;
- Can be utterly charming in public and unthinkably vicious behind closed doors;
- Grooms his public image to hide his true nature; and
- May not have a criminal record.

Case Example

Mrs. Starr has tried to leave her violent husband on three separate occasions, the last of which occurred after he held a gun to her head in front of the children. The first time, her minister convinced her to stay and get help for Mr. Starr. The second time, Mrs. Starr did not have enough money to pay rent for an apartment large enough for her three children. The third time, Mrs. Starr moved out and got an injunction for protection against domestic violence. The court ordered supervised visitation for Mr. Starr and the children. Mrs. Starr has to borrow a friend's car to get the children to the visits: She is often late, appearing frazzled and impatient with the children when she drops them off. The children sometimes have dirty faces and ill-fitting clothing. Staff at the Sunshine Visitation Program have noted her tardiness and behavior each time in the program files. Mr. Starr has always arrived on time, and is happy to see his children. They are always delighted to see him, running to him and hugging him, smiling. He has told staff "confidentially" that Mrs. Starr is mentally ill and he has tolerated her bizarre behavior for years. His attorney has told the Program Director that he thinks the parties will reunite, but plans to file a Motion for Primary Residency if they do not.

The Link Between Domestic Violence and Child Abuse

- Between 45–70% of survivors of domestic violence report that their abusers also committed some form of child abuse. (Mills, 2000)
- Studies show that child abuse is at least 15 times more likely to occur in households where domestic violence is present than those without adult violence.
- Nearly 100% of children from violent homes see and/or hear the violence inflicted by their fathers upon their mothers.
- Mothers who have been beaten by their spouses are twice as likely as other women to abuse a child
- Children often try to intervene to protect the adult victim, which puts them in danger of being abused. (Mills, 2000)

In a study of young children with sexual behavior problems, fully 68% of the children had witnessed domestic violence.

(Silovsky, 2002)

The Impact of Domestic Violence on Children

Perpetrators of domestic violence traumatize and terrorize children in the following ways:

Intentionally injuring the children as a way of threatening and controlling the abused parent, i.e. abusing the child to coerce the victim to do what he wants.

Unintentionally injuring the children during the attack on the abused parent.

Creating an environment where the children witness the abuse.

Using the children to coerce and control the victim while living with or separated from the victim.

(Schechter and Ganley, 1995)

In addition to bodily injury, children suffer from the traumatic effects of domestic violence in the following ways:

Children exposed to domestic violence are more likely to use violence in their later relationships.

Sons of violent men have a rate of wife beating many times greater than sons of nonviolent parents.

Children who witness domestic violence were found to be 24 times more likely to commit sexual assault crimes and six times more likely to commit suicide than children who did not witness domestic violence. (Edwards, 1992)

Battered women may also abuse their children. One study showed that mothers are eight times more likely to hurt a child when battered than when safe. In an American Humane Society study, women who were abused by their spouse were twice as likely as other women to abuse a child. (Mills, 2000)

Although they are not affected uniformly by their exposure to domestic violence, many children suffer long term effects,

including psychological, physical, academic and behavioral problems as a result of their exposure to domestic violence. These problems include:

- low self esteem
- withdrawal
- depression
- suicidal feelings
- health problems
- poor peer relations
- drug or alcohol problems
- anxiety disorders
- eating disorders
- hyperactivity
- learning disabilities

**Domestic violence
is the single major
precursor to child
deaths in the U.S.**

(Mills, 2000)

Dependency Cases Involving Domestic Violence

Because of the common co-occurrence of spousal abuse and child abuse, judges who hear cases under Chapter 39, Florida. Statutes should be aware that families who experience child maltreatment may also need assistance in addressing domestic violence.

The Dependency Benchbook, prepared by the Office of the State Courts Administrator (2003), describes best practices for courts in dependency cases involving domestic violence as follows:

- Conduct or arrange screening for domestic violence in the family.
- Be aware of other past or pending cases in which the parents or children have been involved, particularly those involving any type of family violence.
- Advise parents of the availability of the domestic violence injunction process to improve victims' and children's safety.
- Provide information and referrals to community resources, such as the local certified domestic violence centers.
- Consider and protect the safety of the adult domestic

violence victim as well as the children when ordering custody and visitation arrangements.

- Impose immediate sanctions for violations of court orders restraining violent behavior.

Determining whether domestic violence exists in a dependency or family court case, and then determining the extent of the violence present, requires the court to screen cases thoroughly. This task may involve the judge him-or-herself analyzing cases, or the court may have some other professional conduct a review.

Scrutinizing cases for domestic violence also requires reviewing all court cases in which the family has been involved to identify signs of past or present domestic violence. On occasion, it is the batterer who wins the “race to the courthouse” and claims that he is the victim and should have custody of the children. Judges should be aware of this phenomenon to avoid assigning blame (and restricting visitation) to the actual victim. Many victims will try to defend themselves or fight back; judges should carefully consider such evidence before issuing injunctions.



Risks of Leaving

In a study of domestic homicides in Florida, 65% of intimate homicide victims had physically separated from the perpetrator prior to their death.

Florida Governor’s Task Force on Domestic and Sexual Violence, Florida Mortality Review Project Report, 1997

Separation Violence

Research indicates that the time of leaving a relationship can be the most dangerous for a victim of domestic violence. The separation often triggers an escalation of violence, called “separation violence.” (Hart, 2000) When the court orders supervised visitation, the batterer then knows exactly where his former partner and children will be, at what time, and for how long.

Child Abduction: More than 350,000 children are abducted by parents each year in the U.S. Research indicates that fathers commit most abductions, and 41% occur between the time of separation and divorce; another 41% occur after the parents have been separated or divorced for more than two years. More than half of all abductions by parents occur in the context of domestic violence. (Hart, 1996) These statistics reveal yet another possible risk to children during visits.

Risk Assessment for Courts and Visitation Providers

Many risk assessment tools have been developed to attempt to gauge the risks presented by a batterer. The following list was developed for courts and supervised visitation providers. (Sheeran and Hampton, 1999)

Screening for risks is important to both visitation providers and the courts. Courts often request risk and lethality assessments to determine the level of risk that a batterer poses to his family's safety. Common risk factors screened for during such an assessment include:

- Escalation of physical or other forms of violence;
- Recent acquisition or change in use of weapons;
- Suicidal or homicidal ideation, threats, or attempts;
- Change in substance use/ abuse patterns;
- Stalking or other surveillance/monitoring behavior;
- Centrality of the victim;
- Jealousy/obsessiveness about, or preoccupation with, the victim;
- Mental health concerns connected with the violent behavior;
- Other criminal behavior or injunctions;
- Increase in personal risk taking (e.g., violation of restraining orders);
- Interference with the victim's help-seeking attempts;
- Imprisonment of the victim in her home;
- Symbolic violence, including the destruction of the victim's pets or property;
- The victim's attempt to flee the batterer or to terminate the relationship;
- Batterer's access to the victim or her family.

None of these indicators alone suggest that a batterer will kill his partner or commit other forms of severe violence. Generally though, the more indicators that are present, the greater the risk. Also, an effective risk assessment will focus not only on the presence of risk factors, but also on recent changes in behavior suggesting an escalation of risk. (Sheeran and Hampton, 1999)

Heightened Danger and Limits of Risk Assessments

Some cases may simply be too dangerous for supervised visits. Programs may ask to reject referrals based on the presence of one or more of the above risk factors. Courts and domestic violence advocates can aid programs by conducting initial screening, but a director's decision to *screen out a case* on the basis of danger, or his/her conclusion that the program does not provide adequate security for the case, should be accepted by the court.

It should be noted that there are several problems associated with risk assessments at supervised visitation:

- Mental health professionals and those trained specifically in the use of risk assessments should screen batterers. Most staff at supervised visitation programs are not clinicians and have no expertise in conducting risk assessments.
- When a professional conducts visitation risk assessments, supervised visitation program staff may feel a false sense of security that the dangerous cases have been screened out. Thus, they may lower their scrutiny of cases and allow risk to be *increased* on site.
- Background checks and records reviews should always be done in addition to formal risk assessments.
- No matter how thorough the screening tool is, even professionals admit that there is no way to accurately predict whether a specific batterer is likely to kill. Many of the tools assessing risk were developed after victims were murdered, and the individual risk factors were determined by looking backward to the factors present.

Case Example

Mr. Brown is ordered to have visits at the Sunshine Visitation Program pursuant to a Temporary Injunction. He is perfectly polite at visits, well-dressed and jovial with his children. He impresses the program staff with his sincere denials of abuse but expresses certainty that “this will all be cleared up very soon.” He asks the program director for a letter of support, but she regretfully declines, saying she thinks he’s a good father, but she can’t write such letters. At the permanent injunction hearing two weeks later, the judge chastises the parents to work out the details of visits, because they have a “long future together and will have to work things out eventually.” He does not grant the permanent injunction and rescinds the order for supervised visits. The next week Mr. Brown stalks and murders his wife.

Conditions Precedent to Supervised Visits

Heightened risks result in courts setting conditions on visitation. That is, judges may require that the batterer submit to the following interventions before visitation is allowed, even in a supervised setting:

- Participation in alcohol or drug treatment programs
- Participation in a certified batterer’s treatment program
- Counseling to aid in developing parenting skills, appropriate alternatives for child discipline, etc.

Security at Supervised Visitation in Domestic Violence Cases

The best practice is for supervised visitation programs to have security personnel on site during visits in cases that involve domestic violence. Law enforcement officers who have the power of arrest are preferable to private licensed security personnel. In addition, programs should also have specific procedures in place, including the following:

- Staggered arrival and departure times for both parents, so



Judicial Alert

When ordering monitored exchange in domestic violence cases, the court should create clear orders and eliminate the need for the interpretation or negotiation about the schedule. After all, “asking the parties to work out their own visitation details would be comparable to asking a former hostage to return to his captors alone, without any weapons or back-up support, to negotiate the surrender of weapons, and the release of any hostages or goods...”

(Field, 1998)

that opportunities for stalking are minimized;

- Separate entrances, waiting areas, intake sessions, and parking lots, to increase the victim and child’s safety;
- Background checks on the visiting parent;
- Background information on the case, such as law enforcement reports, injunctions from other locales, and custody pleadings;
- Firm policies to prohibit messages being passed to the victim and information being obtained about the victim;
- Prohibitions on bringing boxes and parcels to visits;
- Vigilant supervision of each visit, with a ratio of one staff monitor to each family (no group supervision); and
- Training specific to domestic violence dynamics for all staff who monitor such visits. Such training should include:
 - The characteristics of batterers and victims;
 - Understanding non-offending parents’ behavior at visits;
 - The correlation between child abuse and domestic violence;
 - Manipulations possible by batterers at visits;
 - Specific instruction on keeping victims and children safe;
 - Admonitions against making recommendations in the case.

Interventions Designed to Reduce the Violence

Supervised visitation, in most cases, is only a short-term solution. Because it is a relatively scarce resource, judges should not use it for long-term intervention. Many programs have limited spaces available and waiting lists for new families. The best approach is for judges to attempt to address the reasons that a family was sent to supervised visitation in the first place. Therefore, interventions such as substance abuse counseling, parenting classes, and certified batterer’s intervention programs should be relied on to minimize the risk in the long term.

Periodic Judicial Review

Programs will report to the court when a critical incident has occurred (*see Chapter 5*), and should also review each referral on a periodic basis. Just as courts periodically review dependency cases to ensure that the parents are participating fully in interventions designed to improve parenting, so should they routinely re-examine domestic violence cases sent to supervised visitation. Enhanced judicial scrutiny maximizes the chances that the batterer will be held accountable when services are ordered to address violence. Judges will see a variety of behaviors from victims, children, and batterers that must be viewed, and can be explained in, the context of domestic violence dynamics.

Victim Reaction to Visits

Even though the victim may be relieved that the court has ordered supervision, she may be aware that her greatest risk of serious violence began when she left her abuser. When she brings her children to visits, she may feel:

- Fear that her abuser is angry, that she will be seen as unfit, that she is not believed, and that her children may be harmed;
- Sad that her children must visit under these circumstances; that her life is in upheaval;
- Angry that her family is not intact; that the system is difficult to maneuver;
- Anxious at her loss of support and resources;
- Guilt because the perpetrator has always blamed her for the abuse;
- Shame that she is a battered woman; that her children do not have a “normal” relationship with their father; that his family and friends believe she betrayed them;
- Mistrust because she thinks no one believes her;
- Confusion with the system, the rules, and the program schedule and setting; and/or
- Exhausted from dealing with the turmoil of her victimization.



Judicial Alert

Studies of custody disputes show that fathers who battered their wives are twice as likely to seek sole physical custody of their children than are nonviolent fathers, are three times as likely to be in arrears in child support, and are more likely to engage in protracted legal disputes over all aspects of the divorce.

(APA, 1996)

These emotions may manifest themselves in many ways at the visitation program. Below are examples from visitation programs.

Table 5: Victim Reaction to Supervised Visitation

Reactions of Victim	Example at Visitation Program
Nervous	Parent acts “jumpy,” uptight or anxious, expresses worry about children or batterer’s behavior.
Weepy	Parent cries when she brings child to visits.
Angry	Upset that she has to bring the children to visits “after all he has done to her/them.”
Embarrassed	Parent does not try to engage staff; answers questions without looking at staff.
Relieved	Pleased that she is sure her children will be safe during a supervised visit.
Withdrawn	Parent has flat affect, does not interact with staff; simply “goes through the motions.”

The Child’s Reaction to Visits

Despite the trauma of domestic violence, children may still feel ambivalent in their loyalty to their batterer parent. Children have reported feeling torn between their love and longing for their batterer parent and their condemnation of the violent behaviors. *Despite this ambivalence children should never be physically forced to visit with their batterer parent.* Such action ignores the complicated emotions that children have about violence, and can cause greater psychological harm.

Researchers studying children in the visitation setting have noted that children themselves have a “double image” of their batterer fathers, who may attempt to use visits to “grill” the children for information about the mother (Mills, et al, 2000), but who can also be “loving caretakers or doting suitors.” (Johnston & Straus,

1999) Children may exhibit the following behaviors at visits:

Table 6: Child's Reaction to Supervised Visitation

Child's Reaction	Behavior Exhibited at Visits
Fear & Anxiety	Clinging behavior, especially until child feels "safe" at visit; insistence that mother stay near program; child anxious about mother's absence during visit.
Relief & Happiness	Child hugs father; smiles throughout monitored visit.
Anger	Child expresses anger at violent parent and/or at victim parent for separating the family, or becomes violent toward staff or parent
Withdrawal	Child refuses to participate in visit.

Researchers have noted that some children are very comfortable with an abusive parent as long as there are outsiders present. (Bancroft and Silverman, 2002)

Batterers' Reaction to Supervised Visitation

According to Michael Lindsey, founder of Abusive Men Exploring New Directions (AMEND), a batterer has a series of beliefs about his actions. (Nadkarni and Shaw, 2002) These beliefs are listed in the chart below along with case examples collected by the Clearinghouse of how such a belief can be manifested at supervised visits.

Table 7: Batterers' Reaction to Supervised Visitation

Batter's Belief	Example of Behavior Exhibited at Supervised Visitation
I didn't do anything wrong.	Batterer denies that he ever hurt his partner: "She's making it all up." Minimizes his actions and blames victim.
If I did do something wrong, I won't get caught.	Attempts to get staff "on his side," "This is all a mistake."
If I do get caught, I can talk my way out of it.	Blaming: "She's on drugs. She goes nuts when she drinks." Apologizing: "I'm sorry. It won't happen again."
If I can't talk my way out of it, the consequences will be light.	"I know we don't get along. I want to be a good dad. My kids need me. I just need another chance."

Because so much of domestic violence involves power and control, the batterer may *choose* to follow the rules of the visitation program. Thus, he may gain the respect of staff for his cooperation and may attempt to discredit the victim, defining himself as the better parent.

Batterers and Program Rules

Some batterers choose to comply with program rules, especially in early visits. A common phenomenon at supervised visitation programs, however, is batterer's testing or open violation of program rules. The batterer's behavior is typically consistent with all of the usual types of violence that occurred during the relationship in addition to new behaviors arising from the

separation: battles over finances, custody disputes, stalking, and threats or attempted kidnapping. (American Psychological Association, 1996))

Table 8: Batterers' Behavior at Supervised Visitation

Behavior	Examples at Supervised Visitation Programs
Threats	Notes passed to victim, taunting, notes scribbled on juice boxes, on child's clothing, on child's skin.
Stalking	Violations of staggered arrival and departure times, waiting for victim, arriving early or staying late to visits, attempting to find out where children live, asking questions to find address of wife.
Emotional manipulation	Telling children to "tell mommy I'm sorry, please come home."
Financial manipulation	Refusing to pay for visits.
Animal abuse	Announcing to children at visits that beloved pet has died, catching lizards in playground and killing them.
Threats of suicide	Hiding suicide note in photo album brought to visit.
Verbal confrontation / abuse	Yelling obscenity to spouse in parking lot, blocking her from taking the child back at monitored exchange until he can "say his piece." Coughing loudly and talking loudly in waiting room to "let my wife know I'm here."
Physical confrontation/abuse	Spanking child at visit: "Tell mommy I did this." Waiting for spouse in parking area or across the street, pushing staff away to reach wife in building.
High conflict custody dispute	Attempts to gain sole parental responsibility "I will make her pay for this. I'll take the kids away from her."

Other examples of batterer behavior

Kidnapping Refusing to return children at end of monitored exchange. Fleeing with children.

Murder Killing wife and/or child. There have been documented examples of batterers killing their wives and children at the end of visitation. In one case, the batterer had visited with his children nine times at the visitation program without incident before driving to his wife's apartment complex and stabbing her to death in the parking lot.

Case Example

Mr. Miller has been ordered to use the Sunshine Visitation Program. He tells staff that his wife has always threatened to take the children away from him, which is why he didn't divorce her. But now he claims that she has "gone overboard." He says she has hit and scratched him, but he felt sorry for her. Now he is going to protect the children and get them away from her. He says these things to staff in front of the children, or loudly enough so they can hear him. When staff redirects him, he balks and says "no one will tell me how to raise my children." His first three visits are continuously interrupted by staff, who intervene and warn him about his behavior. He brings presents for his children each visit, and promises them that their time at the program will be short; they'll be living with him soon. His eight year old son yells at his three year old sister, saying "shut up, stupid" and both son and father laugh at this. On the fourth visit, Mr. Brown brings a photo album to staff, "for the wife." "Tell her she'll want it when the children are living with me." When Mrs. Brown arrives to pick up the children, her son tells her that he wants to live with his father, and her daughter smacks her on her knees continuously.

Holding Batterers Accountable for their Behavior

When batterers violate program rules, judges should hold them accountable. Some examples of reactions to batterer behavior include:

Orders of civil contempt: Finding batterers in contempt of court for violations of program rules lets them know that their behavior is acknowledged and unacceptable.

Orders for batterer's intervention programs: If the court has not already done so, an order for the perpetrator to attend a Batterer Intervention Program might be one appropriate response to violating supervised visitation policies with stalking or other violent behavior.

Suspending or terminating the right to visitation: This remedy helps to remove the batterer's control over the victim and ensures that the behavior will not be repeated at a visitation program.

Orders of sole parental responsibility for the victim: Egregious behavior, flaunting and violating the rules, and endangering staff may require severe measures, such as denying parental responsibilities to the batterer.

Mandatory batterers' intervention programs

Court to order batterers' intervention program attendance: If a person is found guilty of, has had adjudication withheld on, or has pled nolo contendere to a crime of domestic violence, as defined in §741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to §741.325. Effective July 1, 2002, the batterers' intervention program must be a certified program under §741.32. The imposition of probation under this section shall not preclude the court from imposing any sentence of imprisonment authorized by §775.082. Stat. 741.281.



Charges of Criminal Conduct

Some behavior on site is criminal in nature and should be treated as such in the criminal justice system.

QUIZ

1. Why is it important for judges to understand the complexities of domestic violence when ordering supervised visitation?
2. Identify and describe the emotions that victims and children might have at supervised visits.
3. Why is security necessary at supervised visitation?
4. List ways in which a batterer can be held accountable for his actions at supervised visitation.

4

— Judge's Checklist

Several resources exist for judges in domestic violence cases. Recommended reading includes *Screening for Domestic Violence: Meeting the Challenge of Identifying Domestic Relations Cases Involving Domestic Violence and Developing Strategies for Those Cases*, by Julie Kunce Field, in *American Judges Association Court Review*, cited as 39 *Court Review* 4, 2002, and *The Batterer as Parent*, by Lundy Bancroft and Jay Silverman, Sage Publications, 2002.

Determine whether any of your court or domestic violence shelter staff have conducted risk assessments in cases involving domestic violence. Review their assessments before ordering supervised visitation.

CHAPTER FOUR

Child Sexual Abuse Case Referrals to Supervised Visitation Programs

PURPOSE: The purpose of this chapter is to report the findings from a 2003 survey of Florida judges on their need for additional training on child sexual abuse; to emphasize the complex dynamics of child sexual abuse; to identify characteristics of victims, perpetrators, and non-offending parents; and to describe best practices for visit safety when child sexual abuse has been alleged or determined.

LEARNING OBJECTIVES

By the end of this chapter, judges will be able to:

1. Discuss findings from the Clearinghouse on Supervised Visitation's 2003 survey of Florida family law judges regarding their need for additional training in child sexual abuse issues.
2. Define child sexual abuse and understand its prevalence in the U.S. and in Florida.
3. Describe the characteristics of child sexual abuse victims, perpetrators, and non-offending parents.
4. Describe the unique challenges presented by juvenile sexual offenders.
5. Identify factors and case dynamics that may heighten the risks involved in supervised visits involving child sexual abuse.
6. Discuss best practices in supervised visitation referrals for cases involving child sexual abuse.

GUIDING PRINCIPLES

Judges can use the guiding principles to:

1. **Understand the dynamics of each case.** In child sexual abuse cases, this means that judges should understand the prevalence and potentially severe effects of the abuse. They should also understand the Child Sexual Abuse Accommodation Syndrome, normal and abnormal sexualized behavior in children, the co-occurrence of

domestic violence and child sexual abuse, the limits of treatment for perpetrators, and the factors that affect the psychological harm of the child.

- 2. Acknowledge the purposes and limits of the local supervised visitation program.** Renewed contact between perpetrators and victims continues to pose a risk to children even after treatment. Sexual abusers can be extremely subtle in their victimization of children; further, the supervised visitation setting does not guarantee that the child will not be revictimized. In addition, there may be cases in which supervised visitation is simply not appropriate given the specific facts of the case or the severity/length of the abuse.
- 3. Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.** In all cases of child sexual abuse, whether confirmed or alleged, any supervised visitation ordered must be conducted according to specific rules which are designed to protect children from revictimization. These include a one-to-one ratio of families to monitors, specific toileting rules, prohibitions on certain physical contact, and a variety of other rules designed to keep children safe. *Still, in cases of confirmed abuse, supervised visitation should not be ordered until treatment of the victim and perpetrator have occurred and a mental health professional –who has experience in child sexual abuse cases – has recommended that visits occur.*
- 4. Include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.** Supervised visitation program staff require documentation in all child sexual abuse cases, whether the allegations are confirmed or alleged. Copies of all court orders relevant to the child, pleadings, and summaries of child protective recommendations as to visitation should be provided. In confirmed cases, evidence of treatment or therapy should be sent to staff, as supervised visitation is **not** a replacement for therapy. In confirmed cases, the therapist should also make a recommendation as to visitation.
- 5. Ensure that the supervised visitation program staff have sufficient training to protect the families in each individual case.** Even if the case is determined to be appropriate for supervised visitation, programs should not be sent referrals in child sexual abuse cases if staff have not had specific training to understand them. The Clearinghouse published a training manual on child sexual abuse issues in 2002. Clearinghouse staff have continuously assisted Florida programs with obtaining training in issues such as myths and facts about child sexual abuse, identifying possible juvenile sexual offenders, family characteristics of sexual abusers, the progression of sexual abuse, and signs and symptoms of sexual abuse. Without such training, no sexual abuse cases, even those containing unproven allegations, should be referred to programs.

Child Sexual Abuse Cases at Florida's Supervised Visitation Programs

In 2001, Florida supervised visitation program directors reported that approximately 15% of cases referred to programs involved child sexual abuse. These cases can be referred to programs in several ways:

- In dependency cases in which the Petition for Dependency alleges child sexual abuse by a parent on his child, and the case is sent to supervised visitation pending the investigation of the allegations;
- In dependency cases in which the allegations are of other child maltreatment, but supervised visitation staff learn about allegations of child sexual abuse of the visiting child or other children after taking the case;
- In family court or domestic violence cases in which the non-custodial parent is accused of sexual abuse of the visiting child or of other children and is ordered to supervised visits with his own children;
- In family court or domestic violence cases which are referred to the supervised visitation program for other reasons, but staff learns about the allegations of child sexual abuse of the visiting child or other children at intake or afterwards; and
- In criminal cases in which a parent has been convicted of child sexual abuse (or some lesser related offense) of his own child or of another child and is ordered to supervised visits with his own child.

Who is the perpetrator?

Although sensationalized stories of strangers abusing children are common in the press, it is actually family members who commit 47% of sexual offenses against children. Another 40% are committed by acquaintances of the child or child's family. A stepfather is four times more likely than a biological father to victimize a stepdaughter. Strangers commit only 8-10% of child sexual abuse.

Case Example

Mr. Jenkins visits with his twin daughters Sasha and Sandy at the Sunshine Visitation Program each week. He has been accused of physically abusing them, and the Department of Children and Families filed a petition for Dependency and removed them from his home. Mr. Jenkins gets down on the floor with his children at each visit and plays puppets with them. At one visit, the staff noticed that Mr. Jenkins was encouraging Sasha to bite the backside of her puppet when it did something “bad.” Sasha complied and the three giggled. This encouraged her to bite the puppets again. Sasha then took a pencil off of the table and began poking the backside of the puppet. After the fourth visit, staff noticed that there seemed to be a pattern in Mr. Jenkins’ using the bathroom at the end of each hour-long visit, after the Observation Notes and Reports had been completed. A male staff member went into the restroom and listened to Mr. Jenkins through the stall door. When he came out, he told the program director that he thought Mr. Jenkins was masturbating in the restroom, but he refused to look through the door.

Results of Judicial Survey on Child Sexual Abuse Issues

Child sexual abuse cases are probably among the most difficult cases for the judiciary, and certainly among the most difficult cases for supervised visitation programs. In 2003, the Clearinghouse created a training manual for supervised visitation providers, entitled *Child Sexual Abuse Referrals: A Curriculum for Supervised Visitation Providers* to educate program staff throughout the state about the dynamics and dilemmas in providing supervised visits in these cases. In 2003 the Clearinghouse on Supervised Visitation received a grant from the Department of Children and Families to survey Florida family law judges on their knowledge of child sexual abuse, their judicial practices relative to referring these cases for supervised visitation, and their identification of training topics needed on this issue to better inform their judicial understanding of these cases. Findings from this survey indicate that judges want more training on many issues relating to child sexual abuse. The table on the next page reveals the topics judges want training in, and the percentage of respondent judges who requested more training.

Table 9: Judicial Need for Training

Top	Want more training
Signs and symptoms of child abuse	53%
Family dynamics in child sexual abuse	60%
Characteristics & responses of non-offending parents in child sexual abuse cases	70%
Research findings on incest perpetrators	75%
Impact of disclosure on child, the non-offending parent and offending parent	75%
The Child Sexual Abuse Accommodation Syndrome	76%
Triggering events for child experiencing child sexual abuse	75%
Therapeutic goals for child sexual abuse perpetrators	63%
Therapeutic goals for sexually abused children	67%
Therapeutic goals for the non-offending parent in child sexual abuse cases	66%
Myths about child sexual abuse	67%
Progression pattern in interfamilial child sexual abuse	77%
Characteristics & prevalence research on juvenile sexual offenders	83%
Family & systems responses to juvenile sexual offenders	86%
Community resources appropriate for child sexual abuse cases	67%
Identification of child sexual abuse resources and reports	64%
Research on the incidence of child victimization at supervised visitation programs	88%
Co-occurrence of child sexual abuse and domestic violence	75%

Definitions of Child Sexual Abuse

The National Center on Child Abuse and Neglect (2002) defines sexual abuse broadly, as *any childhood sexual experience that interferes with or has the potential for interfering with a child's healthy development*. The American Academy of Pediatrics defines it as *the engaging of a child of sexual activities that the child cannot comprehend, for which the child is developmentally unprepared and cannot give informed consent, and which violates the social taboos of society*.

Florida Statutes

According to Chapter 39, Florida Statutes, sexual abuse of a child is one or more of the following acts:

- (a) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- (b) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- (c) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that this does not include any act intended for a valid medical purpose.
- (d) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that this does not include:
 - 1. Any act which may reasonably be construed to be a normal caregiver responsibility, any interaction with or affection for a child; or
 - 2. Any act intended for a valid medical purpose.
- (e) The intentional masturbation of the perpetrator's genitals in the presence of a child.
- (f) The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or any other similar purpose.
- (g) The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:
 - 1. Solicit for or engage in prostitution; or
 - 2. Engage in a sexual performance, as defined by chapter 827.

DCF's Sexual Allegation Matrix

The Department of Children and Families uses a child sexual abuse allegation matrix to assess whether sexual abuse of a child has occurred:

- **Sexual abuse/molestation** is sexual abuse with a child when such contact, touching, or interaction is used for arousal or gratification of sexual needs or desires of the abuser. This includes:
 - The intentional touching of the genitals or intimate parts (breasts, groin, genital area, inner thighs, buttocks) or the clothing covering them, of the child by the abuser; and
 - Encouraging, forcing, or permitting the child to inappropriately touch the same parts of the alleged accuser's body.
- **Sexual exploitation** is sexual abuse of a child for sexual arousal, gratification, advantage, or profit. Examples include:
 - Indecent solicitation,
 - Allowing the child to participate in pornography,
 - Exposure of sexual organs to a child,
 - Intentionally perpetrating a sexual act in the presence of a child,
 - Sexual masturbation in front of a child, and
 - Allowing, encouraging, or forcing a child to solicit for or engage in prostitution.
- **Sexual battery (incest)** includes sexual battery or sexual intercourse by a relative of lineal consanguinity (parent or grandparent) or by an adult brother, sister, uncle, aunt, nephew, or niece while responsible for the child's welfare.
- **Sexual battery (not incest)** includes sexual battery or sexual intercourse by a person not related to the child by blood, but responsible for the child's welfare (including step-parents) or who is an adult household member.

Prevalence of Child Sexual Abuse

Most studies have found that that at least 20% – or one in five – women have experienced childhood sexual abuse, and one out of every ten men – 10% – experienced some form of child sexual abuse. A 1999 study shows that approximately one-third of girls and one-seventh of boys are sexually abused before age 18. (Ullman, 2003) Consistent with this range, studies have shown that:

- 12% of girls in grades nine through twelve reported that they had been sexually abused; 7% in grades five through eight also reported being sexually abused. 65% reported that the abuse occurred more than once, 57% reported that the abuser was a family member, and 53% reported the abuse occurred at home.
- Approximately 40% of the women surveyed in a primary care setting had experienced some form of childhood sexual contact; of those, one in six had been raped as a child.

The Florida Abuse Hotline Information System data report reflects that there were 32,194 reports of sexual maltreatment of children in 2001-2002. The report is published at www.dcf.state.fl.us/abuse/pubs.shtml. These include sexual battery (incest), sexual battery (not incest), sexual molestation, and sexual exploitation, as defined in the Department of Children and Families' child abuse allegation matrix. Of these, 13,928 of these cases were ultimately determined to be “verified” or contained some indication of maltreatment when the cases were closed.

The Long Term Impact of Child Sexual Abuse

The effects of child sexual abuse can be devastating. Consider:

- Women who are sexually abused during childhood are at increased risk for drug abuse as adults (National Institute on Drug Abuse, 2000)

- Many adult survivors of child sexual abuse suffer from anxiety, depression, low self-esteem, alcohol abuse, suicidal feelings, relationship difficulties and post traumatic stress disorder. (Ullman, 2003).
- 55% of mothers of boys who sexually abused other children reported that they were victims of sexual abuse in their own childhood. (New, 1999)

Normal and Abnormal: Sexualized Behavior in Children

Most mental health experts agree that some sexualized behavior by children is normal. However, other behavior may not be. The Table on the following page reveals lists of behaviors according to a child's age. There are three categories: normal, given the child's developmental status; of concern, which needs additional assessment by a mental health professional; and abnormal behavior, which may signal that the child is a victim of sexual abuse (and/or may be a sign that the child is a juvenile sexual offender). Supervised visitation providers are cautioned to alert the referring judge or caseworker to any behavior that is of concern or clearly abnormal. Judges should consult with mental health professions to make ultimate determinations and recommendations regarding any troubling child behavior.

Table 10: Normal & Abnormal Sexualized Behavior

Age	What's Normal	What Raises Concerns	What's Not Normal
1-5	<p>Child asks about a woman's breasts.</p> <p>Some masturbation at home and in public.</p> <p>Child asks why girls don't have penises.</p>	<p>Child discusses activities such as adults having sex, seen on TV.</p> <p>Child uses sexual words; may know what they mean.</p>	<p>Child plays with dolls or toys or with other children in a sexualized manner, such as simulating sex.</p> <p>Child tries to hurt baby's or other child's genitals.</p> <p>Sexual contact with other children.</p>
5-10	<p>Children ask about pregnancy, menstruation.</p> <p>Child interested in watching baby breast feed.</p> <p>"Experimenting" with children of same age – kissing, role-playing, contact with them.</p>	<p>Other children complain about child's sexual contact with them.</p> <p>Child too clingy and affectionate with adults, kisses too much, rubs against adult.</p>	<p>Child acts out the hurting of stuffed animals; tries to put objects in doll's rectum/vagina.</p> <p>Child persists in attempts to rub genitals on leg of parent or staff while hugging.</p> <p>Child exposes her/himself to much younger child.</p>
10 and older	<p>Girls playing with, combing, braiding hair of younger girls, or girls the same age.</p> <p>Child makes jokes about dating, kissing. Tells monitor they have a boy or girlfriend.</p> <p>Boys acting shy around girls, or obviously flirting.</p> <p>Children asking about open-mouth kissing.</p> <p>Masturbation in private.</p>	<p>Child insists on hugging or touching another child even when the other child does not want this affection.</p> <p>Child is overly interested in the sexuality of another child.</p> <p>Child uses terms like "slut" or "whore" to describe another child.</p>	<p>Child forces other child to be "affectionate;" holds him down while rubbing against him.</p> <p>Child imitates sexual intercourse with other adults or children.</p> <p>Becomes physically aggressive toward anyone who tries to touch him/her.</p> <p>Looks at child pornography on the internet.</p>

Signs and Symptoms of Child Sexual Abuse

Although there are often no obvious physical signs of child sexual abuse, there may be signs detected by a physician in a physical exam. Below are listed physical, behavior, and emotional symptoms exhibited by children who have been sexually abused.

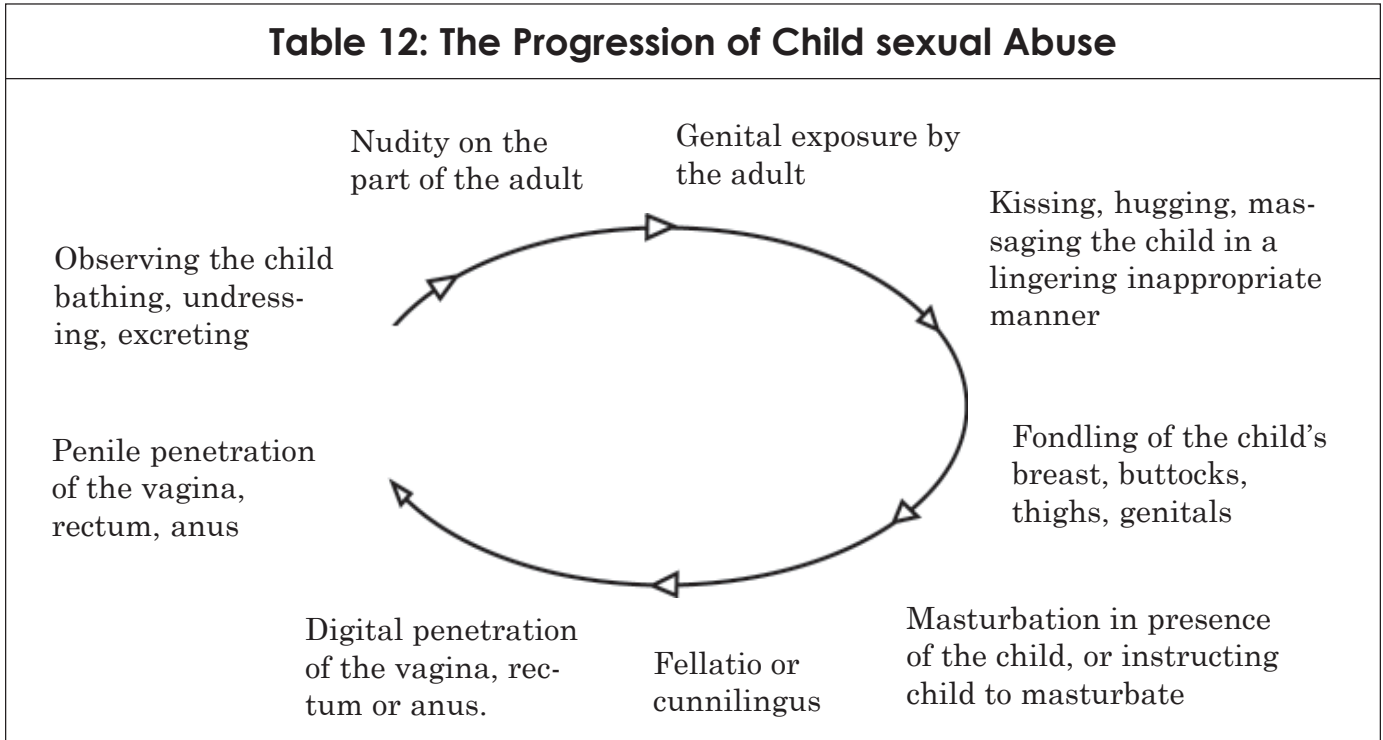
Table 11: Physical, Behavioral, & Emotional Symptoms of Child Sexual Abuse

Physical	Behavioral	Emotional
Genital injuries	Unusual interest or avoidance of all things sexual in nature	Anxiety
Urinary tract infections		Fear
Difficulty walking or sitting	Sleep problems or nightmares	Depression
Preoccupation with genitals	Statements that their bodies are dirty or damaged or fear that there is something wrong in their genital area	Withdrawal from family or friends
Sexually transmitted diseases		Low self esteem
Non-developmentally appropriate toileting accidents	Refusal to go to school	Feelings of worthlessness
	School behavioral or delinquency problems	Shame
	Seductiveness	Dissociation
	Eating disorders	Post-traumatic stress syndrome
	Suicidal behavior	Guilt
	Attempting to get other children to engage in sexual acts	The Effects of Shame: a child's shame for the abuse is related to increased psychological distress, including more depressive and post traumatic stress symptoms, lower self esteem, and eroticism.
	Unreasonable fear of physical exam	
(American Academy of Pediatrics, 1998)	Unusual aggressiveness	(Feiring, 1998)
	Secretiveness	

The Progression of Sexual Abuse

Although a family member may sexually abuse a child a single time before disclosure, the typical pattern of sexual abuse occurs over a period of time and progresses from normal contact to sexual activity. Sexual abusers often “groom” a child for abuse. Grooming is a process by which the abuser uses secrecy and power and control to get the child to accept increased sexualized contact. The table below illustrates this typical progression.

Table 12: The Progression of Child sexual Abuse



Myths and Facts about Child Sexual Abuse

MYTH: Allegations of child sexual abuse are extremely common in child custody disputes.

FACT: The National Center on Child Abuse and Neglect funded the Association of Family and Conciliation Courts to research this issue. The results indicated that allegations of child sexual abuse are quite *uncommon*, with only 2% of the 9,000 disputed custody cases containing child sexual abuse allegations. Among that 2%, half of the allegations were considered likely. (Faller, 2002)

MYTH: An examination by a medical doctor will always reveal whether a child has been sexually abused.

FACT: Only 15% to 20% of reported cases show physical signs of sexual abuse.

MYTH: Assessment of an accused sexual abuser will determine whether he/she actually committed the abuse.

FACT: There is no test or instrument that reliably determines whether a person has or has not sexually abused a child.

MYTH: Sexual offenders can be cured.

FACT: According to the Practice Standards and Guidelines for Members of the Association for the Treatment of Sexual Abusers (2001), a major goal of treatment is to teach clients how to manage their behavior and refrain from reoffending. Members of ATSA “shall not make statements that a client is ‘cured’ or no longer at risk to reoffend.”

Co-occurrence of Domestic Violence and Child Sexual Abuse

Researchers have noted a strong correlation between domestic violence and child sexual abuse. In a 1999 study, 50% of mothers of sexual abuse victims had been victims of domestic violence, and 72% of mothers of boys who were sexual perpetrators had been battered by their partners. (New, 1999) Grooming makes a child “a partner in a conspiracy of silence through bribes, threats, and affection.” A child who has witnessed domestic violence may be more vulnerable to sexual abuse because she is afraid of the batterer. (Bancroft, 2001)

Case Example

Mr. Jensen denies his wife's claim that he sexually abused their six-year-old son, Ben. The court orders Mr. Jensen to have only supervised visits while he is evaluated by a therapist, Dr. Richardson. Dr. Richardson has no expertise in child sexual abuse issues, and he believes that women easily misinterpret innocent actions for sexual abuse in divorces. He tells the visit supervisor that he thinks Mr. Jensen is innocent. The first five visits go without any rule violations, and staff note that Ben is always happy to see Mr. Jensen. On the sixth visit, Mr. Jensen brings Ben a new pocket watch, and repeatedly shows Ben how to put it in and take it out of his pocket. Mr. Jensen does this for Ben, and after a few times, the visit monitor asks Mr. Jensen to stop. Mr. Jensen willingly stops, and the visit proceeds without incident. Two weeks later, Mr. Jensen is arrested for downloading child pornography at work.

Factors Affecting Psychological Harm

The experience of child sexual abuse is unique for every child. The extent of psychological harm resulting from the abuse depends on several variables. The *Manual of Child Abuse and Neglect* (Veltcamp and Miller, 1994) provides a helpful list of criteria that are to be viewed cumulatively: the more of these that occur, the more psychologically traumatic the experience is for the child.

- 1. *The age of the child.*** Generally, the older the child, the more psychological harm results from the abuse. The younger victim is less aware of the meaning of the abuse and may suffer less than the older victim. The older child is more confused, ashamed, angry, and depressed over the experience.
- 2. *Duration.*** Generally, the longer the abuse continues, the more trauma it causes.
- 3. *Aggression.*** The greater the abuser's aggression, the more physically and psychologically damaging it is to a child. Vaginal or anal penetration increases the negative effect of sexual abuse.
- 4. *Threat.*** The greater the threats made to the child by the abuser, the greater the harm. Sexual abusers often threaten their victims with harming the family, with further physical

and sexual abuse, and with threats to harm a child or family's pet. These threats increase the trauma for the child.

5. ***The adult perpetrator.*** The psychological harm increases the closer the relationship is between the adult and the child victim. When the child knows the abuser, the child experiences more confusion than when the abuser is a stranger. Also, the child's ability to trust others is deeply affected when the child knows the abuser. Sexual abuse by the father or stepfather has more impact than abuse perpetrated by a stranger.
6. ***Degree of activity.*** The more frequent the incidents of abuse, the more psychologically traumatic the abuse is to the child.
7. ***Adult support.*** When adults do not believe and support the child after the abuse is revealed, the experience of the abuse becomes more traumatic.

Contact Between the Perpetrator and Victim

According to the Association for the Treatment of Sexual Abusers, renewed contact between perpetrators and family members at risk for being sexually abused requires careful monitoring and supervision. Perpetrators continue to pose some level of risk for reoffending even after completing treatment or supervision. The main priority in considering family reunification is the emotional and physical safety of potential victims. Therapists shall only recommend contact with familial victims or family members under the age of 18 when a non-offending parent or another responsible adult is adequately prepared to supervise the contact; the victim or minor is judged to be ready for such contact by another professional who can monitor his/her safety; and perpetrators have made substantial progress in their treatment. (ATSA, 2003)



Judicial Alert

In cases of confirmed abuse, supervised visitation should not be ordered until treatment of the victim and perpetrator have occurred, and a mental health professional who has experience in child sexual abuse cases has recommended that visits occur.

(Note: unfortunately, not all mental health professionals have had education or training in child sexual abuse. It can be harmful to a child and his/her family if an inexperienced therapist interviews the child and recommends contact without recognizing the risks of the contact, the impact of the alleged child sexual abuse, and/or the reaction of the abuser to disclosure.)

Victim Reaction to Abuse

Despite the high prevalence and severe effects of child sexual abuse, victims often do one of three things: fail to disclose the abuse, delay telling others for years, or recant when they finally disclose. Why do victims allow the sexual abuse to remain a secret, and why do so many recant when they finally tell? The answer lies in a complex tangle of fear, shame, blame, loss of social support, and negative reactions from others. From the child's viewpoint, it may mean more risk to recant or keep quiet than to disclose the abuse. How this can happen is explained below.

The Sexual Abuse Accommodation Syndrome

Children who have experienced sexual abuse often display a pattern of behavior and emotional responses to help them deal with their abusive experiences. Summit (1983) has referred to this pattern as the Child Sexual Abuse Accommodation Syndrome. Summit's work was ground-breaking in that it allowed adults to see sexual abuse from the point of view of the child. The sequence of behaviors of the offending parent and the child's reactions are presented in the following table.

Table 13: The Child Sexual Abuse Accomodation Syndrome

<p>STAGE ONE Secrecy</p>	<p>Offender's Behavior The offender either overtly or covertly informs his or her victim that his/her sexual behavior is a secret. Overtly, the offender may say things like "If you tell, I'll kill your mother." In a more covert manner, the offender may remind the victim either through words or behaviors. The offender uses isolation and intimidation and takes advantage of a child's helplessness in the face of any authoritative adult.</p>	<p>Child's Reaction The victim may be confused, scared, or ambivalent. She may feel guilty about enjoying the special attention that she has received, or frightened that "something bad will happen" if she tells anyone. The victim may comply with her abuser's demands out of fear that whatever the overtly or covertly implied consequences of telling are, they will indeed come to pass.</p>
<p>STAGE TWO Helplessness</p>	<p>Offender's Behavior Offender takes advantage of the natural power and authority that adults have over children. He exerts power and control over his victim, telling her that "no one will believe you," or that no one cares.</p>	<p>Child's Reaction As a result of the adult's power and authority or in response to the threats made by the offender, the victim feels helpless or powerless to stop the abuse.</p>
<p>STAGE THREE Entrapment & Accommodation</p>	<p>Offender's Behavior Offender lies or distorts his actions toward victim, telling her that this is something all dad-dies do, or that he is only teaching her how to be a good wife. He repeatedly engages in the sexual victimizing behaviors.</p>	<p>Child's Reaction Trying to survive, the child tries to "get used to" the abuse. Accommodation is part of the child's survival skills. It is her response to repeated sexual victimization. She may "accommodate" to abuse by denying her feelings, withdrawing, denying what is happening, dissociating from the abuse. This may explain why some sexually abused children may interact with an abusive parent at supervised visitation in a seemingly "appropriate" manner.</p>
<p>STAGE FOUR Disclosure</p>	<p>Offender's Behavior Offender may deny abuse if disclosure is made, calling victim liar, mentally ill, or manipulated by other parent into creating story. Further threatening of victim may occur.</p>	<p>Child's Reaction Much sexual abuse is never disclosed. Disclosure may be accidental, may come through anger, or may result from prevention education. As Summit wrote: "Unless[they are] specifically trained and sensitized, average adults... can not believe that a normal, truthful child would tolerate incest without immediately reporting [the incident]...." This is the crux of the Accommodation Syndrome. During this stage, victim may "drop hints" to the non-offending parent, her relatives, friends, or teachers about abuse. Depending on the reaction she receives, she may fully disclose, or stop any discussion.</p>
<p>STAGE FIVE Recantation</p>	<p>Offender's Behavior Offender may continue to deny allegations, convince non-offending parent that abuse did not occur. Offender may also put increasing pressure on child to "take it back," blaming her for problems now facing the family.</p>	<p>Child's Reaction Not all child victims recant or change their account of the abuse, but some do, in part because they are not believed, or because by disclosing they are subject to out-of-home placement, medical exams, constant interviews with protective service workers and/or law enforcement. Thus, the child faces deep loss with disclosure: loss of peace in her life, security, her familiar environment, her friends, and her family.</p>

Characteristics of Non-Offending Parents

Non-offending parents may exhibit a variety of reactions when confronted with the fact that their children have been victimized. A sample of reactions and possible behaviors of non-offending parents to DCF staff, to the courts, and to supervised visitation staff is described in the table that follows.

Table 14: Possible Reactions of Non-Offending Parent

Reaction	Behavior with DCF, in Court, or at Supervised Visitation
Denial of Sexual Abuse	<p>The parent may express denial of any knowledge of the sexual abuse of the child(ren) .</p> <p>The parent may make statements saying there has been a big mistake, someone is making all of this up, etc.</p> <p>The parent may also try to convince authorities that the alleged abuse couldn't have happened.</p>
Rationalization	<p>Non-offending parents exhibiting rationalization may try to involve supervised visitation staff in convincing DCF or the court that the allegations are inaccurate by statements such as, "Can you please tell the judge or my DFC investigator how nice my husband is to Casey? He's just a very affectionate father."</p>
Minimization	<p>Minimization may be demonstrated by the non-offending parent in statements they make to supervised visitation staff which indicate an effort to diminish the sexual abuse. For example, statements like, "it only happened once or twice," "it was only fondling, it could have been much worse" indicate minimization of the abusive experience.</p>
Defensiveness	<p>Non-offending parents may also exhibit signs of defensiveness to the court, DCF, or visit monitors.</p> <p>They may tell staff repeatedly that they had no role in the abuse nor were they aware that it was happening and seek some kind of affirmation about their parenting skills.</p>
Guilt	<p>Parents may experience guilt for not recognizing symptoms of sexual abuse in their children, and may express this guilt to the court, DCF or supervised visitation staff.</p> <p>Parents may tell staff that they feel just terrible. "How could the abuse happen?" they may ask.</p> <p>Non-offending parents may also exhibit ambivalent feeling toward their children.</p> <p>DCF, the court, and visitation staff may observe the non-offending parent being both very concerned and at times frustrated and angry toward the child(ren) for reporting the abuse, having to come to a visitation program, etc.</p>
Sadness or Depression	<p>Non-offending parents may express sadness or exhibit signs of depression (weeping, flat affect, sighing, slowed body motions) during their interactions with authorities.</p>
Fear	<p>Non-offending parents may be vary fearful that their child(ren) will not be protected during visits with the offending parent. They may make such statements as "Are you sure your staff will not let anything happen?" and "What if my husband tries to do something else during the visit?"</p>
Anger	<p>Non-offending parents may also be very angry at both the offending parent as well as the child(ren) reporting the abuse. This may result in angry outbursts during court hearings, intake at visitation programs, or in interviews with DCF staff.</p>

Documentation Required in Confirmed Child Sexual Abuse Cases

Confirmed abuse means that the court has made a finding of sexual abuse, or that the agency charged with investigating abuse has made a finding that the abuse allegation is verified or there are indications of sexual abuse. In these cases, the following documentation *must* be provided to the supervised visitation program:

1. Copies of all court orders, detailed information on the child's abuse, and pleadings and court orders relating to Injunctions for Protection Against Domestic Violence, Dissolutions of Marriage, and Modifications of Final Judgments relating to the child;
2. Evidence that the abusive parent has successfully completed an evaluation and treatment program specifically designed for sexual abusers conducted by a public or private agency or licensed mental health professional with expertise in treating sexual abusers;
3. Evidence that an abusive parent has successfully completed a substance abuse program, if indicated;
4. Evidence that the child victim is receiving therapy or has received therapy addressing his/her sexual victimization;
5. A recommendation by the child's therapist that visiting is in the child's best interest and recommendations about how that visitation should occur;
6. Assessment by the abuser's therapist that contact is appropriate between the child and the abuser.

The risk of the perpetrator revictimizing the child, denying the abuse, and coercing the victim to recant is too high for visitation to be allowed until this documentation is received. Additionally, children may easily misunderstand that the visitation is the result of authorities not believing the child's disclosures. Judges have the responsibility to determine whether a child at a certain age can refuse a visit with a

parent who has allegedly sexually abused him/her or who has been found to have done so.

Documentation Required in Alleged Child Sexual Abuse Cases

All judicial referrals to supervised visitation in cases in which child sexual abuse has been alleged must include sufficient background information for staff to be informed about the risks involved in each case. In cases where sexual abuse has been alleged but not confirmed, including cases where no investigation has been conducted, where there are differing opinions among experts as to whether abuse occurred, or when the investigation is not yet complete, supervised visitation programs should review the following documents prior to the first visit:

1. Copies of all court orders relevant to the child;
2. Social services reports or summary reports completed specifically for the visitation referral. These should contain details surrounding the abuse allegations;
3. Records of physical and/or sexual abuse, including police reports and hospital reports;
4. Pleadings and orders relating to any Injunctions for Protection Against Domestic Violence, Dissolutions, Modification, or other litigation concerning the child.



Judicial Alert

Along with receiving information such as court pleadings, police reports, and investigation summaries, supervised visitation staff should conduct criminal background checks on visiting parents to help determine the risks to the child and other participants at the program.

Case Example

Mr. Martin drove to Florida from a nearby state and filed an Emergency Petition for Visitation, claiming that his ex-wife had not allowed him to see his son for two years. His ex-wife did not show up at the hearing. The judge signed a temporary order for supervised visitation to begin the next day. The Sunshine Visitation Program director conducted a criminal background check on Mr. Martin, and found out that he was a convicted sexual offender in his home state. The judge immediately abated his order.

Visit Rules

The best practices described below were designed to keep the child safe in cases in which sexual abuse is confirmed *and or only* alleged. Although they are more stringent than the rules which govern non-sexual abuse cases, they have the added benefit of protecting other non-related children on site, and also of protecting parents who may have been falsely accused from any additional allegations.

Best Practices for Visits in Child Sexual Abuse Cases

- 1. There should be one visit supervisor to each visiting family.** This rule allows visitation staff to focus on each family individually. In large families, programs should use more than one monitor to ensure that all family members are adequately supervised.
- 2. The visit monitor must be fluent in the language of the child and visiting parent.** Monitors must have fluency (both speaking and understanding) in the language spoken at visits. The issue of language should be discussed at intake so that parents are on notice as to prohibitions on the use of a language that the monitor does not understand. If the parent or child is hearing impaired, the program must obtain the services of a neutral sign language interpreter for every visit. Any foreign language or sign language interpreter monitoring visits must have training in the purposes and risks of visitation.
- 3. Families in which a sexual abuse allegation has been made should not be in the same room as any other family.** Having visits in private rooms means that the visit monitor will be able to maintain the level of vigilance necessary to ensure the children's safety, and will minimize the involvement of **other** children and families in the visits.
- 4. Physical contact between the visiting parent and the child should be minimal and closely scrutinized.** Any

physical contact which appears sexualized or inappropriate should be stopped immediately. Sexually abused children who have been “groomed” as part of their sexual abuse experience may attempt to initiate physical contact. Also, children who crave nonsexualized contact in a “safe” environment may seek physical contact. If this occurs, it should be brief and closely monitored by staff whose view is not blocked by any furniture, toys, or office equipment. Unobstructed visual monitoring must be achieved at all times.

5. **The following physical contact should be prohibited:** tickling, lap sitting, rough-housing, prolonged hugging or kissing, tongue kissing, kissing below the chin, stroking, hand-holding, hair combing or brushing, changing diapers or clothes. These rules potentially prevent revictimization as well as misinterpretations of contact.
6. **Neither the visiting parent nor the custodial parent should bring any items to the visit,** including books, games, toys, photographs, music, audio or video games, dolls, or pets (except service animals). This prohibition reduces the possibility of a perpetrator bringing to the visit covert or overt reminders (“triggers”) of the child’s abusive experience. It also reduces the possibility of “bribes” to the child for recanting.
7. **Certain behavior should be prohibited, including** whispering, passing notes, hand or body signals, photographing the child, audio or videotaping the child, exchanging money, gifts, or cards. This rule reduces the possibility of verbal threats, and minimizes triggering memories of events for the child.
8. **Parents may not accompany their children to the toilet or change the diapers of their children.** Children must use the program toilets on their own or with the help of staff. Staff, not parents, must change babies’ diapers.
9. **Neither parent is allowed to discuss the abuse, directly or indirectly.** This rule reduces the occurrence of victim-blaming and emotional maltreatment. Parents and caregivers

must be prohibited from scolding, mocking, questioning or teasing the child, or referring to the abuse in any way in the child's presence.

10. Off-site visits are prohibited. Off-site visitation, such as in parks, at restaurants, and in private homes, does not allow the level of control that on-site visits offer. Unpredictable and uncontrollable environments create heightened risks to children in sexual abuse cases, and reduce the possibility that the monitor can intervene quickly if prohibited activity occurs.

Case Example

Mr. Baker has been ordered to visit his 5-year-old son Omar at the Sunshine Visitation Program. He brings with him photographs of a recent camping trip to show Omar. Staff view the photos first, and seeing nothing inappropriate, they allow Mr. Baker to show them to Oscar. When Oscar looks at the pictures, he begins slamming his head into the wall of the visit room. Staff later learn that it was on this camping trip that Omar had been sexually abused.

Case Example

Mr. Joseph has supervised visits with his infant daughter, whom he is accused of sexually abusing. Staff do not allow Mr. Joseph to change his daughter's diaper at visits; they do it for him. During the second visit, staff notice that Mr. Joseph went to the garbage can to retrieve his daughter's soiled diaper. He hides it in his jacket and brings it to the car. Staff follow him to the car and see him rubbing his genital area with the soiled diaper.

Juvenile Sexual Offenders

Juvenile sexual offenders present unique risks at supervised visitation programs requiring specialized staff training and specific program rules. Directors of Florida's supervised visitation programs report that they have provided court-ordered visits in cases in which children had sexually abused other children. There are at least two ways juvenile sexual offenders might participate at

a supervised visitation program:

- 1. Identified sexual offender** – The court may have separated siblings during an investigation of an allegation or upon admission of child on child sexual abuse (placing them in different relatives' homes or in different foster homes, depending on the allegations), and ordered them to visit with a parent at a supervised visitation program. In this case, the visits would be a result of a licensed therapist's recommendation or because the court believed the visits would be in the best interest of the child(ren).
- 2. Unidentified sexual offender** – A child who has sexually abused another child, but who has not been formally identified or alleged to be a sexual offender, may have visits with his/her nonresidential parents(s) and/or siblings at the supervised visitation program.

In both cases, other children present during the visit may be at risk for sexual abuse revictimization, and staff must take all necessary steps to protect them from these risks. Judicial and staff understanding of the dynamics of individual and family characteristics and the sexual abuse cycle may assist toward that goal.

Case Example

Samuel, 11, has been visiting his father, who beat him severely before DCF investigated, at the Sunshine Visitation Program for the past two months. His foster parents accused him of inappropriately touching another child at their home by following her into the bathroom, locking the door, and groping her. The foster mother has told visit staff about this incident, but shrugged it off, saying the girl probably flirted with him, and “boys will be boys.” When Samuel visits with his father, staff say he is distracted, jumping up and calling to other children in the group visit room. His father is extremely passive, and allows Samuel to “go play” with the other children. One boy accused him of being too rough, knocking him down and lying on top of him and punching him, before staff could intervene. A girl from another family often comes over to Samuel and he hugs her hard for prolonged periods. On one of these occasions, a staff member said he thought her saw Samuel rubbing his groin against the girl, but it happened so fast, he couldn't be sure, and the girl did not say anything.

Statutory Definition of Juvenile Sexual Offender

According to the National Center for Missing and Exploited Children, the sexual abuse of a younger child by an older child should always be viewed as a possible indication that the older child was also sexually victimized.

“Juvenile sexual offender” under Florida Statutes means a child 12 years of age or younger who is alleged to have committed a violation of Florida Statutes dealing with the following behavior:

Chapter 794 – Sexual battery

Chapter 796 – Procuring prostitution

Chapter 800 – Indecent exposure, lewd and lascivious behavior

Chapter 827.071 – Sexual performance by a child

Chapter 847.0133 – Obscene material

Or a child who is alleged to have committed any violation of law or delinquency involving juvenile sexual abuse. Juvenile sexual abuse means any sexual behavior that occurs:

- Without consent,
- Without equality,
- Or as a result of coercion.

Juvenile sexual abuse includes noncontact sexual behavior such as:

- Making obscene phone calls,
- Exhibitionism,
- Voyeurism, and
- The showing or taking of lewd photographs.

It might also include varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexual aggressive acts against a child.

Prevalence of Child-On-Child Sexual Abuse

There were 8,725 reported calls of “child- on- child sexual abuse” made to the Florida Abuse Hotline Information System in 2001. Most experts agree that child- on- child sexual abuse reporting is extremely low compared to its actual occurrence (Ryan & Lane, 1991)

In fiscal year 2000-2001, 760 youths were referred to the Department of Juvenile Justice for sexual battery and 1,147 were referred for acts classified as “other felony sex offenses” (DJJ

Although males are more likely to be sexual offenders, the courts should not ignore conduct by females, who may represent between 5 and 35 percent of juvenile sexual offenders nationally.

Bureau of Data and Research, 2002)

Categorizing Children with Sexual Behavior Problems

Many researchers have attempted to differentiate between developmentally expected and problematic sexual behaviors during childhood. (Pithers, 1998) One classification divides the behavior as:

- Developmentally expected
- Sexualized
- Sexually intrusive
- Sexually aggressive

Sexually intrusive children engaged in abusive behaviors “without force or planning,” and sexually aggressive children planned their acts, which may have involved the use of force.

Family Characteristics

Studies also show that the *families* of children who engage in sexually aggressive behavior are frequently characterized by one or more of the following: parental separation/absence; domestic violence; substance abuse; parental histories of child physical and/or sexual abuse; poor parent-child relationships; stress in meeting basic daily needs; highly sexualized environments, in which the children are exposed to sexual acts or pornography at an early age; emotional deprivation; and abuse of power.

The Family Response

Family members’ responses to revelations that a child has committed a sexual offense are varied, and can affect visitation in several ways. Suppose a parent has recently discovered that her son has sexually abused a sibling. Below are some possible parental responses, and resulting behavior in court, to a caseworker or at supervised visitation.



“Not all licensed mental health professionals have expertise and training in child sexual abuse issues. Unfortunately, the courts may not be aware of this. They may think that they are helping a child, when instead, they may be making the situation worse.”

(Jennifer Dritt, LCSW
Executive Director,
Florida Council Against
Sexual Violence)

Table 15: Family Reactions to Juvenile Sexual Offenders

Response	Reaction in Court, to DCF, at Visits	Possible Outcome
Denial	<i>“My son did nothing wrong.”</i>	Parent ignores child’s interaction with others.
Rationalization	<i>“This is all her father’s fault. He was cruel to her.”</i>	Possible revictimization can then occur.
Feelings that the family itself is threatened	<i>“We can take care of this ourselves. We don’t need the court.”</i>	Sabotaging therapy, making visits dangerous.
Anger	<i>“He’s a bad seed.” “I hate him.”</i>	Anger and insults toward child during hearing or visit.
Shame	<i>“Nothing like this has ever happened in our family.”</i>	Refusal to look at factors contributing to sexual abuse.
Sadness	<i>“I’m so depressed over this whole thing.”</i>	Inability to participate in case plan, therapy, or visit
Acceptance	<i>“I want to help my child heal.”</i>	Cooperation in supervised visitation rules, vigilance in visits, and participation in therapy.

Treating Juvenile Sexual Offenders

Unlike many studies of adult sexual offenders, research on juvenile sexual offenders indicates a much smaller likelihood of repeat victimization following disclosure and intervention. (Office of Justice, 2001) It is therefore critical for a family to admit the abuse and proceed to intervention.

The goals of treatment for juvenile sexual offenders generally focus on the following: helping them to control their abusive behavior; increasing their positive interactions with peers and family; halting the development of further psychosexual problems; and preventing further victimization.

Treatment content often includes sex education, empathy train-

ing, anger management, impulse control, resolving family dysfunction; academic assistance; relapse prevention; and training in basic living skills.

Obstacles to treatment

Despite the fact that intervention and treatment can be effective for many juvenile sexual offenders, there are a myriad of obstacles to obtaining these crucial services. The family, for instance, may be unable to “see” the sexual abuse, especially in incest cases. Family members may deny or minimize the abuse, at least at first. Once the family has recognized the problem, it may seek to keep it a secret so that shame, fault, and public criticism of the family is avoided.

The family may also seek to address the offender’s behavior using ineffective means. Physical punishment and withdrawal of privileges will not cure the problem.

Another set of obstacles exists in the criminal justice system. Law enforcement officers may not have enough expertise or training to deal with the issue of child-on-child sexual abuse. States’ attorneys, who have the ultimate authority on whether to prosecute a case, may give the family the option of seeking voluntary therapy instead of filing criminal charges.

Best Practices for Juvenile Sexual Offenders in Supervised Visits

Supervised visitation programs utilize safety measures developed to minimize the risk associated with providing services to juvenile sexual offenders. These rules focus on:

- **Monitoring children closely and at all times while on site.**
- **Safe toilet use.** Children who have sexually abused others should never be permitted to accompany any child to the toilet.
- **Limiting physical contact.** Sexually aggressive children

may seek out contact with other children. No child who is suspected of sexually abusing other children should be allowed physical contact with any child at the supervised visitation program.

- **Placing firm limits on sexual jokes, sexualized language, and sexualized behavior.** Visits should be terminated if a child can not be redirected from such behavior.

QUIZ

1. Describe the reasons why a child might not disclose sexual abuse.
2. Discuss the co-occurrence of domestic violence and child sexual abuse.
3. Describe the risks to a child at supervised visitation with a perpetrator of sexual abuse.
4. List some of the rules that supervised visitation programs may use to ensure a child's safety on-site in sexual abuse cases.

— Judge's Check List

4

- Review Clearinghouse Manual on Child Sexual Abuse.**
- Ensure that your local visitation program staff receive thorough and on-going training in child sexual abuse issues.**
- Periodically seek additional training on child sexual abuse issues.**
- Identify mental health professionals in your community who have training and expertise in child sexual abuse dynamics, and review the list of Child Advocacy Centers in the Appendix.**

CHAPTER FIVE

Judicial Communication with Supervised Visitation Programs: Requiring and Receiving Documentation, Reports, and Testimony

PURPOSE: The purpose of this chapter is to describe best practices for program communication with judges who refer cases to supervised visitation programs including letters declining referrals, observation reports, critical incident reports, and testimony at court proceedings.

LEARNING OBJECTIVES

By the end of this chapter, judges will be able to:

1. Describe the common types of documents created at supervised visitation programs and list their purposes.
2. Identify unintended consequences of providing Observation Notes to the courts.
3. Offer best practice recommendations for keeping and responding to critical incident reports.
4. Describe the limitations of staff testimony in court proceedings.
5. Describe the advantages of periodic judicial review in cases referred to supervised visitation.

GUIDING PRINCIPLES

Judges can use the guiding principles to:

- 1. Understand the dynamics of each case.** Many cases need periodic judicial review in order for the court to be able to monitor the issues that resulted in the order for supervision. There are many reasons why litigants may not file their own motions to call issues to the attention of the court, and supervised visitation programs do not have the party status required to file pleadings.
- 2. Acknowledge the purposes and limits of the local supervised visitation program.** Supervised visitation is not parenting evaluation. Programs should not make recommendations about the custody or placement of the children, because program staff are not typically mental health professionals.
- 3. Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.** Appropriate procedures for communication with the court should be clearly described in the Program Agreement to allow programs to keep the court informed of critical incidents.
- 4. Include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.** Programs will ask for additional information from the court if insufficient documentation arrives with the referral. Programs will decline to accept cases after reviewing such background information if they discover that staff is not adequately trained to manage the issues in the case, or if the facilities or security level provided are not appropriate.
- 5. Ensure that the supervised visitation program staff have sufficient training to protect the families in each individual case.** Staff should have training in documentation practices and reporting consistent with the law and local practices.

Records Produced at Supervised Visitation

Each visit that occurs at a supervised visitation program in Florida results in the production of documents. Programs routinely create and process written forms for many aspects of the visitation process, all of which might at some time be reviewed by the court, including the following:

- letters (or “notices”) declining referrals, requesting more information, and suspending or terminating a case;
- visit logs;
- authorizations for alternate custodians;
- health forms;
- informational intake sheets for parents to fill out in orientation sessions; and
- reports, including detailed observation notes written at each visit, summary reports providing an overview of many/all visits; and critical incident reports, providing accounts of potentially harmful incidents on site.

If a family has visits once a week for six months, the case file can be several inches thick.

Programs need these documents to administer the program and to track cases. At times, the referring judge will need to see these documents and reports as well.

Reasons for Program Communication with the Court

There are two categories of information that the program director may want to communicate with the court: non-case specific and case specific.

Non-case specific communication involves the following:

1. Changes in services (e.g., adding monitored exchange, changing dates of operation or times of service).

2. Program policy creation or modification (asking judges to assist with the crafting or altering of new/existing general or specific rules that apply to a *specific* type of case.
3. Reports of staff shortages, cuts in or expansion of funding, waiting lists, or other general operational issues that will impact judges' abilities to send cases to programs.
4. Incidents such as flooding, fires, electrical outages, and other acts of God that will impact program operations.

Non-case Specific Communications from Program

Non-case specific information can be addressed in a variety of ways:

1. The chief judge or his/her nominee is the court's liaison to the program and may sit on the program's advisory committee to assist with programmatic issues and long-term planning for the program.
2. The judges who refer cases to programs (those, for instance, who sit on the dependency or family court bench) may volunteer to assist programs on non-case specific issues such as policy development on an as-needed basis.
3. The court administrator may communicate frequently and directly with programs to whom judges send referrals.

Case Specific communication involves the following:

1. The program director believes that the case is not appropriate for the particular visitation center.
2. The program needs more information to determine whether the case is appropriate for the particular visitation center.
3. There has been an incident regarding either the custodial parent, noncustodial parent or the child that the program director believes that the court should know about.
4. The case has been suspended or terminated by the program director prior to the date that the court order specifies.

The means by which all communication is actually *received* by the court must be determined locally, according to current minimum standards.

Case-specific Communication from Programs

Programs currently have a number of procedures in place to communicate with the court regarding case-specific information. Each of these methods has advantages and disadvantages.

- 1. Reports and notices sent to the Clerk of the Court, with copies to the parties.** Several programs use this method of reporting. The disadvantages to this method are obvious: the referring judge may not be aware of the reports or notices for some time. If requests for additional information are made, the program relies on the parties to either respond to the request on their own, without benefit of a hearing, or bring the request to the judge's attention with a motion and request for a hearing on the matter. If neither party acts, written documentation remains in the court file until the next hearing.
- 2. Reports sent directly to the judge or judicial assistant, with copies to the parties.** This option has program staff sending written documentation to the judge's office, but it still relies on the parties to set hearings to provide procedural due process. In cases in which the program is attempting to alert the court to a problem with the visits that should be dealt with immediately, there is no guarantee that the judicial assistant or the judge will know that a problem exists. Some programs color code their critical incident reports with prior agreement of the judge, so that he/she will see that there is a problem at visitation.
- 3. Periodic judicial review is required by the referring judge.** This solution has the added benefit of ensuring that cases do not get "lost" at supervised visitation, but it increases demands on the court's time. The minimum standards explicitly state that supervised visitation is not a long-term solution to a family's problems. When referring judges order



No Party Status for Visitation Programs

Supervised visitation programs are not parties to the cause in any litigation, which means that alternate means of communicating with the court are necessary.



Judicial Alert

The most effective way to address problems at visits, ensure that parents are receiving court-ordered services, and keep the referring judges apprised of the status of any case referred to supervised visitation is periodic judicial review, which is already mandated in dependency cases and can have the same beneficial effect for the child in family court and domestic violence cases.

cases to be reviewed every three months (for example), monitoring helps ensure that the family is addressing the problems that resulted in supervised visitation in the first place.

Problems with Reliance on Parties to Keep Court Informed

There are several problem with relying on the parties to keep the court apprised of the status of the case:

Pro se clients – Many of the participants at supervised visitation are not represented by counsel. Even if they were initially represented at some point in the proceedings, they may no longer have assistance of lawyers. Thus, parties may be unfamiliar with navigating the court system and hesitant to file their own pleadings upon receiving a copy of a supervised visitation program report.

Victim reluctance/uncertainty – In domestic violence cases, victims may be extremely reluctant to take any further action to anger the perpetrator, having already taken the very large risk of obtaining an Injunction for Protection Against Domestic Violence and requesting supervised visitation for her children. Many judges do not regularly receive notification of compliance or non-compliance with Batterers' Intervention Programs, and therefore do not know when the perpetrator is actually receiving services. A victim will not know this information either.

Deal making – In high conflict cases and complicated custody disputes, there may be many reasons why a parent might choose not to alert the court to problems identified by supervised visitation, including fear of reprisal allegations, tacit agreements that the parent will take no action, expectation that the program itself will “take care” of the problem, and fear that the weaknesses of the non-problematic parent will be exposed at future court hearings.

What information do programs keep?

Basic Referral Information

Some information collecting is required at supervised visitation to keep track of important data and protect the families using the program. The following basic information is needed:

- Names, photo identification;
- dates of birth and social security numbers;
- addresses and telephone numbers;
- referral dates, or dates of the court order;
- lists of other agencies involved;
- names and addresses of attorneys of the parties, if they are represented by counsel;
- current status of custody determinations (who has legal custody);
- parent and child health or special needs information;
- fee information;
- reasons for referral, including allegations and findings of courts;
- dates and times of visits, no-shows, and cancellations;
- criminal history of noncustodial parent;
- litigation history, including orders and pleadings in any matter relevant to the child;
- police reports and child protection agency summaries;
- information on Injunctions Against Domestic Violence and history of violence;
- records of each visit; and
- records of critical incidents that occur during visitation.

Letters Declining Referrals

It is the referring judge who makes the initial determination that supervised visitation is appropriate and in the child's best interest. However, program directors may learn at intake that a particular case is unsuitable for their program.

According to the Minimum Standards for Supervised Visitation



Judicial Alert

Judges who refer cases to supervised visitation should have a basic understanding of the staffing, security, level of staff training, types of information the program collects, and how the program will communicate with the court.

Program Agreements, programs *shall decline* to accept a case for which they cannot reasonably assure the safety of all clients, program staff, and volunteers, including, but not limited to, the following reasons:

- the volatile nature of the case or client;
- visitation supervisors not being adequately trained to manage issues identified in the intake;
- facilities not being adequate to provide the necessary level of security;
- insufficient resources; or
- conflict of interest.

Such a letter would be written as follows:

Program's letterhead

Date

Judge's Name

Judge's Address

Re: Case Name and Number

Dear Judge_____:

Per our letter of agreement between our program and the _____ Circuit, we have determined that our program can not provide services in this case for the following reasons:_____.

Sincerely,

Program Director

Copies to ____ parents and their attorneys

____ Child protection agency involved in the case

____ Guardian ad litem

____ Other _____

Letter Seeking Additional Information

In order to adequately prepare for a visit, program staff need to have background information to identify the risks in every case. If the program does not receive such information, it may choose to inform the court that it seeks additional information. Such a letter might appear as follows:

Program's letterhead
Date
Judge's Name
Judge's Address
Re: Case Name and Number
Dear Judge _____:
Per our letter of agreement between our program and the _____ Circuit, we have determined that our program can not provide services in this case until the following documents are received: _____.
Sincerely,
Program Director
Copies to ___ parents and their attorneys
___ Child protection agency involved in the case
___ Guardian ad litem
___ Other _____

Case Example

At a hearing on a motion for temporary relief, Judge Anderson orders that Mrs. Pepper have only supervised visits with her child Amy. When the Sunshine Supervised Visitation Program receives the referral, there are no allegations/findings listed in the Order for Supervised Visitation. Mrs. Pepper tells program staff at intake that the court ordered supervised visitation because Mr. Pepper's mother convinced the court that Mrs. Pepper was a "bad mother." Mr. Pepper tells staff that Mrs. Pepper is a cocaine addict and her boyfriend sexually molested a child from a different family. Sunshine's director writes a letter to the court requesting more information so that they know how to properly supervise visits.

Observation Reports

Observation Reports or Observation Notes are records of each visit. Every circuit is responsible for developing an agreement with local providers which sets forth procedures for providing these reports to the court. Programs are directed to use checklists or clear and concise statements to record what happens during the visit and should avoid using opinions or judgments.

Each program agreement is to specify the frequency of reports, the reporting method (written or verbal), and the report format. The minimum standards are clear that visitation reports are to be factual and objective, and shall not offer an opinion as to what course of action the court should take in the case.

How parents receive copies

Parents frequently request copies of Observation Reports from programs. Programs have different policies for the dissemination of such records, including:

- **Periodic voluntary release.** Some programs during the normal course of business automatically provide the parties with copies of Observation Records on a regular, periodic basis. For example, each party receives copies after every five visits.
- **Upon verbal request.** Programs may have policies in which they provide copies of Observation Records upon the verbal

request of one party. They will then provide copies to the other party as well.

- **Upon written request.** Other programs require written requests for Observation Records, and then provide copies to the other party as well.
- **By subpoena.** Programs may require that parties obtain a subpoena duces tecum for Observation Reports.

Judges should understand the purposes of these documents and take care to use them only in appropriate ways.

Both the Florida Minimum Standards and the Standards and Guidelines of the Supervised Visitation Network state that providers are not to make any “professional recommendations” as to future decisions regarding custody of the child.

Cautions on Use of Observation Reports

- **Expertise** – The majority of supervised visitation providers in Florida are not licensed clinicians or mental health professionals. They are simply not qualified to make recommendations as to placement, or to make determinations as to whether or not the underlying allegations in the case actually occurred.
- **Limited view of the case** – Supervised visitation staff only see one “slice” of the case, or one piece of the puzzle. Even if program staff collect extensive background information, they are neither Guardians ad Litem nor mental health professionals, who interview the parties and child, and spend time getting to know the children in a more natural setting.
- **Artificial environment** – Despite the best efforts of staff to make the program child-friendly, visits are obviously controlled by program rules and policies. Staff may not be witnessing “natural” interaction.
- **Myth of objectivity** – When staff fill in check-off charts that describe the child and the parent’s interaction, or recount interaction in a narrative format, they are likely interpreting information based on their own cultural norms. They may not



Judicial Alert

The observations of parent-child contacts which have occurred in a structured and protected setting. No prediction is intended about how contacts between the same parent(s) and child(ren) might occur in a less-protected setting and without supervision. Care should be exercised by the users of these observations making such predictions.

Recommended cautionary note for all supervised visitation reports or observation notes by the Supervised Visitation Network

recognize the cultural differences of the families and the dominant culture, and they may not be sensitive to differences in other culture's ideas of respect, affection, and parent-child interaction. Many programs make good faith attempts to address the needs of other cultures who use their programs. However, this kind of training may be superficial, resulting in a heightened *respect* for the minority cultural, without actually promoting an *understanding and familiarity* with it. Even *within* the dominant and minority cultures, though, there is a vast area of differences in how people raise their children in what they consider an acceptable manner.

Avoiding unintended uses of observation reports in cases involving family violence

When an alleged batterer or child sexual abuser chooses to comply with program rules, the court should not equate this choice with a determination that the violence did not happen, or assume that visits can proceed *unsupervised*. The court should remember that:

Parents are informed of the rules before the first visit, and are reminded of those rules throughout their involvement with the program.

Many programs videotape visits; others use monitoring staff in the room; still others use one-way mirrors to view visits; these precautions are not invisible to visiting parents.

Children receive the message at the outset that safety is a priority of the program. Staff goes to lengths to assuage children's fears about visits, and may actually facilitate appropriate contact by teaching visiting parents suitable games and activities to enjoy with their children.

Programs are established to provide positive contact between visiting parents and their children. The fact that they produce such results should not be interpreted to mean anything else but that the parent chose to cooperate in this highly orchestrated setting.

Programs should not make recommendations as to custody or visitation.

Critical Incident Reports

The Minimum Standards only describes incident reports that must be completed when a monitor witnesses “potentially harmful behavior exhibited by a parent or child, either towards another client or program staff during the supervised contact.” The Clearinghouse uses a broader term, *critical incident*, which is “any incident that may endanger the physical or emotional health of supervised visitation participants or staff.” The latter definition does not require the parent or child as actor, but takes into account a wider variety of incidents in which parental agents, family members, staff, volunteers, and even acts of God can endanger a visitation participant or staff. Several examples of critical incidents include:

- Kitchen fire at program
- Child has grand mal seizure
- Car vandalized in parking lot during visit
- Parent raises fist to staff
- Parent stalks other parent at visit

A Critical Incident is not an incident that merely requires the redirection of the parent or the facilitation of parent-child interaction. A critical incident is not the following, unless the behavior escalates:

- Parent does not know how to play with child.
- Parent yells at child for doing something wrong.
- Parent expresses annoyance or anger with staff.

Staff responses to incidents

Critical incidents result in a variety of staff responses, including:

- Suspending the visit;
- Notifying emergency personnel;
- Terminating the case from the program altogether; and/or
- Alerting the court to the problem and asking for further intervention.

Once the court has been apprised of the critical incident, it has several choices, including:

- Doing nothing, especially in the case of acts of God or accidents that have been dealt with by others;
- Directing the program to alter program policies to prevent reoccurrence;
- Appointing other professionals to get involved in the case, such as guardian ad litem or parenting evaluator;
- Ordering a parent to substance abuse treatment or counseling;
- Ordering that the child receive counseling or evaluation;
- Rescinding the order for supervised visitation; and/or
- Suspending the order for supervised visitation until certain conditions are met.

Case Example

Mr. Jacobs visits with his two children at the Sunshine Visitation Program every other week. He is also ordered to “stay in therapy” with his mental health counselor. On the fourth visit, he tells his daughter that her mother is a b*^#*. When his son objects, Mr. Jacobs curses, stands up, and throws his chair against the wall. His daughter starts to cry. The program director terminates the visit and writes a Critical Incident Report, suspending visitation at the program for safety reasons and asking for direction from the court. She sends it to the Clerk of the Court, who files it in the court file. Neither parent has an attorney, and neither parent returns to the visitation program. Six months later, Mrs. Jacobs files a motion for sole parental responsibility of the children, based partially on incidents that have occurred since the last visit. Mr. Jacobs has been arrested twice for vandalizing Mrs. Jacobs’ house and also for a fight at a bar. At the hearing, the judge reads the visitation program’s critical incident report for the first time. He is angry that the case has been “set back”: the children have not seen Mr. Jacobs for six months, child support has not been paid for six months, and Mr. Jacobs has not been attending therapy as ordered.

Elements of a critical incident report

- Case Number or Identifying Information
- Style of case
- Non-custodial parent
- Custodial parent
- Names and dates of birth of children
- List of all parties involved in incident
- List all witnesses to incident
- Time and date of incident
- A Description of the incident
- Name of person completing the form
- Section indicating whether police or emergency personnel were called
- Name of responding security personnel
- List of parties and service providers informed of incident and when

Termination of Visitation Report

According to the Minimum Standards, the role of the visitation supervisor is to intervene when necessary and terminate the visit if the safety of the child, staff, or parties cannot be maintained. Below are examples of instances in which program directors have terminated visits:

- When a noncustodial parent struck his child hard during the visit (corporal punishment is not allowed at Florida programs);
- When a noncustodial parent insisted on denying allegations to the child, could not be redirected, and refused to stop after several requests by staff;
- When a four year old child began to cry during the visit, could not be consoled by the noncustodial parent or staff, and continued to cry for more than twenty minutes;
- When a custodial parent refused to leave the premises and continued to try to get into the visitation room (the visit was terminated and rescheduled with a specific order that



Judicial Alert

Program directors should have the discretion to suspend or terminate visits when critical incidents occur in order to protect participants, staff and volunteers. Judges and programs should have a way to communicate quickly so that judges can act sua sponte and call the matter for a hearing.

another family member deliver the child to visits);

- When a noncustodial parent went into the bathroom for ten minutes and began acting erratically after exiting it. She yelled at staff, refused to interact with her child, and disrupted other families' visits. Staff suspected drug use, but could not prove it.

Sample Termination Report

The Sunshine Visitation Program (address, phone number)

To: _____ noncustodial parent
_____ custodial parent/foster parent

From: _____ Program Director

Date: _____

Regarding Case Number _____

This is to notify you that the visit between _____ and _____ at the Sunshine Visitation Program on _____ (date) was terminated.

(If necessary, this statement may be added) All future visitation has been suspended until further court order.

(Options for parties to request court action) If you do not seek to challenge this suspension by returning to court, your case will be terminated and your file will be closed thirty days from the date of this suspension.

Notices sent to:

___ Judge's Office

___ Clerk of Court

___ Guardian Ad Litem

___ Parents: Mother ___

Father ___

___ Step/foster parent/legal guardian

___ Other _____

**Table 16: Appropriate & Inappropriate Uses
of Supervised Visitation Documents**

Document	Appropriate Use	Inappropriate Use
Visit logs	<p>To determine whether non-custodial parent is exercising visitation (e.g., Is parent showing up?).</p> <p>To determine whether custodial parent is complying with order for visitation (e.g., Is parent bringing child to visits?).</p> <p>To ensure that neither parent is interfering with the other’s visitation (e.g., custodial parent is not arriving late; noncustodial parent is using full amount of time).</p> <p>To track precise dates and times of visits.</p> <p>To ensure that the child has safe access to his/her noncustodial parent.</p>	<p>To assist noncustodial parent in determining confidential information regarding the address/phone of his partner in domestic violence cases</p> <p>To provide evidence that the allegations are not true because the noncustodial parent is “showing up” for visits.</p>
Observation Reports/ Notes	<p>To determine that noncustodial parent does not show up for visit under the influence of illegal drugs or alcohol.</p> <p>To determine that noncustodial parent is not using visitation as a time to discuss the case with the child (parental estrangement/alienation).</p> <p>To reveal inappropriate behavior by the child, documented in a factual manner by staff.</p> <p>To reveal inappropriate behavior/statements by the noncustodial parent to staff or to the child, as documented in a factual manner by staff.</p> <p>To document that no visitation rules were broken.</p> <p>To provide accounts of behavior that conflict with program rules and require redirection.</p>	<p>To prove that the fact that visits have taken place according to program rules means that the custodial parent or child lied about abuse.</p> <p>To show that the child is not afraid of the noncustodial parent, and therefore, no abuse occurred.</p>
Critical Incident Reports	<p>To show how staff redirects a parent’s behavior to assist with building parenting skills, to provide constructive feedback, correction, or redirection (e.g., teaching age-appropriate activities).</p> <p>To factually document an incident which occurred at a supervised visit that may have endangered staff/volunteers or participants.</p>	<p>To show that an absence of critical incidents proves that the appropriateness of allowing unsupervised visitation.</p> <p>To allow staff to make recommendations as to what course of action should be sought following the incident.</p>

Videotaped Visits

Another type of record produced at visitation is a videotape recording of visits. Videotapes have the following advantages and disadvantages:

Table 17: Advantages & Disadvantages to Videotaping Visits

Advantages	Disadvantages
1. Court has real-time record of visits, without having to interpret written observation notes.	1. Videotaping equipment and tapes can be expensive for programs with small budgets.
2. Custodial parent’s fears about visits can be allayed.	2. Children may not want to sit in one room the entire visit, and program cameras may not be mobile.
3. Critical incidents can be recorded accurately.	3. Storage of many tapes, especially for large programs, can become an issue after a program has been in operation for a few years.
4. Others – such as therapists and guardians ad litem – can view visits later at convenient times.	4. Programs must use specific procedures and specialized staff training to videotape, to ensure chain of custody and accurate recording.
5. When questions arise after visits about something that allegedly happened during a visit, the video can be used to answer questions or clarify issues.	5. Noncustodial parents and older children may feel uncomfortable knowing they are being filmed during visits, inhibiting natural rapport and interaction.
6. Programs can use video-recorded visits to train new staff and volunteers (with parental permission).	6. Long-term cases which receive services over a long period of time at a supervised visitation program may accumulate dozens or even hundreds of videotapes. This accumulation makes it difficult for others to view the entire record of the case.
	7. Directors note that some behavior is extremely subtle and cannot be accurately relayed on video, because of a single camera angle, placement of furniture, or people blocking the camera lens.
	8. Technical malfunctions can ruin tapes.

Best Practices for Videotaping Procedures

- 1. Court input into developing policies** – Programs will be better able to accommodate the needs of the court if judges (i.e., the chief judge or his/her designee) assist with the development of policies and procedures for videotaping. Some judges may request that all visits be videotaped; others will prefer that visits only be recorded in certain cases.
- 2. Whether the court provides input or not**, all supervised visitation programs should have policies regarding their videotaping procedures.
- 3. Court orders** – If a program is to videotape supervised visitation, the court order should state that the visits are to be videotaped, so that the parents and the program are on notice as to the recording. Also, if the court only wants some, but not all, of the visits recorded, this should also be specified (e.g., the first visit in a case of long-term parental absence, in which the court asks the program to record the visit to assuage the fears of the custodial parent).
- 4. Cost of taping** – Most programs cannot afford to absorb the cost of videotaping without asking the referring judge to require the parties to pay for the service.
- 5. Copying of tapes** – Reproducing tapes takes time. If the court or the parties requires copies of the tapes, programs should be given at least 3 business days to make the copies, and the cost of copying should be borne by the requesting party.
- 6. Others viewing visits** – The referring judge should make it clear precisely who is allowed to view the visits while the videotaping is taking place.
- 7. Storage of tapes** – The Florida Minimum Standards state that the independent (non-court-based) programs must keep the tapes until the child being taped turns 18, or for five years, whichever comes first.
- 8. Chain of custody** – Program should have a clear procedure for the taking, maintaining, and storage of videotapes, including duties of all staff involved in the process.

Liability Issues: How Judges Can Help to Limit Tort Claims Against Staff

As judges bring more service providers into the custody-dispute fray, parents have in turn filed lawsuits against those judges and providers, including guardians ad litem, mediators, child protective investigators, and parenting evaluators. Judicial immunity protects judges acting within their capacity as judges, and in Florida, the legislature has crafted tort immunity for guardians ad litem, child protective caseworkers, and mediators.

Until supervised visitation providers obtain statutory immunity similar to that enjoyed by guardians ad litem, a threat exists that even a few high profile lawsuits filed by disgruntled parents could discourage or even halt the development of supervised visitation services. Tort litigation could intimidate volunteers and staff, diverting resources to legal fees and inflating insurance premiums. The current Florida Minimum Standards require programs to obtain liability insurance. However, until supervised visitation staff are granted limited tort immunity by the legislature, referring judges can assist with reducing potential claims against staff, interns, and volunteers by refraining from requesting inappropriate services.

Services that go beyond the scope of the visitation program

In order for judges to avoid asking staff to exceed the scope of their duties, judges must understand the limitations of programs. It is inappropriate, for example, for judges to order the following:

- off-site visits (when they are not part of the normal program administration)
- staff interviews of children regarding abuse
- visitation to take place at a staff member's home
- program to go outside of business hours and supervise "overnight" visits
- staff to transport children (transportation can be done by licensed service)

- staff to make recommendations as to placement of children

These kinds of activities are beyond the scope of supervised visitation staff duties and beyond the expertise of the vast majority of supervised visitation providers in Florida.

Testimony at court proceedings

There is a growing trend toward calling visitation staff as witnesses to court proceedings in Florida. This practice creates severe hardships for smaller programs who can not afford to send limited staff to wait – sometimes for hours – at proceedings. While some information is appropriate to elicit on direct examination (recounting of critical incidents at programs, for example), best practices include asking parties to stipulate to basic information, and putting parties on notice that staff will not make recommendations in cases. These two steps may save programs time and limited resources.

Stipulations to basic information

The following information can be stipulated to by parties, avoiding the necessity of issuing a subpoena to the program director for live testimony:

- The fact that visitation occurred;
- Dates and times of visits;
- Names of those who attended visits;
- Whether any participant was late to visits.

Other possible stipulations

- Attorneys may stipulate that the business records foundation applies to supervised visitation records.
- Attorneys may stipulate that supervised visitation records are to be admitted into evidence.



Judicial Alert

Judges can assist programs by requiring, participating in the drafting of, and periodically reviewing clearly written policies that mandate the keeping of thorough written records. Clear and accurate records kept by well-trained staff may be the best protection from tort liability.



Judicial Alert

Program directors and staff should only appear in court proceeding when subpoenaed. This formalizes the process so that parties and lawyers are less likely to jeopardize valuable staff time by simply telephoning them to request their presence at hearings.

Notice as to prohibited practices

The parties should be put on notice that staff will not testify to the following:

- Recommendations as to custody or placement of the child;
- Professional opinions regarding the abuse;
- Determinations as to whether the visitation is in the child's best interest;
- Opinions as to whether a Guardian ad Litem's recommendations are valid; and/or
- Opinions as to whether a parenting evaluator's recommendations are sound.

QUIZ

1. List types of reports produced at supervised visitation programs.
2. Describe the elements of a critical incident report.
3. List the reasons why Observation Reports should not be used by the referring judge to determine whether a domestic violence case is appropriate for *unsupervised* visits.
4. Identify advantages and disadvantages of videotaping supervised visits.

— Judge's Check List

4

- Review current program agreement with the court to ensure that a means of appropriate communication has been established.**
- Use mental health professionals who have expertise in domestic violence issues, not supervised visitation staff, to assist with making determinations as to custody or unsupervised visitation in cases involving domestic violence.**

CHAPTER SIX

Ancillary Services & Orders Allowing the Presence of Additional Professionals at Visits

PURPOSE: The purpose of this chapter is to describe best practices for ancillary services such as monitored exchange, telephone and electronic visitation, therapeutic visitation, parenting classes, and courtesy cases; and to provide parameters for Guardians ad Litem, other professionals and paraprofessionals at visits.

LEARNING OBJECTIVES

By the end of this chapter, judges will be able to:

1. Define monitored exchange and describe common dilemmas associated with it.
2. Describe therapeutic visitation and compare/contrast it with facilitated supervised visitation.
3. Define telephone monitoring and list the kinds of cases in which it may be a valuable tool for judges.
4. List the reasons that off-site visitation offers less protection than visitation that takes place at a visitation program.
5. Describe how supervised visitation programs may accept out-of-circuit courtesy cases.
6. List the kinds of topics that may be covered in parenting classes at visitation programs.
7. Describe best practices for Guardians ad Litem and mental health professionals at visits.

GUIDING PRINCIPLES

Judges can use the guiding principles to:

- 1. Understand the dynamics of each case.** Each family has different needs, and thus must be assessed on its own. Some families may need a lower level of intervention, and may be suitable for monitored exchange. Other families may have such dangerous dynamics that visitation is unsuitable without security on-site. Judges must make decisions as to appropriate ancillary services after considering the totality of the family's problems and strengths.
- 2. Acknowledge the purposes and limits of the local supervised visitation program.** Some programs offer many services on-site to troubled families. Others only offer one service. Courts should understand the continuum of services offered at local programs and be informed of the qualifications of the staff who offer them.
- 3. Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.** All of the ancillary services offered at the program should be included in the Program Agreement with the court.
- 4. Include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.** Staff should be able to review documentation regarding the issues in the case before the first services are provided.
- 5. Ensure that the supervised visitation program staff have sufficient training to protect the families in each individual case.** Certain ancillary services – such as therapeutic visitation – require more advanced levels of staff expertise. In addition, staff must understand the roles and responsibilities of other professionals involved in the case. The court can assist with delineating the roles of Guardians ad Litem and therapists at visits and monitored exchanges.

Ancillary Services

Ancillary services at supervised visitation programs may include: orders for monitored exchange, telephone visitation monitoring, parent education, therapeutic visitation, and out-of-circuit referrals. These are discussed below.

Monitored Exchange

Monitored exchange or exchange monitoring is the supervision of the child's movement from the custodial parent to the noncustodial parent at the start of a visit and from the noncustodial parent back to the custodial parent at the end of the visit. This service may take place at programs that also offer supervised visitation, but it can be a stand-alone service. A monitored exchange (program) is used by the court when:

1. There is a low risk of violence in the parents' meeting, but one or both of the parties have used prior visitation to interact in a negative way that risks emotionally or physically damaging the child.
2. There is a history of disputes regarding whether or not either or both parents interfered with the each other's visitation and/or parental rights. For example, one parent may regularly accuse the other of failing to exercise visitation rights, or one parent accuses the other of chronically arriving and picking up the child late.
3. There is disagreement or a formal determination that certain family members or friends are not appropriate to transfer the child to and from visits.

Common problems in monitored exchange

The most common problem in monitored exchange is calendar management. When a court orders visitation to be "every other weekend," some families quickly encounter problems of defining which parent is to have the children on any given weekend. When parents get along, this does not present difficulty; parents merely make concessions to one another about "whose weekend" it is.

The following parents may have problems delineating visitation times:

- Victims of domestic violence, who may be fearful that visitation is being used for purposes of control and manipulation;
- Parents who are embroiled in custody litigation;
- Parents who have a history of disputes about visitation; and
- Parents who are mistrustful of each other because of past abuses of visitation.

Thus, when a child is sick two weekends in a row, and the third weekend is the weekend of a long-planned custodial family trip, for instance, the noncustodial parent may insist that the supervised visitation program intervene so that he/she “makes up” for the lost visitation. One or two instances of this over the length of a court order for monitored exchange can usually be worked out. The problem occurs when holidays interfere, and there are multiple instances when the transfer does not occur as ordered. At this point, parents usually ask supervised visitation staff to mediate between the parties and make decisions about whether cancellations were reasonable (e.g., was Johnny really sick?), whose weekend comes next, and how much make-up time is due the noncustodial parent. This type of intervention essentially becomes case management, especially in high conflict cases. It requires meetings, phone calls, and far too much demand on staff time.

Best Practices in court orders for monitored exchange

Because of chronic “calendar” difficulties, the best practices call for the court to ask the parties to create a monthly calendar of monitored exchange, which they give to the supervised visitation program (and the to court). Other recommendations include:

- Clarity in court orders, defining who is allowed to provide the transfer of the child (e.g., can grandparents assist with transfer, or friends of the family? If so, those approved persons should be listed by name.) Far too many parents are

angered by the appearance of a new girlfriend or boyfriend who shows up to transfer the children.

- Directives as to how changes should be handled. This can be built into the court order. If, for instance, the children are transferred every other week, and the custodial father does not bring the children one weekend, does that automatically mean the program should expect the noncustodial parent to have visitation two weekends in a row?

A sample order for monitored exchange is included in the Endnotes following the Judge’s Checklist.

At a minimum, an order for monitored exchange should include:

1. the names of the parties,
2. the names and dates of birth of the children involved,
3. contact and address information for the program,
4. the schedule of the exchanges,
5. allocation and description of program fees,
6. a directive for the parties to follow the rules of the program,
7. a way for the parties to contact the program to schedule and cancel exchanges, and
8. descriptions of reports to be made available to the court.

Optional provisions for court orders

- **Parties working out agreement:** If there is no domestic violence involved, the court may encourage the parties to work out their own schedule. “The parties are encouraged to establish their own visitation exchange arrangements during the time period of the monitored exchanges. If the parties do establish their own visitation exchange plan, they shall enter into a written stipulation stating their plan and present it to the court. If the parties are unable to agree on other arrangements, the monitored visitation exchanges will continue until further Order of the Court or noncompliance of either party.”
- **Special considerations:** In some cases, the court may wish

to insert specific prohibitions to keep the peace at exchanges. “The parent who is picking up the child at the beginning of the visit and returning him/her to the other parent at end of the visit shall stay in the car while the monitored exchange staff accompany the child to the appropriate parent.”

- **Prohibitions on who may not accompany the parents:** “The step-father, John Miller, will not accompany the Petitioner to the exchange program.”
- **Directives as to others who may pick up the child:** The “Petitioner, or his parents, Evelyn and Richard Filmore, may provide the pick up and drop off for monitored exchanges of the child.”
- **Directives as to who may observe the exchange:** There may be instances in which the parenting coordinator or a mental health professional wishes to observe the exchange. For the sake of site control and staff awareness, these professionals should be listed in the court order, if possible. Otherwise, they will have to individually alert the program of their intention to observe the exchanges.

Case Example

Mr. and Mrs. Tanner are ordered to use the Sunshine Visitation's monitored exchange program for the transfer of their three-year-old daughter, Tiffany, on Fridays and Sundays every other week. Tiffany clings to her mother when Mr. Tanner arrives, and Mrs. Tanner tells Mr. Tanner that he will have to physically remove Tiffany—"peel her off"—as Tiffany is holding on to her neck so tightly. Mrs. Tanner shrugs when staff tell her that she needs to help more with the transition. Tiffany cries loudly, and Mrs. Tanner shouts "Don't worry, you'll be back home soon, honey." Tiffany has been sick for the past three planned exchanges, and Mr. Tanner is angry at staff that they did not "force" Mrs. Tanner to bring Tiffany anyway. He notes that he can take care of an ill child, and says that Tiffany could be "sick at my house, too." He demands that he have Tiffany every weekend for the next three weeks to make up his lost visitation time. Mrs. Tanner accuses staff of punishing her for her child having the flu, and insists that no make up time is called for. Mr. Tanner brings Tiffany back to the program an hour late one Sunday, claiming that he is making up for lost time on his own. Mrs. Tanner is furious and calls the police, claiming that Mr. Tanner has kidnapped Tiffany. Neither party has an attorney.

Telephone Monitoring

Telephone monitoring occurs when a supervised visitation program monitors a phone call between the parent and the child. The noncustodial parent comes to the program to make the call in the presence of staff. This is likely to occur when:

- The noncustodial parent is accused of using unmonitored phone contact with the child to deny abuse or force the child to retract allegations of abuse.
- The noncustodial parent uses unmonitored phone contact to criticize or slander the other parent.

Therapeutic Supervision

Therapeutic supervision is the provision of therapeutic evaluation or therapeutic intervention to help improve parent-child interaction. Therapeutic supervision requires a specific court order and may only be conducted by a trained, certified, or licensed

mental health professional. Therapeutic supervision is not the same as mere *facilitation* of visits, in which a staff member assists the noncustodial parent in doing things such as choosing age-appropriate games or toys, or suggests nonviolent ways to discipline a child when she misbehaves. The table below illustrates the differences between the therapy and facilitation at supervised visitation programs.

Table 18: Comparison of Facilitation and Therapeutic Supervised Visitation

Facilitation	Therapy
1. Conducted by a staff or volunteer, not necessarily a mental health professional.	1. Conducted by a psychologist (F.S.458), psychiatrist (F.S. 458), Marriage and Family Therapist, Licensed Clinical Social Worker, mental health counselor (F.S.491), or by a degreed staff person from a non-profit agency, such as community mental health center or domestic violence center.
2. No specific court order needed for facilitation during supervised visits.	2. Specific court order needed ordering therapy.
3. Staff suggest that parent read a book to child.	3. Patient may have some expectations of privacy; some patient/therapist provide regarding communication.
4. Staff chooses age-appropriate book or game.	4. Releases of information may be required to share information with the court.
5. Staff explain that some separation anxiety is normal when custodial parent leaves.	
6. Staff teach parent how to change baby's diaper and burp baby.	
7. Staff explain to parent alternatives to spanking; to count to ten before scolding; to take a deep breath when the child makes a mistake.	
8. No expectation of privacy/confidentiality.	

Roles, rules, and expectations in therapeutic supervision

Participants and the courts understand that in supervised visitation, anything said during the course of a visit will be monitored and may potentially be reported to the court. Participants in therapy may have different expectations. They know that, as a general rule, statements made to a therapist must be kept confidential. As Justice John Paul Stevens said in the landmark case of *Jaffe v. Redmond*, “effective psychotherapy depends upon an atmosphere of trust and confidence in which the patient is willing to make frank and complete disclosure of facts, emotions, memories, and fears.” Thus, while it may be ultimately helpful and healing for a husband to yell and rant about his wife and their litigation in private therapy, that same behavior at a supervised visit will probably result in thorough documentation of the comments and a termination of the visit. Even if a parent signs releases of information during a therapeutic visit, judges should understand that the combining of two functions (therapy and supervision) can result in role confusion for the participants.

Best Practices

- If the court orders therapeutic supervision, it should ensure that the monitor is qualified to conduct therapy, and that the goals of therapy are clear.
- Clients must be informed of the limitations on confidentiality, and valid waivers/releases of information must be executed.
- Client populations – therapeutic and non-therapeutic – must not be mixed during visits.
- The roles of the therapist must be clear. For instance, if the child needs assistance using the toilet, does the therapist assist, or is there a separate visit monitor also assigned to the case?
- In cases with multiple children, does the program assign a separate monitor to watch other children in the family when



Judicial Alert

Judges ordering telephone monitoring should be clear about how long the call can last, whether staff or the parent must initiate the call to the child, and whether the staff must listen to the child on an extension, or only hear the parent speaking in person. It is inappropriate for a staff member to be asked to gauge a child's reaction to potential unsupervised phone contact.

the therapist is working with one? If there is a therapist and a monitor, programs must ensure that the non-clinician monitor does not actually assist with the therapy.

- Dual roles of therapy and evaluation should be ordered with caution. Many mental health professionals are prohibited by their respective codes of ethics from performing both therapy and evaluation simultaneously.

Off-site Visitation

Off-site supervised visits are visits between a noncustodial parent and child that occur away from a site under the control of the program and visit supervisor. Off-site visits take place in the community, in places such as:

- **Public parks**
- **Malls/shopping centers**
- **Restaurants**
- **Movie Theatres**
- **Home of noncustodial parent**
- **Home of other relative or friend**

Limitations of off-site visitation

The attraction of the off-site visit for judges is the flexibility it offers to the noncustodial parent. Also, judges often seek a way to phase out of supervised visits to *unsupervised* visits, and ask supervised visitation program staff to assist with that goal by transitioning to off-site visitation. Unfortunately, there are several problems associated with off-site visitation, including the following:

- **Loss of site control.** The advantage to monitoring child-parent contact at a visitation program is the control that the staff maintains over the setting itself. Entrances, exits, and all utilized space is part of the overall site plan, and the rules of visits are conducted with these in mind. Staff do not exercise control over places such as restaurants or parks. In 2001,

a social worker was supervising a visit between a mother and her toddler in a busy public park in Oregon. The mother pushed the child in a stroller away from the social worker into a wooded area. She strangled the child with the cord from a nylon jacket before the worker caught up with her.

- **Lack of insurance.** Programs are required to purchase liability insurance. Many programs are only insured for incidents that occur on-site.
- **Lack of security.** Off-site visitation means security is reduced, sometimes to just a cell phone. If a critical incident occurs requiring the intervention of emergency personnel, the visit monitor has few options available to him/her other than to contact police or attempt to have someone else contact the police (or ambulance, etc.). Many programs have agreements with local law enforcement who understand the purposes and dangers of supervised visitation. These agreements can decrease response time of law enforcement personnel to supervised visitation programs in the event of a critical incident. It is much more difficult to provide security in off-site visits.
- **Reduced visual and audio monitoring.** If supervised visitation takes place in a mall, for instance, the monitor may not always be able to hear or see all interaction between the parent and the child.
- **Inability to videotape visits.** There is no effective way to videotape off-site visits so that the court or others may view or evaluate visits.
- **Inability to write real-time reports.** As a practical matter, in off-site visits staff generally cannot write reports as visits are occurring. This reduces the likelihood that visitation reports will reflect actual statements or comments of the parent and child.
- **Boundary issues.** While clear staff – participant roles are in place on-site, those boundaries may blur off-site. Staff who attend movies, go shopping, and dine at restaurants with non-custodial parents and their children are less like profession-

als and more like friends of the family. Staff and volunteers may forget the goal and purposes of visitation, reducing or negating the value of monitoring altogether.

Out of Circuit Referrals and Courtesy Cases

The days of families staying in one location for generations is long past; people are increasingly mobile, moving with their children and creating many complications for judges who try to ensure that children keep in contact with both parents, one of which may reside hundreds of miles from the other. The difficulties are exacerbated by the kinds of severe parental misconduct that result in referrals to supervised visits. When a judge with jurisdiction over the parties in one part of the state tries to facilitate supervised visits for a parent in another part of the state, an out-of-circuit referral to a supervised visitation program may result.

Supervised Visitation Programs have the sole discretion to accept or decline a case referred by the court from another jurisdiction, according to the Minimum Standards. Many program directors affirmatively desire to assist the courts in other circuits, but several obstacles exist to accepting such referrals.

First, programs have limited resources, and accepting local cases is a priority for funding.

Second, even if programs have space for an out-of-circuit family, it may not want to accept the referral because staff may be called as witnesses in a case that will be heard far away. (A witness subpoena issued in the county in which the case has been filed is effective in any other county in the state.) Requiring a program director to attend a hearing far away can interfere with crucial programmatic and administrative functions, and may even force a small supervised visitation program to shut down. Instead of relying on an argument of “undue hardship,” many programs rely on the referring judge to permit that testimony be taken by electronic communication equipment.

Best Practices for Out-of-Circuit Referrals

The best practice is for the court to explicitly inform the parties at the time that supervised visitation is ordered that any testimony necessary will be elicited by communication equipment, not in-person testimony. Most programs will only accept these “courtesy” referrals with such a condition precedent.

Parenting Classes and Parent Education

Many programs offer some type of parent education on-site. Sometimes this is simply making videotapes and books available to parents. Other times there is a much more structured parent education, with certification to the court upon completion. Common topics taught at Florida’s supervised visitation programs include:

- Understanding young children’s behavior
- Understanding child development
- Building self-esteem in the early years
- Listening and talking to children
- Helping children learn to cooperate
- Discipline for children; alternatives to corporal punishment
- Children’s emotional and social development
- How to enhance effective parenting
- How to communicate positively with children
- Techniques to blend new families
- How divorce and separation affect children
- Developing family rules
- Boundaries
- Nutritional needs of children

Other Professionals at Visitation

In some cases, judges may appoint other professionals and para-professionals in cases and may order them to view supervised visits. Even if not ordered to do so, some of these professionals

may request to view visits. These may include, but are not limited to:

- Guardians ad Litem
- Mental health professionals, including therapists and parenting evaluators
- Child protection caseworkers

Supervised visitation staff have to balance their desire to accommodate the court's needs with the interests of the child and the smooth administration of the program. Below are best practices for ordering other professionals to view visits.

Guardians Ad Litem

In many cases referred to supervised visitation, a court-appointed guardian ad litem (GAL) may be assigned to work with a child. In other states, court-appointed volunteers may be called GALs or CASAs (Court-Appointed Special Advocates). A GAL is certified by the state GAL program to act in a child's best interest in dependency, criminal, and/or family court cases.

Florida statutes governing GALs

Appointment of guardian ad litem for abused, abandoned, or neglected child. (1) A guardian ad litem shall be appointed by the court at the earliest possible time to represent the child in any child abuse, abandonment, or neglect judicial proceeding, whether civil or criminal. Any person participating in a civil or criminal judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.

(2) In those cases in which the parents are financially able, the parent or parents of the child shall reimburse the court, in part or in whole, for the cost of provision of guardian ad litem services. Reimbursement to the individual providing guardian ad litem services shall not be contingent upon successful collection by the court from the parent or parents.

The guardian ad litem or the program representative shall review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court. Written reports must

be filed with the court and served on all parties whose whereabouts are known at least 72 hours prior to the hearing. Florida Statutes §39.822

Appointment of guardian ad litem in custody matters. In an action for dissolution of marriage, modification, parental responsibility, custody, or visitation, if the court finds it is in the best interest of the child, the court may appoint a guardian ad litem to act as next friend of the child, investigator, or evaluator, not as attorney or advocate. The court in its discretion may also appoint legal counsel for a child to act as attorney or advocate; however, the guardian and the legal counsel shall not be the same person. In such actions which involve an allegation of child abuse, abandonment, or neglect as defined in s. 39.01, which allegation is verified and determined by the court to be well-founded, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be a party to any judicial proceeding from the date of the appointment until the date of discharge. Florida Statutes §61.401

Appointment of advocate for victims or witnesses who are minors or persons with mental retardation. A guardian ad litem or other advocate shall be appointed by the court to represent a minor in any criminal proceeding if the minor is a victim of or witness to child abuse or neglect, or if the minor is a victim of a sexual offense or a witness to a sexual offense committed against another minor. The court may appoint a guardian ad litem or other advocate in any other criminal proceeding in which a minor is involved as either a victim or a witness. The guardian ad litem or other advocate shall have full access to all evidence and reports introduced during the proceedings, may interview witnesses, may make recommendations to the court, shall be noticed and have the right to appear on behalf of the minor at all proceedings, and may request additional examinations by medical doctors, psychiatrists, or psychologists. Florida Statutes §914.17

The GAL Acts as Next Friend of the Child, Investigator, or Evaluator, Not as Attorney or Advocate

Best interest of the child may include preservation of the child's physical safety and emotional well-being, permanent placement in a stable and nurturing home environment, and protection from further harm during the child's involvement in the court system. The volunteer GAL has four duties: information gatherer, reporter, monitor, and spokesperson.

The Role of the GAL at Supervised Visitation

The GAL may:

- Request that the court order supervised visitation;
- Review program records;
- Observe visits; and
- Interview supervised visitation staff.

Case Example

Judge Jordan appoints a GAL for Jessie and Jermain Martin, ages three and four respectively. The GAL recommends supervised visitation between the children and their mother, Tania. Both the visit monitor and the GAL sit in the small room during the visits. During the first visit, Tania sits in a chair and watches the children play on the floor. She does not interact with them. The visit monitor brings a game into the room, and shows Tania how to play it. She declines. The children know the GAL from home visits, and they ask him to play with them. He sits on the floor and plays. Tania looks out the window. During the second visit, the GAL asks Tania why she will not play with her children. She does not answer, only shrugs. The children ask to go outside and play on the playground. This goes on for five visits, with the children quite playful and happy with other children, and with Tania all but ignoring them. The GAL reviews the records and interviews the staff of the visitation program about the case, and they complain about Tania's lack of interest in her children. The visit monitor mentions the GAL's constant presence and interaction with the children, and suggests that the GAL might be interfering with Tania's ability to interact with her children.

Mental Health Professionals

The court may order a parent evaluator to conduct a social investigation and study regarding the child and each parent to assist with custody determinations. Professionals who may conduct the study include qualified staff of the court, licensed child-placing agency, licensed psychologist, licensed clinical social worker, licensed marriage and family therapist, and licensed mental health counselor. (Florida Statutes §61.20 Social investigation and recommendations when child custody is in issue.)

The role of mental health professionals at visits:

- observe visits
- interview staff
- view videotapes of visits, and
- review records.

Case Example

During Mr. Appleton's visit with his twin sons, Tyrone and Ted, the parenting coordinator, June Little, interrupts several times to ask him questions. Tyrone becomes very agitated, and he begins running around the room in circles. Ted wanders out in the hallway, and the visit monitor follows him. Mr. Appleton asks June "how the case is going," with Tyrone present. Mr. Appleton decides he wants to talk more to June and asks if the monitor can take the children "outside." The monitor instructs Mr. Appleton to go back to playing with his children. The parenting coordinator writes something on a notepad, and this annoys Mr. Appleton, who can never regain his children's full attention, and becomes impatient with them, yelling that they do not listen to him.

Parenting Coordinators

Parenting coordinators are sometimes appointed to assist parents with implementing a parenting plan by facilitating the resolutions of disputes with the prior approval of the parties and the court. A Parenting Plan is a temporary or final court order setting out the residence, parental responsibility, visitation, or other parental responsibility issues in a dissolution of marriage proceeding or any other civil action involving custody or parenting of a child or children (but does not apply to cases governed by Chapter 39, Florida Statutes). The parenting coordinator is required to protect the child's best interest, and is entitled to communicate with the parties, the children, health care providers, and third parties.



Judicial Alert

Referring judges should not ask the GAL or other appointed professional to interact with the child or interview the parents during supervised visitation. Judges should also caution these professionals to avoid basing their recommendations as to custody or placement on the artificial environment of the supervised visit. In addition, these personnel should not:

- **talk with staff during the visit, except when absolutely necessary;**
- **re-direct the parent or facilitate visitation (this is the role of the visit monitor);**
- **or supervise the visit. The only exception to the above is if the court has ordered a mental health professional to provide therapy (or therapeutic visitation) during the visit.**

Parenting coordinators are licensed mental health professionals who have specific training in parenting coordination, and do not provide therapy or evaluations. Instead, parenting coordinators generally:

- Assist parents in implementing the parenting plan and developing structured guidelines for the implementation of the plan.
- Develop guidelines for communication between the parents.
- Assist the parents in developing parenting strategies in a manner that minimizes conflict.
- Teach communication skills and principles of child development.
- Educate parents about the sources of their conflict and its effect on their children.

The parenting coordinator at monitored exchanges

Parenting coordinators may be a source of assistance to parents trying to negotiate visitation without monitored exchange, and may request to view monitored exchanges to instruct parents on guidelines for appropriate exchanges.

QUIZ

1. List the kinds of cases in which monitored exchange might be used by the court.
2. Describe important elements of a court order for monitored exchange.
3. Describe reasons why off-site visits offer less security than on-site visits.
4. List the differences between “therapeutic” and “facilitated” supervised visits.
5. List limitations of guardians ad litem at supervised visitation.

— **Judge's Checklist**

4

- Review the monitored exchange order of your local supervised visitation program.**
- When appointing GALs and mental health professionals to cases, be clear about their role at supervised visits.**
- Have parties develop calendars for monitored exchange schedules and include plans for making up lost time.**
- Only order families to therapeutic visitation in programs staffed by mental health professionals.**

Chapter Six Endnotes

Sample Court Order for Monitored Exchange

IN THE CIRCUIT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ANY COUNTY, FLORIDA

CASE NO: _____

IN RE: THE MATTER OF

_____,
Petitioner And

_____,
Respondent.

_____/

Order for Monitored Visitation Exchange

After hearing evidence that established that the parties have not or can not pick up and drop off their child(ren) for visitation in a neutral or at an agreeable location which is safe for the children either physically and/or emotionally, the Court hereby orders the parties to use the Sunshine Visitation Program's Monitored Exchange service for:

CHILD(REN)'S NAME (S)	D.O.B.
_____	_____
_____	_____
_____	_____
_____	_____

It is hereby **ORDERED** and **ADJUDGED** that:

1. The parties shall contact the **Sunshine Visitation Program** office at _____ (phone number) **within five (5)** business days of the date of this Order to begin the process of scheduling monitored visitation exchanges. Failure to contact the **Sunshine Visitation Program** office within said time may result in the family not being able to use the Sunshine Visitation Program services and the Court issuing sanctions against the responsible party or parties.

2. Monitored visitation exchanges will take place every other weekend (excluding holidays) and shall continue for ten (10) completed exchanges. The monitored visitation exchanges will be scheduled and coordinated by the **Sunshine Visitation Program** office and shall take place at Sunny School, 550 S. Orange Drive, Any City, Florida. Exchanges are at 5:00 p.m. Friday and 6:00 p.m. Sunday, unless indicated differently below:

3. The cost of the service is (options listed below)

- () \$_____ **per weekend**, to be paid by *circle one*: petitioner, respondent, or both parents, or:
- () \$_____ to be paid by each parent at both exchanges, for a total of \$ _____
- () Waived for _____ the petitioner; _____ the respondent; _____ both parties
- () Other: \$_____ **per weekend** to be paid by the Petitioner;
\$_____ **per weekend** to be paid by the Respondent

Said payment shall be made to the Clerk of the Court's Office, 800 N. Courthouse Square, Any Town, FL, Monday through Friday, 8 a.m. until 4:30 p.m. Said payment shall be made no later than the Wednesday before the scheduled monitored exchange visitation.

The failure to pay may result in the monitored visitation exchange being canceled and/or the noncomplying party being ordered before the court for contempt proceeding.

4. The parties shall follow the Rules and directives of the staff of the **Sunshine Visitation** program and law enforcement agency at the center. Failure to follow said Rules and directives may result in the family being removed from the Sunshine Visitation program and/or the parties being held in contempt of Court.

5. The parties shall notify the Sunshine Visitation program at (555) 555-555 at least 24 hours before the scheduled monitored visitation exchange if they cannot keep a scheduled monitored visitation exchange. Failure to do so will result in the parties being required to pay for the scheduled monitored visitation exchange. If two cancellations occur, the case will be referred to the Court and no additional monitored visitation exchanged will be scheduled until further Order of the Court.

6. The Sunshine Visitation program and law enforcement personnel at the Sunshine Visitation site shall implement this Order by all lawful means to accomplish its purpose in providing safe and regular contact between the child(ren) and noncustodial parent. Should the noncustodial parent fail to return the child at the appropriate exchange time, law enforcement authorities, including, but not limited to [local agency, sheriff, police], are hereby directed and authorized to use all reasonable means necessary to return the child, to the custodial parent, [name of custodial parent] _____, or, if that parent is not immediately available, to the monitored exchange program.

7. Reports of the monitored visitation exchange shall be submitted to the Court by the Monitored Exchange program on a circle one: weekly, monthly, other (describe) _____ basis.

DONE AND ORDER at Any County, Florida, this _____ day of _____, _____.

CIRCUIT JUDGE

_____ COPY HAND DELIVERED TO BOTH PARTIES IN OPEN COURT.

_____ COPY HAND DELIVERED IN OPEN COURT TO PETITIONER AND PETITIONER DIRECTED TO IMMEDIATELY MAIL A COPY OF THIS ORDER TO RESPONDENT.

_____ COUNSEL TO FURNISH COPIES TO ALL PARTIES

CHAPTER SEVEN

Special Considerations in TPR, Criminal, Parental Disability, and Long Term Separation Cases

PURPOSE: The purpose of this chapter is to describe best practices for judicial utilization of supervised visitation in termination of parental rights, criminal, parental disability, and long term separation cases.

LEARNING OBJECTIVES

By the end of this chapter, judges will be able to:

1. List reasons why supervised visitation is sometimes ordered in cases involving termination of parental rights (TPR).
2. Describe ways in which the child's emotional needs can be safeguarded during TPR visits.
3. Describe scenarios in which a court might order supervised visits in criminal cases.
4. List ways to protect children's best interests in visits involving parents who have been accused of criminal offenses.
5. Discuss how the severity of a parent's mental illness can detrimentally impact a child at visitation.
6. Describe examples of long-term parental absence that may result in orders for supervised visits.

GUIDING PRINCIPLES

Judges can use the guiding principles to:

- 1. Understand the dynamics of each case.** With regard to all of the different kinds of cases discussed herein, this principle means that a judge should closely examine the issues involved in the case and determine whether and under what circumstances visitation is appropriate. For example, in “good-bye visits” the court should consider any necessary safeguards, such as formal therapy, to assist and protect the child. In cases of severe parental disability, the court should consider whether the visit will detrimentally impact the child.
- 2. Acknowledge the purposes and limits of the local supervised visitation program.** Visitation staff are usually not mental health professionals, yet children may need to have professional therapeutic intervention to help them cope with the issues raised in visits. In addition, program resources may not enable the program to provide security for high-risk visits.
- 3. Ensure that the program agreement with the court establishes a framework for a safe visit, using appropriate policies and procedures to safeguard all participants.** Programs should have policies that anticipate staff dealing with difficult cases and be able to inform the court when they are unable to accept certain cases because of risks involved. Judges should help provide reasonable parameters for parent-child discussion of serious issues such as termination of parental rights, long-term parental absence, and parental disability.
- 4. Include sufficient background information in each referral to ensure that staff can sufficiently prepare for and monitor each case.** In order for the program to adequately prepare for each case, program referrals should include enough information to alert staff to issues affecting the emotional and physical safety of the children involved. A court referral, for example, that does not mention a parent’s extensive brain damage fails to assist the program staff with preparing for and facilitating that visit.
- 5. Ensure that the supervised visitation program staff have sufficient training to protect the families in each individual case.** In order for meaningful supervision of a visit to occur, staff must understand the complexities and dangers in each case. If a parent suffering from a mental illness is ordered to visit, and the staff have no understanding of that illness, they may not be able to anticipate the kinds of problems that might erupt at visits. Staff should have a basic understanding of what behaviors to look for in order to protect the children.

Supervised Visitation in Termination of Parental Rights (TPR) cases

In dependency cases in which DCF has filed a petition to terminate parental rights, courts may order supervised visitation during the TPR proceedings. If the court ultimately rules to terminate parental rights, the visitation program may be asked to supervise what is commonly called a good-bye visit – the last visit of the parent with the child. These visits can be extremely emotional for all involved – the parent, the child, and the staff supervising the visit. (Even if a parent appeals the court’s decision, visitation usually does not take place during the appellate period. Florida Statutes 39.811(7)(b) governs post-TPR visitation with parents, siblings, or relatives of the parent.)

Protections for the Final Visit

There are several dynamics associated with these visits. These include:

- In general, the older the child, the more traumatic the good-bye visit is to the child.
- The parent’s reaction can be mixed, and some parents are openly emotional, expressing anger or sadness; others can be unemotional, and even have a flat affect. These reactions are very difficult to predict.
- These visits are usually extremely difficult for supervised visitation staff, and can hasten “burnout” and staff’s emotional exhaustion.

Because of these dynamics, the following suggestions are offered as best practices for good-bye visits.

- **Parental apologies or admissions require guidelines and expertise:** Most programs have rules against allowing parents to discuss the litigation with the children at supervised visits. This is because most supervised visitation staff are not mental health professionals and do not know how to address events such as a parent’s denials, children’s strong

reactions to information given by parents, and parent's emotional outbursts. In good-bye visits, however, the court may determine that it will be therapeutic for a parent who wants to apologize to the child to be able to do so, or to admit wrongdoing at the visit. If the court intends to allow such an admission to occur at supervised visitation, the court should order a therapist to oversee these visits. The parameters should be established as to what the parent can and cannot say, or to set a length of time during which such statements can be made. This puts everyone on notice that, for instance, the parent is allowed to make a brief statement of apology to the child, if he/she is interested in making such. Still, the best practice is for a mental health professional to be present during such a statement, because of the imprecise nature of predicting how the adult and the child will react.

- **The final visit should not be prolonged:** Even if a particular program offers three hour or entire afternoon visits, good-bye visits need not be scheduled for that entire time. Prolonged visits are inadvisable: the visit should generally not take more than an hour so as not to overly traumatize the child. Program directors report that shorter good-bye visits result in fewer incidents necessitating intervention by staff and fewer emotional outbursts by children and parents. Longer visits have been associated with the child crying for long periods of time, clinging to the parent, refusing to leave the parent's side, and increased agitation on the part of the parent.
- **Security should be present if there is a risk of abduction:** Many supervised visitation programs do not offer security personnel on site during dependency visitations. However, in those cases in which the parent "has nothing to lose" by attempting to abduct a child, the court should provide some enhanced security or order that the program supervise the good-bye visit on a day when security *is* present.

Case Example

Ms. Dodge is a drug-dependent single mother whose parental rights to two older children were terminated before her third child, Ella, was born. Ella was removed from her care when she was three years old, because Ms. Dodge was prostituting herself and allowed a man to rape Ella. DCF filed a Petition to Terminate Parental Rights. Ms. Dodge has visited with Ella six times in six months at the Sunshine Visitation Program. She is a likable person, and staff find her amiable and pleasant. The court grants the TPR petition and orders a goodbye visit at the program. Ms. Dodge tells Ella at the visit that she will not see her anymore, and Ella begins to cry. The monitor begins to cry also. Ms. Dodge resists ending the visit, and refuses to leave. Ella hangs on her leg and after a few minutes, the monitor must pry the child off of her screaming mother to end the visit.

Supervised Visits in Criminal Cases

There are generally two types of criminal cases which have been referred by court order to supervised visitation programs:

1. Pre-adjudication cases: Cases in which the criminal court orders that a criminal defendant may have supervised visits with his/her child during the pendency of criminal proceedings against him/her, and
2. Post-sentence cases: Cases in which a parent has recently been released from jail or prison after serving a criminal sentence and has been ordered to have supervised visitation at a program with his/her child.

Pre-adjudication cases

Examples of pre-adjudication criminal cases which have been referred to supervised visitation programs include cases in which a parent has been accused of a crime and is out on bail awaiting trial. In such cases, there is an inherent tension between the accused's right to be considered innocent until proven guilty and a child's best interest in visiting with a parent accused of a crime. Most often the tension arises in cases in which the parent has been charged with a violent crime against another person, most often the other parent or another family member of the child.

Case Example

Jacob Lane is charged with the murder of his wife Beverly. He claims that her death was an accidental result of self defense. Jacob has two adolescent children, Christine and Trey, and the court orders supervised visitation with them during the pendency of the proceedings. Christine and Trey are living with their maternal grandparents, and staff believe that the children have been told by the maternal grandparent that Mr. Lane is guilty. Mr. Lane has been redirected three times by staff when he has told the children during the course of playing games that he is a “good guy” and he “would never hurt a fly” and “I loved Mommy very much.” The children are not in counseling. Staff note that when Trey gets angry at Christine, he hits her on the head. Christine cries when Mr. Lane leaves; she has told him that she is afraid she will not have any parents if he goes to jail. He consoles her by saying he will not go to jail.

Best Practice Recommendations

- **Determine whether visitation is appropriate by weighing the risks to the child.** Some criminal cases involve little risk to the defendant’s children. A mother who is facing a prison sentence for fraud and passing worthless bank checks may be a good candidate for supervised visits. Unfortunately, not all cases are appropriate for visitation. In one case, for example, a court ordered supervised visits for a father who had raped his wife at knife-point in the presence of their five-year-old. The guardian ad litem convinced the court to postpone visits until after the child could be seen by a therapist to assess the child and determine the appropriateness of visits.
- **Ratio of staff to visiting families:** If visitation is deemed in the child’s best interest, there should be one visit monitor to each visiting family in all pre-adjudication cases. In cases of large families with more than one child, the program should use more than one monitor to ensure that all family members are supervised adequately. This allows the monitor to focus on one family and allows the monitor to see and hear what is done and spoken at all times during the visit.
- **The child’s knowledge about the criminal case:** The program should know whether the child has knowledge about

the crime alleged and the visiting parent's role in it. This information enables staff to be prepared to redirect the child when he or she asks questions.

- Threats of abduction/harm to child: The program should be informed if the defendant has ever threatened to abduct or harm the child so that precautions can be taken to protect the child on-site. For instance, in some cases, visitation staff have hired *additional* security on days when visitors who have been deemed to be flight risks have visited with their children.
- The presence of security personnel should be a condition precedent to all visits. Law enforcement personnel with the power of arrest should be present on-site whenever the program supervises visits of criminal defendants. (As noted in the fourth recommendation, some programs have hired *additional* security to staff particularly dangerous visits.)
- Counseling for children: The court should consider whether therapy should be provided to the children to help them deal with the trauma of visits and the processing of their life disruptions.

Case Example

Frank Baker was arrested and charged with child abuse for the intentional scalding of his six-year-old son, Freddie. Out on bail, he wears an electronic monitoring device and is allowed to visit with Freddie at the Sunshine Visitation Program. During the first visit, Mr. Baker tells staff in a loud voice that he is innocent and he loves his son with all his heart. Freddie is present when this is said. In addition, while father and son are playing a board game, Mr. Baker tells Freddie that he would never hurt him, and he loves him very much, no matter what anyone tells Freddie to the contrary. Mr. Baker is ultimately found guilty and sentenced to three years in prison. The visitation staff worry that Freddie is confused by the verdict and try to explain what has happened. Freddie has no therapist.

Post-sentence cases

Cases in which a parent has recently been released from prison pose special challenges to supervised visitation programs. These cases are usually filed in family court, sometimes as modifications to final judgments of dissolution of marriage. At times these cases are simply treated as “long-term absence” cases in which the parent and child need a chance to become re-acquainted. Those cases usually involve convictions that had little or nothing to do with the child: for example, fraud, robbery, and drug crimes. Other cases are not so simple because they did involve the child: for example, child abuse, molestation, or domestic violence. In these cases, the parent has served his/her time in prison, but may not have received treatment and intervention. Also, in these cases there is a great likelihood that the parent never became fully aware of the impact his/her behavior had on the child. Visitation then can be complicated with unresolved emotions that staff may have little expertise in handling.

Case Example

Mr. Marigold served three years in prison for the sexual abuse of his *step*daughter from his first marriage. When he is released from prison he files a Petition to Reinstate Visitation with his six-year-old daughter from his second marriage, claiming that he was never a risk to her. The child’s mother objects to visitation, and tells program staff that Marigold is a dangerous pedophile.

Best Practice Recommendations:

- **Background of criminal history:** Staff should obtain enough information about the criminal history of the visiting parent to be able to identify the general risks in the case.
- **History of treatment:** Staff should be informed as to whether the child and the parent had individual or concurrent therapy to address the crime or the impact the crime had on the child.

- **Child’s knowledge of the crime:** Staff should be told whether the child was a witness to the crime or has been told about it.
- **Gradually re-establish contact:** In long-term absence cases, the court should be sensitive to the needs of the child, including the child’s age and maturity level, when deciding how many visits constitute enough to transition to unsupervised visitation. Including a therapist in this decision is always advisable.
- **Set parameters for parent-child discussions:** Given the general rule in most programs to stop discussions about the case, and children’s natural curiosity and need for information, the court should set parameters about what the parent may say about the case/crime in the visitation setting. Most supervised visitation staff are not qualified to provide therapy. Conversations between a parent and a child can result in the parent denying allegations, or blaming someone else (including the child him/herself, or another family member) for the crime.
- **Consider the limitations of the supervised visitation program:** Even if a therapist can assist them, some programs may not have a physical site amenable to an emotional discussion between a parent and child. In programs which offer only a group setting for visits, for instance, a parent-child discussion of a criminal case may not be appropriate in the presence of many other families.

Case Example

Adrian Thomas has been released from prison after serving two years for the battering of his wife, from whom he is now divorced. He is ordered to visit with his twelve-year-old daughter, Alina, at the Sunshine Visitation Program. Alina witnessed Mr. Thomas beating her mother on many occasions, and refused to visit him while he was incarcerated. Now she does not want to visit him until he apologizes, which he has never done. Mr. Thomas is willing to apologize, but it is clear to staff that Alina wants to talk about the abuse with her father. The program only offers group visits, in which many families visit in a large room at the same time. Staff is concerned that a confrontation between Mr. Thomas and his daughter will be disruptive to many families.

Cases Involving Severe Parental Mental Illness or Disability

Many judges have ordered supervised visitation for parents who have mental or physical disabilities. These cases, which usually involve severe disabilities, have included:

- parents who are severely developmentally disabled and unable to meet their children's basic needs in an unsupervised setting
- parents who are incapacitated by severe illness or accident
- parents who are highly medicated to address emotional or physical problems
- parents who are affected by their chronic overuse of alcohol or substances.

Orders for visitation under such circumstances should be made only after balancing the parent's interests and the child's needs and interests. The degree of parental disability can have a direct relationship to the detrimental impact on the child at visits. Parents suffering from severe disability have defecated inappropriately, lost consciousness, or fallen asleep (because of medication), and ignored their children at visits. Children who have visited with their severely disabled parents sometimes appear embarrassed, shocked, disgusted, and angry at visits.

Judicial considerations

Judges should be aware of the possibility of such strong reactions and consider several important factors before issuing an order for visitation:

First, is the parent capable of participating in a meaningful visit in a safe way with his or her child? Is he/she able to communicate with the child in some way, and can he/she respond to the child appropriately?

Second, is it in the child's best interest to spend time with the parent? Does the child need therapy to adjust to the parent's

disability, or need to talk about the parent's disability with an expert to explain what is going on? Has a therapist made a recommendation for or against the child's visiting with the parent?

Third, does the program have a facility in which the parent and the child can spend time together in a more private setting, which allows a space away from other curious children to avoid embarrassing the parent and the child?

Fourth, does the program have adequate security for the visit? Some parents need to be medicated, and when the medication wears off, their behavior is unpredictable.

Fifth, does staff have training in the type of disability that the parent is experiencing? It is important that staff have an understanding of the disability so that the child can be protected adequately.

Case Example

Ms. Foster is a severely developmentally disabled 34-year-old woman who has a five-year-old daughter, Eva. Eva visits with her mother at the Sunshine Visitation Center in a group setting. Several of the other children have laughed and pointed at Ms. Foster, saying she "looks funny." Eva is angry at the children and tries to slap them. Ms. Foster has little control of her bladder, and has urinated on the floor on her way to the bathroom. Eva is of average intelligence. She alternately tries to defend and ignore her mother. She has told staff her mother is "stupid" and during one visit, yelled at her mother for not understanding staff's directions. Eva tells staff at the end of each visit that she hates her mother.

Cases involving long-term parental absence

Judges are often faced with cases in which a parent has not seen his/her child for many years and has filed a motion for visitation. Supervised visitation programs are often seen as crucial resources in these cases, which may include:

- Allegations that the parent does not know how to care for the child in an unsupervised setting. For example, a noncustodial father has had no contact with his two-year-old son and



Judicial Alert

Supervised visitation programs should have policies regarding how to respond to children unwilling to visit with their parents. Best practices are to begin with very short visits, and increase the visits over time. Children should never be physically forced or threatened to gain compliance with the court order. Children who are crying or emotionally upset should be allowed to calm down before the visit. If a child cries for more than 15 or 20 minutes, the visit should be cancelled. It may be necessary to enlist the assistance of a therapist to help the child adjust to the visit.

does not know how to change a diaper or feed the child;

- Allegations that the child does not recognize the parent and will be traumatized by being left alone with a stranger;
- Allegations that the child has no interest in, or affirmative resistance to, visiting his/her parent;
- Allegations that the parent has only returned to find and kidnap the child; or
- Allegations that the parent is only interested in visitation now that child support enforcement has begun collecting arrearages.

In the above types of cases, the court should allow a phase-in period of continued contact that sets parameters for the visits, keeping in mind that visitation program should not be used to force children to visit with their parents.

Case Example

Mr. Maginnis told Judge Roberts that his ex-wife had not allowed him to see his son Roy after Mr. Maginnis moved to a nearby state three years ago. Roy is now seven years old, and Mr. Maginnis has moved back to Florida and wants to exercise his court-ordered visitation. However, Ms. Maginnis claims that Roy is afraid of his father, doesn't recognize him, and is traumatized at the idea of being alone with him. Judge Roberts orders "one visit before unsupervised contact." Roy cries in the visit room, and staff can not console him. They terminate the visit after one half hour. When the parties go back to court, Judge Roberts, saying that he suspects that Ms. Maginnis has poisoned her son against his father, orders that a full visit take place, "no matter what." During the next supervised visit, a staff member carries Roy – who is kicking and screaming – into the visit room. Mr. Maginnis sits in a chair the entire visit, alternately pleading with his son and shouting at him to stop crying. A volunteer in the room tells the program director she cannot stay and watch the visit; it is too painful for her.

QUIZ

1. List three ways the court can make a good-bye visit less traumatic for the child.
2. Describe best practice recommendations for cases in which the visiting parent has been charged with a criminal offense.
3. Describe best practice recommendations for cases in which the visiting parent has recently been released from jail.
4. List judicial considerations to determine whether to order visits in cases involving severe parental disability.

— Judge's Checklist

4

- Order only brief good-bye visits with clear parameters as to what can be said to the child.**
- Determine whether your local visitation program accepts criminal cases.**
- Consider appointing a therapist to assist children who are visiting with parents who have been charged with a criminal offense.**
- Ensure that staff have expertise to deal with highly emotional or volatile cases.**

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APPENDIX

A

Administrative Order

**Florida Supreme Court
Minimum Standards for
Supervised Visitation
Program Agreements**

**Florida Laws Concerning
Custody, Dependency,
Domestic Violence, and
Visitation**

**Standards and Guidelines
of the Supervised Visitation
Network**

**Florida's Supervised
Visitation Programs**

**Florida's Children
Advocacy Centers**

**Florida's Children's Medical
Services**

**Florida's Sexual Abuse
Treatment Program
Providers**

**Florida's Certified Domestic
Violence/Rape Crisis
Centers**

Administrative Order

Supreme Court of Florida

IN RE: SUPERVISED VISITATION

ADMINISTRATIVE ORDER

By opinion and administrative order, the Court previously directed the Family Court Steering Committee (Steering Committee) to develop recommendations on the characteristics of a model family court, including organization, policy, procedures, staffing, resources, and linkages to community-based programs and services that may be of assistance to families in litigation.


Supervised visitation programs are one element of a model family court and an important resource for the family court judge. These programs help to: provide a safe environment for a child to visit with a non-custodial parent; facilitate family cooperation; support the family's independence from the court system; and may provide crucial information to the judge. These programs have developed on an informal basis and do not operate under any uniform standards or guidelines. No entity is responsible for providing oversight of the programs that operate outside of the court system.

The Steering Committee resolved that supervised visitation centers, as a resource available to the court, should be held to minimum operational standards and that courts would be remiss in not considering the standards, resources and operations of such centers prior to ordering parties to use them. Subsequently the Steering Committee developed proposed standards that were circulated to the chief judges for comment and were submitted to this Court for consideration.

The standards, as submitted to the Court, provided for standards of operation and for certification of the programs by the chief judge. The standards adopted by this order have eliminated the certification of these programs by the chief judge.

Accordingly, the chief judge of each circuit is hereby directed to enter into an agreement with supervised visitation centers that are willing to comply with the attached standards and effective July 1, 2000, trial judges, when ordering the parties to utilize a supervised visitation program, shall only order parties to supervised visitation programs that have entered into an agreement with the chief judge. Supervised visitation programs operating under the auspices of the court shall comply with these standards by January 1, 2000.

DONE AND ORDERED at Tallahassee, Florida, on November 18, 1999.


Chief Justice Major B. Harding

ATTEST:


Debbie Causseaux, Acting Clerk



Florida Supreme Court

MINIMUM STANDARDS FOR SUPERVISED VISITATION PROGRAM AGREEMENTS

I. PROGRAM STRUCTURE

A. Terminology

- (1) Authorized person is a person authorized by the court to be present, in addition to the noncustodial parent, during supervised contact.
- (2) Chief judge means the chief judge of a judicial circuit or his or her designee.
- (3) Child means a 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.
- (4) Client means the custodial parent, noncustodial parent, or child receiving supervised contact services pursuant to a court referral to a supervised contact program.
- (5) 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.
- (6) 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.
- (7) 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 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.
- (8) 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.
- (9) Florida Clearinghouse on Supervised Visitation is the entity within the Institute for Family Violence Studies of the Florida State University School of Social Work that serves as a statewide resource on supervised visitation issues by providing technical assistance, training, research, and legal assistance.
- (10) Governing authority is a board or other body of individuals responsible for the development and operation of an independent program or the chief judge, in the case of a program

operating under the auspices of the court.

(11) Group supervised visitation means one supervision monitor/observer for several families.

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(12) Individual supervised visitation means one visitation monitor/observer for one family.

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

(14) 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.

(15) On-site supervision refers to the supervision of a noncustodial parent and child on 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.

(16) 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.

(17) Program means a person, society, association, or agency, operating independently or under the auspices of the court, that has entered into a program agreement with the chief judge of a circuit to provide supervised contact services pursuant to a program agreement and court order. Program may also include supervised visitation operating under the auspices of the court.

(18) Program Agreement is a written understanding between the court and an independent provider of supervised contact services including, but 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.

(19) Therapeutic Supervision is the provision of therapeutic evaluation or therapeutic intervention to help improve the parent-child interactions. Therapeutic supervision may only be provided by order of the court and only by trained certified or licensed mental health professionals.

(20) 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.

(21) 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 the program's records, except as provided by law or order of the court.

(22) 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.

(23) 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.

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B. Purposes of Providing Supervised Visitation

(1) To assure the safety and welfare of the child, adults, and program staff during supervised contact.

(2) To enable an ongoing relationship between the noncustodial parent and child by impartially observing their contact in a safe and structured environment and to facilitate appropriate child/parent interaction during supervised contact.

(3) Where appropriate, to provide written information to the court regarding the supervised contacts.

C. Scope of Services

Supervised contact programs in each judicial circuit shall determine the range of visitation services offered, dependent upon available resources. If resources permit, services shall be offered for dependency, family law, domestic violence cases or other cases as designated by the chief judge. The scope of services should be clearly defined in the program agreement.

D. Guiding Principles

(1) For all supervised contact services provided by a program pursuant to a court order, the primary obligation shall be to the court.

(2) Supervised contact is not a long-term solution to a family's problems. The short-term goal is to enable an ongoing relationship between the noncustodial parent and child by impartially observing their contact in a safe, healthy, and structured environment. The long-term goal is to facilitate unsupervised visitation in most cases and establish less structured supervision, where possible, in the remaining cases.

(3) A program should be independent, accessible, safe, and designed to promote the welfare of

the child and family and facilitate parent/child interaction during contact.

(4) A program's governing authority, training and experience of visitation supervisors, and other resources shall determine the range of services provided and number of clients served.

E. Roles

(1) The chief judge in each judicial circuit has responsibility for:

- a. the oversight of a program operating under the auspices of the court; and
- b. entering into a program agreement with independent programs that are in compliance with minimum standards for providers of supervised contact services.

(2) The role of the judge is to determine when supervised contact is appropriate and to ensure that referrals for supervised contact are comprehensive and specific as to the conditions under which the supervised contact is to occur, including the party responsible for the payment of fees for the supervised contact services. The judge shall also ensure that referrals are appropriate for the level of service available in a program.

(3) The role of a program is to provide a safe, independent site at which supervised contact between the noncustodial parent and child may occur; to ensure that program staff have

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adequate training to observe the contact; and where appropriate, provide written information about such contact to the court.

(4) The role of a program director/coordinator is to ensure the overall quality of services provided and he/she will also be able to assume roles associated with that of visitation supervisor.

(5) The role of the visitation supervisor is to:

- a. maintain independence from parties;
- b. ensure that contact between parties proceeds pursuant the visitation agreement and court order;
- c. relay relevant information relating to the child's welfare between the custodial and noncustodial parent at the commencement and conclusion of supervised contact (e.g. special needs, medication, diet, etc.);
- d. intervene, where necessary or appropriate, to ensure the welfare of the child or parent;
- e. if necessary, facilitate child/parent interaction during the supervised contact;
- f. terminate the visit if the child's safety or that of other parties or staff cannot be maintained;
- g. provide constructive feedback, correction, or redirection;

h. document the visits consistent with the program agreement.

The visitation supervisor may use a visitation monitor/observer to assist in these roles, but the supervisor is ultimately responsible.

Commentary

Nothing in these standards shall be construed to restrict the court in ordering supervised visitation or exchange

by the Department of Children and Families, any private mental health professional, and/or other third party

as designated in a court order.

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II. PROGRAM ADMINISTRATION

A. Governing Authority. Each program shall have a governing authority as defined in these standards.

B. Administration of Programs

(1) All programs receiving judicial referrals shall comply with these minimum standards.

(2) Program services shall be provided in a location suitable for the type of supervised contact services provided and be accessible for clients with various needs.

(3) Independent programs shall annually submit an Affidavit of Compliance with these minimum standards to the chief judge.

(4) The chief judge may monitor the programs for compliance with the program agreement.

(5) In the event of a conflict between these minimum standards and local requirements, the chief judge may apply to the Chief Justice for waiver of applicability.

(6) A program must immediately notify the chief judge of any changes to a program's role, function, operational policies and procedures and/or capacity that affect the program's services provided to the court or its clients.

(7) A program shall comply with all applicable local, state, and federal laws, statutes and/or regulations.

C. Operating Policies and Procedures. A program shall have comprehensive written operating policies and procedures, which shall include, at a minimum:

(1) types of services and manner in which they are provided;

(2) case acceptance and discharge policies;

(3) procedures for communication with the court, including how the program and the court will avoid impermissible ex parte communication;

(4) procedures for providing reports to the court;

- (5) the visitation agreement;
- (6) payment of fees;
- (7) hours of operation that are accessible to use;
- (8) restrictions for transportation of children;
- (9) security measures and emergency protocol and/or procedures;
- (10) grievance procedures;
- (11) policies and procedures regarding release of information;
- (12) employment policies and policies governing the acceptance and discharge of volunteers, including: non-discrimination policies regarding the employee or volunteer's race, religion, gender, sexual orientation, national origin, age, disability, marital status; and policies that comply with the laws and regulations governing fair employment practices.

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D. Case Acceptance

(1) Referrals from the court for any supervised contact service shall be by court order. However, these standards shall not preclude programs from entering into contracts with entities other than the court, such as the Department of Children and Families.

(2) Upon referral and prior to accepting the case, programs will conduct an intake, for the purpose of obtaining relevant information about the case, the parents, and the child, including special needs of the child.

(3) Programs shall not discriminate against any client due to race, religion, gender, sexual orientation, national origin, age, disability, marital status, or inability to pay.

(4) A program shall decline to accept a case for which they cannot reasonably ensure the safety of all clients, program staff, and volunteers, including but not limited to the following reasons:

- a. the volatile nature of the case or client;
- b. visitation supervisors are not adequately trained to manage issues identified in the intake;
- c. facilities are not adequate to provide the necessary level of security;
- d. insufficient resources; or
- e. conflict of interest.

Commentary

Programs are encouraged to provide services on a sliding fee basis for clients who have limited financial

resources. The court and the program should consider developing a protocol for dealing with the

nonpayment

of fees, such as civil contempt or other coercive measures available to the court. Also, the court should

consider assessing costs against a parent failing to participate in a scheduled supervised contact without good

cause or proper notice to the program or other parent.

It is not intended that a program use its authority to decline a case because the program or its personnel believe

that contact should not be allowed in a particular type of case or disagrees with a judge's decision to allow

contact in a particular case.

E. Intervene or Terminate Contact

(1) A visitation supervisor shall intervene or terminate a supervised contact whenever he or she believes that the safety of clients, program staff, and volunteers cannot be reasonably ensured.

(2) A visitation supervisor may intervene or terminate a supervised contact for the following reasons:

- a. One or both of the clients have failed to comply with the visitation agreement, the directives of the visit supervisor, or the court's order of referral;
- b. The child becomes ill; or
- c. The child cannot be comforted for a period exceeding 30 minutes.

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(3) A visitation supervisor shall have the sole discretion to withhold presentation of any inappropriate item or gift from the noncustodial parent to the child.

Commentary

Failure to pay should not be confused with inability to pay. Ability to pay is determined by the court.

F. Discharge

(1) A program shall suspend or discharge clients for the following reasons:

- a. termination of court referral;
- b. safety concerns that cannot be addressed or other issues involved in the cases that cannot be effectively addressed by the program.

(2) A program may suspend or discharge clients for the following reasons:

- a. the case places an undue demand on the program's resources;
- b. one or both of the clients have failed to comply with the visitation agreement, the

directives of the visit supervisor, or the court's order of referral;

c. the client continually refuses to pay court ordered fees for supervised visitation services; or

d. expiration of the time limit set out by the program or visitation agreement.

(3) A program shall immediately (within 72 hours) provide written notice to the court and the parties if:

a. program services have been suspended or terminated under a condition outlined above;

b. the parties agree that they can manage visits or exchanges without supervision; or

c. the parties violate specific terms of the supervised contact as provided in the court order for supervised contact.

G. Records Management

(1) **Maintaining Records Generally.** A program operating under the auspices of the court shall maintain records pursuant to rule 2.075, Florida Rules of Judicial Administration; independent programs shall maintain all records for a period of 5 years from the last recorded activity, or until the child reaches the age of majority, whichever occurs first.

(2) **Financial Records.** A program shall maintain appropriate and accurate financial records and follow generally accepted accounting principles.

(3) **Policies and Procedures.** A program shall make written operating policies and procedures available for review, upon request of a client.

(4) **Personnel Records.** A program shall maintain a written personnel record for each employee or volunteer, including but not limited to:

a. application or resume;

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b. job title/description;

c. law enforcement records check;

d. copy of a valid photo identification card recognized in this state for the purpose of indicating a person's true name and age;

e. documentation of employee or volunteer's satisfactory completion of minimum training requirements provided in these standards; and

f. any other documents obtained or created by the program pertaining to the employee or volunteer.

(5) **Client Records.** A program shall keep records of all supervised contact services provided

pursuant to court order, including but not limited to:

a. intake information to include at a minimum:

1. case name, case number, and nature of referral;
2. division of court;
3. court order/referral to program;
4. photo identification of custodial parent, noncustodial parent, authorized person, and persons authorized to deliver, pick-up, or transport a child, excepting an authorized agent of the Department of the Child and Family Services;
5. safety and medical concerns; or
6. photo and authorization for alternative custodian, if any.

b. written correspondence concerning each client or case, including reports to the court; and

c. cancellations, closures, documentation and written observations, if any.

H. Disclosure of Case Information.

A program shall maintain all records in a discrete manner and shall not disclose, or participate in the disclosure of, information relating to a case to any person who is not a party to the cause, except in reports to the court or as provided by law or court order. Each program shall have a policy protecting any information that might reveal the location of domestic violence victims and their children or any other information that is confidential, as provided by law or order of the court. Release of case information shall be covered by written policies and procedures.

I. Out-of-Circuit Referrals and Courtesy Monitoring

A program has the sole discretion to accept or decline a case referred by the court from another jurisdiction. When such cases are accepted, the program must direct all communication to the referring court.

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J. Complaints

(4) A program must have written procedures regarding the internal management of complaints lodged by clients, or any other party to a case.

(5) If complaints cannot be resolved through a program's internal grievance procedure, the complaint may be brought to the court's attention by motion to the court.

(6) Complaints about a program's operational policies and procedures, administration, or

management must be directed to the chief judge for resolution.

K. Security

(1) A program must have written security policies that include:

- a. evacuation procedures in case of an emergency;
- b. agreements with local law enforcement;
- c. handling of critical incidents such as violent, dangerous, or inappropriate behavior of clients, for example, the attempted abduction of a child; and
- d. handling of medical emergencies, client, staff, or volunteer injuries, and worker's compensation procedures.

(2) A program must take reasonable security precautions, including an intake and case review procedure, for identifying cases that may have security issues and risks prior to providing supervised contact services.

L. Insurance

A program must have general and liability insurance for staff and volunteers.

Commentary

It is not intended that programs operating under the auspices of the court obtain general and liability insurance

in addition to that provided by risk management in the court system.

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III. PROGRAM STAFF/VOLUNTEER CERTIFICATION AND TRAINING REQUIREMENTS

A. General Requirements

Prior to receiving assignments from the program, all program staff, whether paid or volunteer, who have direct contact with program clients or children, must have:

- (1) attained the age of 19 years;
- (2) acceptable results of a background check in accordance with Florida Department of Law Enforcement standards for child care providers;
- (3) attended a screening interview with the Program Director/Administrator or his/her designee that includes:
 - a. an application review;
 - b. having executed a signed statement which addresses the areas of confidentiality;
 - c. having executed an affidavit of moral character; and

e. having executed an affidavit of disclosure that lists any and all active pending criminal or civil litigation;

(4) successfully completed any additional training requirements for the position as specified in this section.

Commentary

These requirements shall not apply to individuals, groups, or organizations who may be providing special

services to the center (e.g., maintenance, cleaning, or other “in-kind” or school public services) requirements

which are unrelated to direct supervised visitation services.

B. Employment Categories and Specific Requirements

(1) **Program Director/Administrator.** A program administrator is responsible for the operation of the center, employment and supervision of staff, and the administration of programs.

Employment and volunteer applicants, regardless of qualifications, shall be accepted and/or terminated at the discretion of the Program Director/Administrator. Persons acting in this capacity by a different title in any center shall meet the qualifications, and have the authority, of a Program Director/Administrator. Persons performing in this capacity report directly to the governing board or the governing authority for the program.

Minimum Qualifications:

Graduation from an accredited college or university with a bachelor’s degree in social services or related field. Progressively responsible experience in the area of child abuse, domestic violence, custody, visitation and/or family issues may substitute for the recommended college education on a year for year basis; and

Two (2) years professional experience which includes knowledge of child abuse, domestic violence, custody, visitation and/or family issues.

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Demonstrated proficiency in competency based training as specified by the Florida Clearinghouse on Supervised Visitation.

(2) **Visitation Supervisor and Monitor/Observer.** Persons performing in this capacity are responsible for supervising noncustodial parent contact with children in accordance with the program’s goals and objectives. They may record observations of visits on the center’s standardized form, complete checklists, and may prepare reports to the court, as provided in Section IV of these standards.

Minimum Qualifications: Prior to supervising visitations, persons in this capacity shall complete:

Two (2) hours of orientation training in the following areas: practice, policy and procedures; use of forms; confidentiality; security; levels of supervision; observation techniques; and recording observations; and

Five (5) hours in a mentoring program with a practicing supervised visitation monitor either at an existing visitation program or with a licensed professional who has at least one (1) year of experience in supervising visitations.

Training:

Demonstrated proficiency in competency based training as specified by the Florida Clearinghouse on Supervised Visitation, which shall include, but shall not be limited to the areas of child development, child abuse indicators, mental health, substance abuse, parental alienation, domestic violence, cultural diversity and crisis intervention.

(3) **Clerical/Maintenance Staff.** Clerical staff provide services in the program office, or in areas of the program where specialized training in visitation supervision techniques is not required.

Minimum Qualifications:

Educational level, or work experience, sufficient to meet the responsibilities of the specific task(s); and

Completion of an orientation program of at least two (2) hours which includes an overview of the center's goals and objectives, the assignments of administrative staff, confidentiality, and security for clients and staff.

(4) **College Interns.** College interns perform services under the guidance and direction of the program director or visitation supervisor staff. The internship shall be a learning experience with specific goals and objectives. Besides the general requirements specified for other staff who have contact with clients, interns shall meet the following additional qualifications:

Enrollment in an accredited four year college or university and official enrollment in a practicum/internship program under the supervision of a college instructor/administrator;

Official enrollment in a college or university in an area of major studies related to the function of the center;

Presentation of clearly defined educational goals and objectives related to supervised visitation.

IV. REPORTS TO THE COURT

Each circuit is responsible for developing an agreement with local providers which sets forth procedures for providing reports to the court. Regardless of the procedures or format selected, programs should use checklists or clear and concise statements to record what happens during the contact and should avoid including opinions and judgments. The supervisor should only report attendance and observable behaviors. These standards should specifically address:

A. Frequency of Reports

- (1) immediately upon incident;
- (2) upon request from the court or other agency;
- (3) by subpoena; or
- (4) periodically.

B. Reporting Method

- (1) written; or
- (2) verbal.

C. Report Format

(1) **Detailed Observation.** Detailed observations offer a comprehensive account of events that took place between the noncustodial parent and child. Providers may use a checklist during the visit which records the level of adherence to visitation arrangements by the parent, for example, compliance with scheduling and program rules. Providers may also wish to include an objective account of all behaviors and actions observed between the parent and child as they occur.

(2) **Summary.** Summary reports provide an overview of the interaction that took place between the parent and child during a supervised visit. The summary report must be factual, objective and absent of any professional recommendations. Unlike the detailed observation report, the summary report shall not contain a comprehensive list of all behaviors observed between the parent and child. Instead this report is meant to provide the court with a brief synopsis of the visitation.

(3) **Incident.** Incident reports provide a detailed account of potentially harmful behavior exhibited by a parent or child, either towards another client or program staff, during the supervised contact. Typically the provider observes a behavior or action from the parent that he/she perceives as an indication for alarm and will immediately submit a detailed account of the incident. This account would include, when the incident took place, what initiated the behavior, how the incident occurred, the reaction of the clients, and the

action(s) taken. Once again, this shall strictly be a factual account and shall not offer a professional opinion as to what course of action should be sought regarding this incident.

(4) **Evaluative.** Evaluative reports provide an assessment which offers professional opinions and recommendations as to the observed contact between the parent and child. Such reports should be completed by a licensed mental health professional or otherwise qualified professional. Without prior approval from the chief judge, or from the court, a program

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should not offer a report that provides recommendations or expresses opinions, specifically an opinion about the appropriate future course of access between a parent and child who have been supervised by a program.

Commentary

The term evaluative should not be confused with an expert evaluation of a minor child provided in accordance

with rule 12.363, Florida Family Law Rules of Procedure.

D. All observation notes or reports should indicate that the contents of the notes reflect the various levels of training and experience of the different observers; that the observations have occurred in a structured and protected setting; and that care should be exercised by any reader in making predictions about how the contacts might occur in a different setting.

Florida Laws

F.S.A. § 39.504

WEST'S FLORIDA STATUTES ANNOTATED

TITLE V. JUDICIAL BRANCH

CHAPTER 39. PROCEEDINGS RELATING TO CHILDREN

PART VI. PETITION, ARRAIGNMENT, ADJUDICATION, AND DISPOSITION

39.504. Injunction pending disposition of petition; penalty

(1)(a) When a petition for shelter placement or a petition for dependency has been filed or when a child has been taken into custody and reasonable cause, as defined in paragraph (b), exists, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, shall have the authority to issue an injunction to prevent any act of child abuse or any unlawful sexual offense involving a child.

(b) Reasonable cause for the issuance of an injunction exists if there is evidence of child abuse or an unlawful sexual offense involving a child or if there is a reasonable likelihood of such abuse or offense occurring based upon a recent overt act or failure to act.

(2) Notice shall be provided to the parties as set forth in the Florida Rules of Juvenile Procedure, unless the child is reported to be in imminent danger, in which case the court may issue an injunction immediately. A judge may issue an emergency injunction pursuant to this section without notice at times when the court is closed for the transaction of judicial business. When such an immediate injunction is issued, the court shall hold a hearing on the next day of judicial business either to dissolve the injunction or to continue or modify it in accordance with the other provisions of this section.

(3)(a) In every instance in which an injunction is issued under this section, the purpose of the injunction shall be primarily to protect and promote the best interests of the child, taking the preservation of the child's immediate family into consideration. The effective period of the injunction shall be determined by the court, except that the injunction will expire at the time of the disposition of the petition for shelter placement or dependency.

(b) The injunction shall apply to the alleged or actual offender in a case of child abuse or an unlawful sexual offense involving a child. The conditions of the injunction shall be determined by the court, which conditions may include ordering the alleged or actual offender to:

1. Refrain from further abuse or unlawful sexual activity involving a child.
2. Participate in a specialized treatment program.
3. Limit contact or communication with the child victim, other children in the home, or any other child.
4. Refrain from contacting the child at home, school, work, or wherever the child may be found.
5. Have limited or **supervised visitation** with the child.
6. Pay temporary support for the child or other family members; the costs of medical, psychiatric, and psychological treatment for the child victim incurred as a result of the offenses; and similar costs for other family members.

7. Vacate the home in which the child resides.

(c) At any time prior to the disposition of the petition, the alleged or actual offender may offer the court evidence of changed circumstances as a ground to dissolve or modify the injunction.

(4) A copy of any injunction issued pursuant to this section shall be delivered to the protected party, or a parent or caregiver or individual acting in the place of a parent who is not the respondent, and to any law enforcement agency having jurisdiction to enforce such injunction. Upon delivery of the injunction to the appropriate law enforcement agency, the agency shall have the duty and responsibility to enforce the injunction.

(5) Any person who fails to comply with an injunction issued pursuant to this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

CREDIT(S)

Laws 1984, c. 84-226, § 1; Laws 1991, c. 91-224, § 1; Laws 1995, c. 95-147, § 228; Laws 1995, c. 95-228, § 10; Fla.St.1997, § 39.4055. Renumbered as 39.504 and amended by Laws 1998, c. 98-403, § 65, eff. Oct. 1, 1998. Amended by Laws 1999, c. 99-193, § 28, eff. July 1, 1999.

F.S.A. § 39.806

WEST'S FLORIDA STATUTES ANNOTATED
TITLE V. **JUDICIAL BRANCH**
CHAPTER 39. **PROCEEDINGS RELATING TO CHILDREN**
PART XI. **TERMINATION OF PARENTAL RIGHTS**

39.806. Grounds for termination of parental rights

(1) The department, the guardian ad litem, or any person who has knowledge of the facts alleged or who is informed of those facts and believes that they are true may petition for the termination of parental rights under any of the following circumstances:

(a) When the parent or parents have voluntarily executed a written surrender of the child and consented to the entry of an order giving custody of the child to the department for subsequent adoption and the department is willing to accept custody of the child.

1. The surrender document must be executed before two witnesses and a notary public or other person authorized to take acknowledgments.

2. The surrender and consent may be withdrawn after acceptance by the department only after a finding by the court that the surrender and consent were obtained by fraud or under duress.

(b) Abandonment as defined in s. 39.01(1) or when the identity or location of the parent or parents is unknown and cannot be ascertained by diligent search within 60 days.

(c) When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, safety, well-being, or physical, mental, or emotional health of the child irrespective of the provision of services. Provision of services may be evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency.

(d) When the parent of a child is incarcerated in a state or federal correctional institution and either:
1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term “substantially similar offense” means any offense that is substantially similar in elements and penalties to one of those listed in this subparagraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; or

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(e) A petition for termination of parental rights may also be filed when a child has been adjudicated dependent, a case plan has been filed with the court, and the child continues to be abused, neglected, or abandoned by the parents. In this case, the failure of the parents to substantially comply for a period of 12 months after an adjudication of the child as a dependent child or the child’s placement into shelter care, whichever came first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due either to the lack of financial resources of the parents or to the failure of the department to make reasonable efforts to reunify the parent and child. Such 12-month period may begin to run only after the child’s placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the approval by the court of a case plan with a goal of reunification with the parent, whichever came first.

(f) When the parent or parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health of the child or the child’s sibling.

1. As used in this subsection, the term “sibling” means another child who resides with or is cared for by the parent or parents regardless of whether the child is related legally or by consanguinity.

2. As used in this subsection, the term “egregious conduct” means abuse, abandonment, neglect, or any other conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. Egregious conduct may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

(g) When the parent or parents have subjected the child to aggravated child abuse as defined in s. 827.03, sexual battery or sexual abuse as defined in s. 39.01, or chronic abuse.

(h) When the parent or parents have committed murder or voluntary manslaughter of another child, or a felony assault that results in serious bodily injury to the child or another child, or aided or abetted, attempted, conspired, or solicited to commit such a murder or voluntary manslaughter or felony assault.

(i) When the parental rights of the parent to a sibling have been terminated involuntarily.

(2) Reasonable efforts to preserve and reunify families shall not be required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(e)-(i) have occurred.

(3) When a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan with a goal of reunification, but may instead file with the court a case plan with a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

(4) When an expedited termination of parental rights petition is filed, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

CREDIT(S)

Laws 1987, c. 87-289, § 9; Laws 1990, c. 90-306, § 16; ; Laws 1992, c. 92-158, § 7; Laws 1994, c. 94-164, § 35; Laws 1997, c. 97-226, § 1; Laws 1997, c. 97-276, § 12; Fla.St.1997, § 39.464. Renumbered as 39.806 and amended by Laws 1998, c. 98-403, § 88, eff. Oct. 1, 1998. Amended by Laws 1998, c. 98-417, § 2, eff. Oct. 1, 1998; Laws 1999, c. 99-193, § 45, eff. July 1, 1999; Laws 2000, c. 2000-139, § 35, eff. July 1, 2000; Laws 2001, c. 2001-3, § 3, eff. Oct. 1, 2001.

F.S.A. § 61.13

WEST'S FLORIDA STATUTES ANNOTATED

TITLE VI. CIVIL PRACTICE AND PROCEDURE

CHAPTER 61. DISSOLUTION OF MARRIAGE; SUPPORT; CUSTODY

PART I. GENERAL PROVISIONS

61.13. Custody and support of children; visitation rights; power of court in making orders

(1)(a) In a proceeding for dissolution of marriage, the court may at any time order either or both parents who owe a duty of support to a child to pay support in accordance with the guidelines in s. 61.30. The court initially entering an order requiring one or both parents to make child support payments shall have continuing jurisdiction after the entry of the initial order to modify the amount and terms and conditions of the child support payments when the modification is found necessary by the court in the best interests of the child, when the child reaches majority, or when there is a substantial change in the circumstances of the parties. The court initially entering a child support order shall also have continuing jurisdiction to require the obligee to report to the court on terms prescribed by the court regarding the disposition of the child support payments.

(b) Each order for support shall contain a provision for health care coverage for the minor child when the coverage is reasonably available. Coverage is reasonably available if either the obligor or obligee has access at a reasonable rate to a group health plan. The court may require the obligor either to provide health care coverage or to reimburse the obligee for the cost of health care coverage for the minor child when coverage is provided by the obligee. In either event, the court shall apportion the cost of coverage, and any noncovered medical, dental, and prescription medication expenses of the child, to both parties by adding the cost to the basic obligation determined pursuant to s. 61.30(6). The court may order that payment of uncovered medical, dental, and prescription medication expenses of the minor child be made directly to the obligee on a percentage basis.

1. In a non-Title IV-D case, a copy of the court order for health care coverage shall be served on the obligor's union or employer by the obligee when the following conditions are met:

a. The obligor fails to provide written proof to the obligee within 30 days after receiving effective notice of the court order, that the health care coverage has been obtained or that application for coverage has been made;

b. The obligee serves written notice of intent to enforce an order for health care coverage on the obligor by mail at the obligor's last known address; and

c. The obligor fails within 15 days after the mailing of the notice to provide written proof to the obligee that the health care coverage existed as of the date of mailing.

2. a. A support order enforced under Title IV-D of the Social Security Act which requires that the obligor provide health care coverage is enforceable by the department through the use of the national medical support notice, and an amendment to the support order is not required. The department shall transfer the national medical support notice to the obligor's union or employer. The department shall notify the obligor in writing that the notice has been sent to the obligor's union or employer, and the written notification must include the obligor's rights and duties under the national medical support notice. The obligor may contest the withholding required by the national medical support notice based on a mistake of fact. To contest the withholding, the obligor must file a written notice of contest with the department within 15 business days after the date the obligor receives written notification of the national medical support notice from the department. Filing with the department is complete when the notice is received by the person designated by the department in the written notification. The notice of contest must be in the form prescribed by the department. Upon the timely filing of a notice of contest, the department shall, within 5 business days, schedule an informal conference with the obligor to discuss the obligor's factual dispute. If the informal conference resolves the dispute to the obligor's satisfaction or if the obligor fails to attend the informal conference, the notice of contest is deemed withdrawn. If the informal conference does not resolve the dispute, the obligor may request an administrative hearing under chapter 120 within 5 business days after the termination of the informal conference, in a form and manner prescribed by the department. However, the filing of a notice of contest by the obligor does not delay the withholding of premium payments by the union, employer, or health plan administrator. The union, employer, or health plan administrator must implement the withholding as directed by the national medical support notice unless notified by the department that the national medical support notice is terminated.

b. In a Title IV-D case, the department shall notify an obligor's union or employer if the obligation to provide health care coverage through that union or employer is terminated.

3. In a non-Title IV-D case, upon receipt of the order pursuant to subparagraph 1., or upon application of the obligor pursuant to the order, the union or employer shall enroll the minor child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period and withhold any required premium from the obligor's income. If more than one plan is offered by the union or employer, the child shall be enrolled in the group health plan in which the obligor is enrolled.

4. a. Upon receipt of the national medical support notice under subparagraph 2. in a Title IV-D case, the union or employer shall transfer the notice to the appropriate group health plan administrator within 20 business days after the date on the notice. The plan administrator must enroll the child as a beneficiary in the group health plan regardless of any restrictions on the enrollment period, and the union or employer must withhold any required premium from the obligor's income upon notification by the plan administrator that the child is enrolled. The child shall be enrolled in the group health plan in which the obligor is enrolled. If the group health plan in which the obligor is enrolled is not available where the child resides or if the obligor is not enrolled in group coverage, the child shall be enrolled in the lowest cost group health plan that is available where the child resides.

b. If health care coverage or the obligor's employment is terminated in a Title IV-D case, the union or employer that is withholding premiums for health care coverage under a national medical support notice must notify the department within 20 days after the termination and provide the obligor's last known address and the name and address of the obligor's new employer, if known.

5. a. The amount withheld by a union or employer in compliance with a support order may not exceed the amount allowed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b), as amended. The union or employer shall withhold the maximum allowed by the Consumer Credit Protection Act in the following order:

(I) Current support, as ordered.

(II) Premium payments for health care coverage, as ordered.

(III) Past due support, as ordered.

(IV) Other medical support or coverage, as ordered.

b. If the combined amount to be withheld for current support plus the premium payment for health care coverage exceed the amount allowed under the Consumer Credit Protection Act, and the health care coverage cannot be obtained unless the full amount of the premium is paid, the union or employer may not withhold the premium payment. However, the union or employer shall withhold the maximum allowed in the following order:

(I) Current support, as ordered.

(II) Past due support, as ordered.

(III) Other medical support or coverage, as ordered.

6. The Department of Revenue may adopt rules to administer the child support enforcement provisions of this section which affect Title IV-D cases.

(c) To the extent necessary to protect an award of child support, the court may order the obligor to purchase or maintain a life insurance policy or a bond, or to otherwise secure the child support award with any other assets which may be suitable for that purpose.

(d)1. Unless the provisions of subparagraph 3. apply, all child support orders entered on or after January 1, 1985, shall direct that the payments of child support be made as provided in s. 61.181 through the depository in the county where the court is located. All child support orders shall provide the full name, date of birth, and social security number of each minor child who is the subject of the child support order.

2. Unless the provisions of subparagraph 3. apply, all child support orders entered before January 1, 1985, shall be modified by the court to direct that payments of child support shall be made through the depository in the county where the court is located upon the subsequent appearance of either or both parents to modify or enforce the order, or in any related proceeding.

3. If both parties request and the court finds that it is in the best interest of the child, support payments need not be directed through the depository. The order of support shall provide, or shall be deemed to provide, that either party may subsequently apply to the depository to require direction of the payments through the depository. The court shall provide a copy of the order to the depository.

4. If the parties elect not to require that support payments be made through the depository, any party may subsequently file an affidavit with the depository alleging a default in payment of child support and stating that the party wishes to require that payments be made through the depository. The party shall provide copies of the affidavit to the court and to each other party. Fifteen days after receipt of the affidavit, the depository shall notify both parties that future payments shall be paid through the depository.

5. In IV-D cases, the IV-D agency shall have the same rights as the obligee in requesting that payments be made through the depository.

(e) In a judicial circuit with a work experience and job training pilot project, if the obligor is unemployed or has no income and does not have an account at a financial institution, then the court shall order the obligor to seek employment, if the obligor is able to engage in employment, and to immediately notify the court upon obtaining employment, upon obtaining any income, or upon obtaining any ownership of any asset with a value of \$500 or more. If the obligor is still unemployed 30 days after any order for support, the court may order the obligor to enroll in the work experience, job placement, and job training pilot program for noncustodial parents as established in s. 409.2565, if the obligor is eligible for entrance into the pilot program.

(2)(a) The court shall have jurisdiction to determine custody, notwithstanding that the child is not physically present in this state at the time of filing any proceeding under this chapter, if it appears to the court that the child was removed from this state for the primary purpose of removing the child from the jurisdiction of the court in an attempt to avoid a determination or modification of custody.

(b) 1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. 39.806(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities that the court finds unique to a particular family.

b. The court shall order “sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of” the minor child.

c. The court may award the grandparents visitation rights with a minor child if it is in the child’s best interest. Grandparents have legal standing to seek judicial enforcement of such an award. This section does not require that grandparents be made parties or given notice of dissolution pleadings or proceedings. A court may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to a parent because the parent is not the child’s primary residential parent. Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

(c) The circuit court in the county in which either parent and the child reside or the circuit court in which the original award of custody was entered have jurisdiction to modify an award of child custody. The court may change the venue in accordance with s. 47.122.

(d) No presumption shall arise in favor of or against a request to relocate when a primary residential parent seeks to move the child and the move will materially affect the current schedule of contact and access with the secondary residential parent. In making a determination as to whether the primary residential parent may relocate with a child, the court must consider the following factors:

1. Whether the move would be likely to improve the general quality of life for both the residential parent and the child.
2. The extent to which visitation rights have been allowed and exercised.
3. Whether the primary residential parent, once out of the jurisdiction, will be likely to comply with any substitute visitation arrangements.
4. Whether the substitute visitation will be adequate to foster a continuing meaningful relationship between the child and the secondary residential parent.
5. Whether the cost of transportation is financially affordable by one or both parties.
6. Whether the move is in the best interests of the child.

(3) For purposes of shared parental responsibility and primary residence, the best interests of the child shall include an evaluation of all factors affecting the welfare and interests of the child, including, but not limited to:

(a) The parent who is more likely to allow the child frequent and continuing contact with the non-residential parent.

(b) The love, affection, and other emotional ties existing between the parents and the child.

(c) The capacity and disposition of the parents to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs.

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(e) The permanence, as a family unit, of the existing or proposed custodial home.

(f) The moral fitness of the parents.

(g) The mental and physical health of the parents.

(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.

(j) The willingness and ability of each parent to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.

(k) Evidence that any party has knowingly provided false information to the court regarding a domestic violence proceeding pursuant to s. 741.30.

(l) Evidence of domestic violence or child abuse.

(m) Any other fact considered by the court to be relevant.

(4)(a) When a noncustodial parent who is ordered to pay child support or alimony and who is awarded visitation rights fails to pay child support or alimony, the custodial parent shall not refuse to honor the noncustodial parent's visitation rights.

(b) When a custodial parent refuses to honor a noncustodial parent's visitation rights, the noncustodial parent shall not fail to pay any ordered child support or alimony.

(c) When a custodial parent refuses to honor a noncustodial parent's or grandparent's visitation rights without proper cause, the court shall, after calculating the amount of visitation improperly denied, award the noncustodial parent or grandparent a sufficient amount of extra visitation to compensate the noncustodial parent or grandparent, which visitation shall be ordered as expeditiously as possible in a manner consistent with the best interests of the child and scheduled in a manner that is convenient for the person deprived of visitation. In ordering any makeup visitation, the court shall schedule such visitation in a manner that is consistent with the best interests of the child or children and that is convenient for the noncustodial parent or grandparent. In addition, the court:

1. May order the custodial parent to pay reasonable court costs and attorney's fees incurred by the noncustodial parent or grandparent to enforce their visitation rights or make up improperly denied visitation;

2. May order the custodial parent to attend the parenting course approved by the judicial circuit;

3. May order the custodial parent to do community service if the order will not interfere with the welfare of the child;

4. May order the custodial parent to have the financial burden of promoting frequent and continuing contact when the custodial parent and child reside further than 60 miles from the noncustodial parent;

5. May award custody, rotating custody, or primary residence to the noncustodial parent, upon the request of the noncustodial parent, if the award is in the best interests of the child; or
6. May impose any other reasonable sanction as a result of noncompliance.

(d) A person who violates this subsection may be punished by contempt of court or other remedies as the court deems appropriate.

(5) The court may make specific orders for the care and custody of the minor child as from the circumstances of the parties and the nature of the case is equitable and provide for child support in accordance with the guidelines in s. 61.30. An award of shared parental responsibility of a minor child does not preclude the court from entering an order for child support of the child.

(6) In any proceeding under this section, the court may not deny shared parental responsibility, custody, or visitation rights to a parent or grandparent solely because that parent or grandparent is or is believed to be infected with human immunodeficiency virus; but the court may condition such rights upon the parent's or grandparent's agreement to observe measures approved by the Centers for Disease Control and Prevention of the United States Public Health Service or by the Department of Health for preventing the spread of human immunodeficiency virus to the child.

(7) In any case where the child is actually residing with a grandparent in a stable relationship, whether the court has awarded custody to the grandparent or not, the court may recognize the grandparents as having the same standing as parents for evaluating what custody arrangements are in the best interest of the child.

(8) If the court orders that parental responsibility, including visitation, be shared by both parents, the court may not deny the noncustodial parent overnight contact and access to or visitation with the child solely because of the age or sex of the child.

(9)(a) Beginning July 1, 1997, each party to any paternity or support proceeding is required to file with the tribunal as defined in s. 88.1011(22) and State Case Registry upon entry of an order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer. Beginning October 1, 1998, each party to any paternity or child support proceeding in a non-Title IV-D case shall meet the above requirements for updating the tribunal and State Case Registry.

(b) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

(c) Beginning July 1, 1997, in any subsequent Title IV-D child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the court of competent jurisdiction shall deem state due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the tribunal and State Case Registry pursuant to paragraph (a). Beginning October 1, 1998, in any subsequent non-Title IV-D child support enforcement action between the parties, the same requirements for service shall apply.

(10) At the time an order for child support is entered, each party is required to provide his or her social security number and date of birth to the court, as well as the name, date of birth, and social security number of each minor child that is the subject of such child support order. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. All social

security numbers required by this section shall be provided by the parties and maintained by the depository as a separate attachment in the file. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

CREDIT(S)

Amended by Laws 1997, c. 97-95, § 24, eff. July 1, 1997; Laws 1997, c. 97-155, § 3, eff. Oct. 1, 1997; Laws 1997, c. 97-170, § 3, eff. July 1, 1997; Laws 1997, c. 97-226, § 4, eff. Oct. 1, 1997; Laws 1997, c. 97-242, § 1, eff. July 1, 1997; Laws 1998, c. 98-397, § 8, eff. July 1, 1998; Laws 1998, c. 98-403, § 122, eff. Oct. 1, 1998; Laws 1999, c. 99-8, § 3, eff. June 29, 1999; Laws 1999, c. 99-375, § 2, eff. July 1, 1999; Laws 2000, c. 2000-151, § 7, eff. July 4, 2000; Laws 2001, c. 2001-2, § 1, eff. July 1, 2001; Laws 2001, c. 2001-158, § 4, eff. June 5, 2001; Laws 2002, c. 2002-65, § 3, eff. Oct. 1, 2002; Laws 2002, c. 2002-173, § 2, eff. July 1, 2002; Laws 2003, c. 2003-5, § 2, eff. July 1, 2003.

F.S.A. § 63.0423

WEST'S FLORIDA STATUTES ANNOTATED
TITLE VI. CIVIL PRACTICE AND PROCEDURE
CHAPTER 63. ADOPTION

63.0423. Procedures with respect to abandoned infants

- (1) A licensed child-placing agency that takes physical custody of an infant abandoned at a hospital, emergency medical services station, or fire station pursuant to s. 383.50, shall assume responsibility for all medical costs and all other costs associated with the emergency services and care of the abandoned infant from the time the licensed child-placing agency takes physical custody of the abandoned infant.
- (2) The licensed child-placing agency shall immediately seek an order from the circuit court for emergency custody of the abandoned infant. The emergency custody order shall remain in effect until the court orders preliminary approval of placement of the abandoned infant in the prospective home, at which time the prospective adoptive parents become guardians pending termination of parental rights and finalization of adoption or until the court orders otherwise. The guardianship of the prospective adoptive parents shall remain subject to the right of the licensed child-placing agency to remove the abandoned infant from the placement during the pendency of the proceedings if such removal is deemed by the licensed child-placing agency to be in the best interest of the child. The licensed child-placing agency may immediately seek to place the abandoned infant in a prospective adoptive home.
- (3) The licensed child-placing agency that takes physical custody of the abandoned infant shall, within 24 hours thereafter, request assistance from law enforcement officials to investigate and determine, through the Missing Children Information Clearinghouse, the National Center for Missing and Exploited Children, and any other national and state resources, whether or not the abandoned infant is a missing child.
- (4) Within 7 days after accepting physical custody of the abandoned infant, the licensed child-placing agency shall initiate a diligent search to notify and to obtain consent from a parent whose identity is known but whose location is unknown. The diligent search must include, at a minimum, inquiries as provided for in s. 63.088. Constructive notice must also be provided pursuant to chapter 49 in the county where the infant was abandoned. If a parent is identified and located, notice of the hearing on the petition for termination of parental rights shall be provided.

(5) A petition for termination of parental rights under this section may not be filed until 30 days after the date the infant was abandoned in accordance with s. 383.50. A petition for termination of parental rights may not be granted until consent to adoption or an affidavit of nonpaternity has been executed by a parent of the abandoned infant as set forth in s. 63.062, a parent has failed to reclaim or claim the abandoned infant within the time period specified in s. 383.50, or the consent of a parent is otherwise waived by the court.

(6) A claim of parental rights of the abandoned infant must be made to the entity having legal custody of the abandoned infant or to the circuit court before whom proceedings involving the abandoned infant are pending. A claim of parental rights of the abandoned infant may not be made after the judgment to terminate parental rights is entered, except as otherwise provided by subsection (9).

(7) If a claim of parental rights of an abandoned infant is made before the judgment to terminate parental rights is entered, the circuit court may hold the action for termination of parental rights pending subsequent adoption in abeyance for a period of time not to exceed 60 days.

(a) The court may order scientific testing to determine maternity or paternity at the expense of the parent claiming parental rights.

(b) The court shall appoint a guardian ad litem for the abandoned infant and order whatever investigation, home evaluation, and psychological evaluation are necessary to determine what is in the best interest of the abandoned infant.

(c) The court may not terminate parental rights solely on the basis that the parent left the infant at a hospital, emergency medical services station, or fire station in accordance with s. 383.50.

(d) The court shall enter a judgment with written findings of fact and conclusions of law.

(8) Within 7 business days after recording the judgment, the clerk of the court shall mail a copy of the judgment to the department, the petitioner, and the persons whose consent were required, if known. The clerk shall execute a certificate of each mailing.

(9)(a) A judgment terminating parental rights pending adoption is voidable, and any later judgment of adoption of that minor is voidable, if, upon the motion of a birth parent, the court finds that a person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or from exercising his or her parental rights. A motion under this subsection must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time, but not later than 1 year after the entry of the judgment terminating parental rights.

(b) No later than 30 days after the filing of a motion under this subsection, the court shall conduct a preliminary hearing to determine what contact, if any, will be permitted between a birth parent and the child pending resolution of the motion. Such contact may be allowed only if it is requested by a parent who has appeared at the hearing and the court determines that it is in the best interest of the child. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(c) At the preliminary hearing, the court, upon the motion of any party or upon its own motion, may order scientific testing to determine the paternity or maternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth parent but has not previously been determined by legal proceedings or scientific testing to be the birth parent. Upon the filing of test results establishing that person's maternity or paternity of the abandoned infant, the court may order visitation as it deems appropriate and in the best interest of the child.

(d) Within 45 days after the preliminary hearing, the court shall conduct a final hearing on the motion to set aside the judgment and shall enter its written order as expeditiously as possible thereafter.

(10) Except to the extent expressly provided in this section, proceedings initiated by a licensed child-placing agency for the termination of parental rights and subsequent adoption of a newborn left at a hospital, emergency medical services station, or fire station in accordance with s. 383.50 shall be conducted pursuant to this chapter.

CREDIT(S)

Added by Laws 2000, c. 2000-188, § 5, eff. July 1, 2000. Amended by Laws 2001, c. 2001-53, § 2, eff. July 1, 2001; Laws 2003, c. 2003-58, § 5, eff. May 30, 2003.

F.S.A. § 63.089

WEST'S FLORIDA STATUTES ANNOTATED
TITLE VI. CIVIL PRACTICE AND PROCEDURE
CHAPTER 63. ADOPTION

63.089. Proceeding to terminate parental rights pending adoption; hearing; grounds; dismissal of petition; judgment

(1) **Hearing.**—The court may terminate parental rights pending adoption only after a hearing.

(2) **Hearing prerequisites.**—The court may hold the hearing only when:

(a) For each person whose consent to adoption is required under s. 63.062:

1. A consent under s. 63.082 has been executed and filed with the court;
2. An affidavit of nonpaternity under s. 63.082 has been executed and filed with the court;
3. Notice has been provided under ss. 63.087 and 63.088; or
4. The certificate from the Office of Vital Statistics has been provided to the court stating that a diligent search has been made of the Florida Putative Father Registry created in s. 63.054 and that no filing has been found pertaining to the father of the child in question or, if a filing is found, stating the name of the putative father and the time and date of the filing.

(b) For each notice and petition that must be served under ss. 63.087 and 63.088:

1. At least 20 days have elapsed since the date of personal service and an affidavit of service has been filed with the court;
2. At least 30 days have elapsed since the first date of publication of constructive service and an affidavit of service has been filed with the court; or
3. An affidavit of nonpaternity which affirmatively waives service has been executed and filed with the court;

(c) The minor named in the petition has been born; and

(d) The petition contains all information required under s. 63.087 and all affidavits of inquiry, diligent search, and service required under s. 63.088 have been obtained and filed with the court.

(3) Grounds for terminating parental rights pending adoption.—The court may enter a judgment terminating parental rights pending adoption if the court determines by clear and convincing evidence, supported by written findings of fact, that each person whose consent to adoption is required under s. 63.062:

(a) Has executed a valid consent under s. 63.082 and the consent was obtained according to the requirements of this chapter;

(b) Has executed an affidavit of nonpaternity and the affidavit was obtained according to the requirements of this chapter;

(c) Has been served with a notice of the intended adoption plan in accordance with the provisions of s. 63.062(3) and has failed to respond within the designated time period;

(d) Has been properly served notice of the proceeding in accordance with the requirements of this chapter and has failed to file a written answer or appear at the evidentiary hearing resulting in the judgment terminating parental rights pending adoption;

(e) Has been properly served notice of the proceeding in accordance with the requirements of this chapter and has been determined under subsection (4) to have abandoned the minor as defined in s. 63.032;

(f) Is a parent of the person to be adopted, which parent has been judicially declared incapacitated with restoration of competency found to be medically improbable;

(g) Is a person who has legal custody of the person to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of 60 days or, after examination of his or her written reasons for withholding consent, is found by the court to be withholding his or her consent unreasonably;

(h) Has been properly served notice of the proceeding in accordance with the requirements of this chapter, but has been found by the court, after examining written reasons for the withholding of consent, to be unreasonably withholding his or her consent; or

(i) Is the spouse of the person to be adopted who has failed to consent, and the failure of the spouse to consent to the adoption is excused by reason of prolonged and unexplained absence, unavailability, incapacity, or circumstances that are found by the court to constitute unreasonable withholding of consent.

(4) Finding of abandonment.—A finding of abandonment resulting in a termination of parental rights must be based upon clear and convincing evidence that a parent or person having legal custody has abandoned the child in accordance with the definition contained in s. 63.032(1). A finding of abandonment may be based upon emotional abuse or a refusal to provide reasonable financial support, when able, to a birth mother during her pregnancy. If, in the opinion of the court, the efforts of a parent or person having legal custody of the child to support and communicate with the child are only marginal efforts that do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. In making this decision, the court may consider the conduct of a father toward the child's mother during her pregnancy.

(a) In making a determination of abandonment at a hearing for termination of parental rights pursuant to this chapter, the court must consider, among other relevant factors not inconsistent with this section:

1. Whether the actions alleged to constitute abandonment demonstrate a willful disregard for the safety or welfare of the child or unborn child;
2. Whether the person alleged to have abandoned the child, while being able, failed to provide financial support;
3. Whether the person alleged to have abandoned the child, while being able, failed to pay for medical treatment; and
4. Whether the amount of support provided or medical expenses paid was appropriate, taking into consideration the needs of the child and relative means and resources available to the person alleged to have abandoned the child.

(b) The child has been abandoned when the parent of a child is incarcerated on or after October 1, 2001, in a state or federal correctional institution and:

1. The period of time for which the parent is expected to be incarcerated will constitute a substantial portion of the period of time before the child will attain the age of 18 years;
2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, convicted of child abuse as defined in s. 827.03, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this subparagraph. As used in this section, the term “substantially similar offense” means any offense that is substantially similar in elements and penalties to one of those listed in this subparagraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction; or
3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child.

(5) Dismissal of petition.—If the court does not find by clear and convincing evidence that parental rights of a parent should be terminated pending adoption, the court must dismiss the petition and that parent’s parental rights that were the subject of such petition shall remain in full force under the law. The order must include written findings in support of the dismissal, including findings as to the criteria in subsection (4) if rejecting a claim of abandonment. Parental rights may not be terminated based upon a consent that the court finds has been timely withdrawn under s. 63.082 or a consent to adoption or affidavit of nonpaternity that the court finds was obtained by fraud or duress. The court must enter an order based upon written findings providing for the placement of the minor. The court may order scientific testing to determine the paternity of the minor at any time during which the court has jurisdiction over the minor. Further proceedings, if any, regarding the minor must be brought in a separate custody action under chapter 61, a dependency action under chapter 39, or a paternity action under chapter 742.

(6) Judgment terminating parental rights pending adoption.—

(a) The judgment terminating parental rights pending adoption must be in writing and contain findings of fact as to the grounds for terminating parental rights pending adoption.

(b) Within 7 days after filing, the court shall mail a copy of the judgment to the department. The clerk shall execute a certificate of such mailing.

(7) Relief from judgment terminating parental rights.—

(a) A motion for relief from a judgment terminating parental rights must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time, but not later than 1 year after the entry of the judgment terminating parental rights.

(b) No later than 30 days after the filing of a motion under this subsection, the court must conduct a preliminary hearing to determine what contact, if any, shall be permitted between a parent and the child pending resolution of the motion. Such contact shall be considered only if it is requested by a parent who has appeared at the hearing. If the court orders contact between a parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(c) At the preliminary hearing, the court, upon the motion of any party or upon its own motion, may order scientific testing to determine the paternity of the minor if the person seeking to set aside the judgment is alleging to be the child's father and that fact has not previously been determined by legitimacy or scientific testing. The court may order visitation with a person for whom scientific testing for paternity has been ordered and who has previously established a bonded relationship with the child.

(d) Unless otherwise agreed between the parties or for good cause shown, the court shall conduct a final hearing on the motion for relief from judgment within 45 days after the filing and enter its written order as expeditiously as possible thereafter.

(8) Records; confidential information.—All papers and records pertaining to a petition to terminate parental rights pending adoption are related to the subsequent adoption of the minor and are subject to the provisions of s. 63.162. The confidentiality provisions of this chapter do not apply to the extent information regarding persons or proceedings must be made available as specified under s. 63.088.

CREDIT(S)

Added by Laws 2001, c. 2001-3, § 18, eff. Oct. 1, 2001. Amended by Laws 2003, c. 2003-58, § 19, eff. May 30, 2003.

F.S.A. § 63.142

WEST'S FLORIDA STATUTES ANNOTATED
TITLE VI. CIVIL PRACTICE AND PROCEDURE
CHAPTER 63. ADOPTION

63.142. Hearing; judgment of adoption

(1) Appearance.—The petitioner and the person to be adopted shall appear either in person or, with the permission of the court, telephonically before a person authorized to administer an oath at the hearing on the petition for adoption, unless:

(a) The person is a minor under 12 years of age; or

(b) The appearance of either is excused by the court for good cause.

(2) Continuance.—The court may continue the hearing from time to time to permit further observation, investigation, or consideration of any facts or circumstances affecting the granting of the petition.

(3) Dismissal.—

(a) If the petition is dismissed, the court shall determine the person that is to have custody of the minor.

(b) If the petition is dismissed, the court shall state with specificity the reasons for the dismissal.

(4) Judgment.—At the conclusion of the hearing, after the court determines that the date for a parent to file an appeal of a valid judgment terminating that parent's parental rights has passed and no appeal, pursuant to the Florida Rules of Appellate Procedure, is pending and that the adoption is in the best interest of the person to be adopted, a judgment of adoption shall be entered. A judgment terminating parental rights pending adoption is voidable and any later judgment of adoption of that minor is voidable if, upon a parent's motion for relief from judgment, the court finds that the adoption fails to meet the requirements of this chapter. The motion must be filed within a reasonable time, but not later than 1 year after the date the judgment terminating parental rights was entered.

CREDIT(S)

Amended by Laws 2001, c. 2001-3, § 26, eff. Oct. 1, 2001; Laws 2003, c. 2003-58, § 28, eff. May 30, 2003.

F.S.A. § 741.2902

WEST'S FLORIDA STATUTES ANNOTATED TITLE XLIII. DOMESTIC RELATIONS CHAPTER 741. MARRIAGE; DOMESTIC VIOLENCE

741.2902. Domestic violence; legislative intent with respect to judiciary's role

(1) It is the intent of the Legislature, with respect to domestic violence cases, that at the first appearance the court shall consider the safety of the victim, the victim's children, and any other person who may be in danger if the defendant is released, and exercise caution in releasing defendants.

(2) It is the intent of the Legislature, with respect to injunctions for protection against domestic violence, issued pursuant to s. 741.30, that the court shall:

(a) Recognize that the petitioner's safety may require immediate removal of the respondent from their joint residence and that there can be inherent danger in permitting the respondent partial or periodic access to the residence.

(b) Ensure that the parties have a clear understanding of the terms of the injunction, the penalties for failure to comply, and that the parties cannot amend the injunction verbally, in writing, or by invitation to the residence.

(c) Ensure that the parties have knowledge of legal rights and remedies including, but not limited to, visitation, child support, retrieving property, counseling, and enforcement or modification of the injunction.

(d) Consider temporary child support when the pleadings raise the issue and in the absence of other

support orders.

(e) Consider **supervised visitation**, withholding visitation, or other arrangements for visitation that will best protect the child and petitioner from harm.

(f) Enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection against domestic violence.

(g) Consider requiring the perpetrator to complete a batterers' intervention program. It is preferred that such program be certified under s. 741.32.

CREDIT(S)

Amended by Laws 2002, c. 2002-55, § 11, eff. Jan. 1, 2003.

F.S.A. § 741.30

WEST'S FLORIDA STATUTES ANNOTATED
TITLE XLIII. DOMESTIC RELATIONS
CHAPTER 741. MARRIAGE; DOMESTIC VIOLENCE

741.30. Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement

(1) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is either the victim of domestic violence as defined in s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b) This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.

(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any inconsistent provisions of an injunction issued under this section which addresses matters governed by chapter 61.

(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members. No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(f) This cause of action for an injunction shall not require that either party be represented by an attorney.

(g) Any person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, or must present the evidence under oath at a hearing at

which all parties are present.

(h) Nothing in this section shall affect the title to any real estate.

(i) The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.

(j) Notwithstanding any provision of chapter 47, a petition for an injunction for protection against domestic violence may be filed in the circuit where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic violence occurred. There is no minimum requirement of residency to petition for an injunction for protection.

(2)(a) Notwithstanding any other provision of law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited effective October 1, 2002. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee shall not exceed \$20.

(b) No bond shall be required by the court for the entry of an injunction.

(c)1. The clerk of the court shall assist petitioners in seeking both injunctions for protection against domestic violence and enforcement for a violation thereof as specified in this section.

2. All clerks' offices shall provide simplified petition forms for the injunction, any modifications, and the enforcement thereof, including instructions for completion.

<Text of subsec. (2)(c)3. effective until July 1, 2004>

3. The clerk of the court shall advise petitioners of the availability of affidavits of insolvency or indigence in lieu of payment for the cost of the filing fee, as provided in paragraph (a).

<Text of subsec. (2)(c)3. effective July 1, 2004>

3. The clerk of the court shall advise petitioners of the opportunity to apply for a certificate of indigence in lieu of prepayment for the cost of the filing fee, as provided in paragraph (a).

4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.

6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing for an injunction for protection against domestic or repeat violence when such brochures become available. The brochure must include information about the effect of giving the court false information about domestic violence.

(3)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name) , who has been sworn and says that the following statements are true:

(a) Petitioner resides at: (address)

(Petitioner may furnish address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of the current residence to be confidential.)

(b) Respondent resides at: (last known address)

(c) Respondent's last known place of employment: (name of business and address)

(d) Physical description of respondent: ____

Race ____

Sex ____

Date of birth ____

Height ____

Weight ____

Eye color ____

Hair color ____

Distinguishing marks or scars ____

(e) Aliases of respondent: ____

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent: _____

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt _____.

Case numbers should be included if available.

(h) Petitioner is either a victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence because respondent has (mark all sections that apply and describe in the spaces below the incidents of violence or threats of violence, specifying when and where they occurred, including, but not limited to, locations such as a home, school, place of employment, or visitation exchange) : _____

___ committed or threatened to commit domestic violence defined in s. 741.28, Florida Statutes, as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another. With the exception of persons who are parents of a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

___ previously threatened, harassed, stalked, or physically abused the petitioner.

___ attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

___ threatened to conceal, kidnap, or harm the petitioner's child or children.

___ intentionally injured or killed a family pet.

___ used, or has threatened to use, against the petitioner any weapons such as guns or knives.

___ physically restrained the petitioner from leaving the home or calling law enforcement.

___ a criminal history involving violence or the threat of violence (if known).

___ another order of protection issued against him or her previously or from another jurisdiction (if known).

___ destroyed personal property, including, but not limited to, telephones or other communication equipment, clothing, or other items belonging to the petitioner.

___ engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence.

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

___ Petitioner is the custodian of a minor child or children whose names and ages are as follows:

___ Petitioner needs the exclusive use and possession of the dwelling that the parties share.

___ Petitioner is unable to obtain safe alternative housing because: _____

___ Petitioner genuinely fears that respondent imminently will abuse, remove, or hide the minor child or children from petitioner because: _____

(j) Petitioner genuinely fears imminent domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

___ Immediately restraining the respondent from committing any acts of domestic violence.

___ Restraining the respondent from committing any acts of domestic violence.

___ Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

___ Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties, or prohibiting or limiting visitation to that which is supervised by a third party.

___ Establishing temporary support for the minor child or children or the petitioner.

___ Directing the respondent to participate in a batterers' intervention program or other treatment pursuant to s. 39.901, Florida Statutes.

___ Providing any terms the court deems necessary for the protection of a victim of domestic violence, or any minor children of the victim, including any injunctions or directives to law enforcement agencies.

(c) Every petition for an injunction against domestic violence shall contain, directly above the signature line, a statement in all capital letters and bold type not smaller than the surrounding text, as follows:

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

B6(initials)B6

(d) If the sworn petition seeks to determine issues of custody or visitation with regard to the minor child or children of the parties, the sworn petition shall be accompanied by or shall incorporate the allegations required by s. 61.522 of the Uniform Child Custody Jurisdiction and Enforcement Act.

(4) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, uniform child custody jurisdiction and enforcement act affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(5)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.
2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.
3. On the same basis as provided in s. 61.13(2), (3), (4), and (5), granting to the petitioner temporary custody of a minor child or children.

(b) In a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing. A denial of a petition for an ex parte injunction shall be by written order noting the legal grounds for denial. When the only ground for denial is no appearance of an immediate and present danger of domestic violence, the court shall set a full hearing on the petition for injunction with notice at the earliest possible time. Nothing herein affects a petitioner's right to promptly amend any petition, or otherwise be heard in person on any petition consistent with the Florida Rules of Civil Procedure.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing before or during a hearing for good cause shown by any party, which shall include a continuance to obtain service of process. Any injunction shall be extended if necessary to remain in full force and effect during any period of continuance.

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.
2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.
3. On the same basis as provided in chapter 61, awarding temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties.
4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner.
5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of all certified batterers' intervention programs and all programs which have submitted an application to the Department of Corrections to become certified under s. 741.325, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.
6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner

with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) In determining whether a petitioner has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court shall consider and evaluate all relevant factors alleged in the petition, including, but not limited to:

1. The history between the petitioner and the respondent, including threats, harassment, stalking, and physical abuse.

2. Whether the respondent has attempted to harm the petitioner or family members or individuals closely associated with the petitioner.

3. Whether the respondent has threatened to conceal, kidnap, or harm the petitioner's child or children.

4. Whether the respondent has intentionally injured or killed a family pet.

5. Whether the respondent has used, or has threatened to use, against the petitioner any weapons such as guns or knives.

6. Whether the respondent has physically restrained the petitioner from leaving the home or calling law enforcement.

7. Whether the respondent has a criminal history involving violence or the threat of violence.

8. The existence of a verifiable order of protection issued previously or from another jurisdiction.

9. Whether the respondent has destroyed personal property, including, but not limited to, telephones or other communications equipment, clothing, or other items belonging to the petitioner.

10. Whether the respondent engaged in any other behavior or conduct that leads the petitioner to have reasonable cause to believe that he or she is in imminent danger of becoming a victim of domestic violence.

In making its determination under this paragraph, the court is not limited to those factors enumerated in subparagraphs 1.-10.

(c) The terms of an injunction restraining the respondent under subparagraph (a)1. or ordering other relief for the protection of the victim under subparagraph (a)7. shall remain in effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. No specific allegations are required. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reason-

able notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date respondent was served with the temporary or final order, if obtainable.

(e) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

It is mandatory that such programs be certified under s. 741.32.

(f) The fact that a separate order of protection is granted to each opposing party shall not be legally sufficient to deny any remedy to either party or to prove that the parties are equally at fault or equally endangered.

(g) A final judgment on injunction for protection against domestic violence entered pursuant to this section must, on its face, indicate that it is a violation of s. 790.233, and a first degree misdemeanor, for the respondent to have in his or her care, custody, possession, or control any firearm or ammunition.

(h) All proceedings under this subsection shall be recorded. Recording may be by electronic means as provided by the Rules of Judicial Administration.

(7) The court shall allow an advocate from a state attorney's office, an advocate from a law enforcement agency, or an advocate from a certified domestic violence center who is registered under s. 39.905 to be present with the petitioner or respondent during any court proceedings or hearings related to the injunction for protection, provided the petitioner or respondent has made such a request and the advocate is able to be present.

(8)(a) 1. The clerk of the court shall furnish a copy of the petition, financial affidavit, uniform child custody jurisdiction and enforcement act affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany

the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

3. All orders issued, changed, continued, extended, or vacated subsequent to the original service of documents enumerated under subparagraph 1., shall be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer.

(b) There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against domestic violence or changes, continues, extends, or vacates an injunction for protection against domestic violence, the clerk of the court must forward a certified copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with this subsection.

2. Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against domestic violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5. Within 24 hours after an injunction for protection against domestic violence is vacated, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(9)(a) The court may enforce a violation of an injunction for protection against domestic violence through a civil or criminal contempt proceeding, or the state attorney may prosecute it as a criminal

violation under s. 741.31. The court may enforce the respondent's compliance with the injunction through any appropriate civil and criminal remedies, including, but not limited to, a monetary assessment or a fine. The clerk of the court shall collect and receive such assessments or fines. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Domestic Violence Trust Fund established in s. 741.01.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

CREDIT(S)

Amended by Laws 1997, c. 97-155, § 5; Laws 1998, c. 98-284, § 2, eff. July 1, 1998; Laws 1998, c. 98-403, § 158, eff. Oct. 1, 1998; Laws 2002, c. 2002-55, § 12, eff. Oct. 1, 2002; Laws 2002, c. 2002-55, § 13, eff. Jan. 1, 2003; Laws 2002, c. 2002-65, § 6, eff. Oct. 1, 2002; Laws 2003, c. 2003-402, § 113, eff. July 1, 2004.

F.S.A. § 753.001

WEST'S FLORIDA STATUTES ANNOTATED
TITLE XLIII. DOMESTIC RELATIONS
CHAPTER 753. FAMILY VISITATION NETWORK

753.001. Definitions

As used in ss. 753.001-753.004:

(1) A “**supervised visitation** program” exists where there is contact between a noncustodial parent and one or more children in the presence of a third person responsible for observing and ensuring the safety of those involved. **Supervised visitation** programs may also include exchange monitoring of children who are participating in court-ordered visitation programs or exchange monitoring where there has been mutual consent between parties for the purposes of facilitating a visitation.

(2) “Exchange monitoring” means supervision of movement of a child from the custodial to the non-custodial parent at the start of the visit and back to the custodial parent at the end of the visit.

This section shall take effect July 1, 1996.

F.S.A. § 753.002

WEST'S FLORIDA STATUTES ANNOTATED
TITLE XLIII. DOMESTIC RELATIONS
CHAPTER 753. FAMILY VISITATION NETWORK

753.002. Florida Family Visitation Network

There is hereby created the Florida Family Visitation Network, which shall have the following responsibilities subject to the availability of resources:

- (1) To serve as a clearinghouse on resources and research of **supervised visitation** programs.
- (2) To provide technical assistance and other support services to existing and emerging **supervised visitation** programs.
- (3) To compile a directory of **state-supervised visitation** programs containing referral information.
- (4) To formulate a newsletter for **supervised visitation** programs.
- (5) To organize workshops and conferences which address issues and concerns of **supervised visitation** programs.
- (6) To have the authority to apply for grants and accept private contributions.
- (7) To compile data on the use of **supervised visitation** programs.

This section shall take effect July 1, 1996.

F.S.A. § 753.004

WEST'S FLORIDA STATUTES ANNOTATED
TITLE XLIII. **DOMESTIC RELATIONS**
CHAPTER 753. **FAMILY VISITATION NETWORK**

753.004. Supervised visitation projects

Within its existing resources, the Institute of Food and Agricultural Sciences of the University of Florida may establish **supervised visitation** projects in communities throughout the state.

- (1) It is the intent of the Legislature to coordinate the efforts of the Institute of Food and Agricultural Sciences and the Florida Family Visitation Network as follows: the Institute of Food and Agricultural Sciences of the University of Florida shall take an active role in developing and providing relevant educational activities as a means of strengthening parenting skills.
- (2) Any community participating in a visitation project supervised by the Institute of Food and Agricultural Sciences shall provide a local match of \$15,000, exclusive of existing county extension funds, to the Institute of Food and Agricultural Sciences and \$2,000 to the Institute for Family Violence Studies at Florida State University to carry out the responsibilities under s. 753.002. The Institute of Food and Agricultural Sciences has discretion to waive all or part of their portion of the local match.
- (3) A **supervised visitation** project must be approved by the board of county commissioners of the county in which the project is located if a county-owned facility is used as a visitation site or personnel paid by the county participate in the **supervised visitation** program.

CREDIT(S)

Amended by Laws 2000, c. 2000-158, § 87, eff. July 4, 2000.

Standards and Guidelines for Supervised Visitation Practice

Adopted April 9, 1996 - Edited May, 2000

Supervised Visitation Network
2804 Paran Pointe Drive
Cookeville, TN 38506
(931) 537-3414

MISSION STATEMENT

of the

SUPERVISED VISITATION NETWORK

As Adopted by the Membership April 14, 2000

The mission of the Supervised Visitation Network is to facilitate opportunities for children to have safe and conflict-free access to both parents through a continuum of child access services delivered by competent providers.

PURPOSES

As Adopted by the Membership April 14, 2000

1. To provide forums for networking and sharing of information between supervised child access providers and other professionals involved in providing support to children and parents who are not living together
2. Maintain a clearing center that will collect and make available to service providers and the general public information and research relevant to safe child access.
3. Gather and disseminate training and program materials for child access service providers.
4. Develop and disseminate standards for practice of child access services.
5. Provide public education regarding the importance of children having safe conflict-free contact with both parents and other family members and the role of child access programs in the continuum of services for divorced and separated families and for children in out-of-home placement.
6. Maintain a directory of supervised child access providers that is available to SVN members, other professionals, families, and the general public.
7. Educate public and private decision-makers regarding the importance of funding for child access services and provide assistance to local courts and/or service providers in accessing funds to provide affordable services to children and their families.
8. Provide any other services and information as may be appropriate.

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STANDARDS AND GUIDELINES FOR SUPERVISED VISITATION PRACTICE

1. INTRODUCTION

- 1.1 The Supervised Visitation Network
- 1.2 Purpose of the Guidelines
- 1.3 Development of the Guidelines
- 1.4 Guiding Principles
- 1.5 Applicability

1. The Supervised Visitation Network (SVN) formed in May 1992 is a non-profit corporation designed to serve the public good by:

- establishing a network for those committed to supervised visitation services;
- acting as a clearinghouse for information in relation to supervised visitation services;
- developing and maintaining guidelines for supervised visitation practice;
- advising on funding criteria;
- urging funding for the establishment of supervised visitation services;
- providing training and other resources that will improve the quality of services for children and families;
- encouraging the development of new programs to serve more families in more areas.

1.2 The Purpose of the Guidelines

SVN resolved at the annual conference in Chicago in 1994 to dedicate time and effort to the task of standard formulation. The Guidelines focus on quality assurance. The primary intent was to establish basic Guidelines for SVN members. However, the Guidelines may also serve as a resource for the development of future programs as well as for the establishment of accreditation, licensing and funding standards.

1.3 Development of the Guidelines

The development of the original draft was undertaken by the co-chairs of the SVN Standards and Guidelines Committee: Glynne Gervais and Heidi Levenback with the assistance of Rob Straus, past President of SVN. Committee members submitted policy guidelines used in their programs. Their responses provided both the content and a preliminary organizational schema of the Guidelines.

The “Draft Standards for Children’s Access Services”, Australian and New Zealand Association of Children’s Access Services. (September 1994) were reviewed and elements have been integrated.

The current Standards and Guidelines contain feedback from the general membership. They were then reviewed and revised by the Standards and Guidelines Committee, chaired by Nadine Blaschak-Brown. The general membership voted on them in May 1996 at the annual conference in Austin, Texas.

This edition has been revised to contain changes in SVN by-laws and other policies and procedures, although the basic Guidelines have not been changed. The current Standards and Guidelines is considering changes that will probably be made during the next year. SVN members are invited to submit to the Committee their suggestions.

1.4 Guiding Principles

a. Quality and Flexibility

The Guidelines are intended to promote good practice without stifling the development of new service models. Therefore the Guidelines allow for innovations and it is anticipated that the Guidelines will be revised in response.

b. Safety and Welfare

The position taken in these Guidelines is that the safety of children, adults and Visit Supervisors is a precondition of providing services. Once safety is assured, the welfare of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided.

1.5 Applicability

These Guidelines apply to individuals and organizations who are SVN members. Any SVN member should agree to accept and follow these Guidelines in providing supervised visitation services.

The Guidelines are also intended as an advisory resource to providers of supervised visitation services who are not SVN members.

In the event of conflict between these Guidelines and any federal, state, or local requirements, a Provider may apply to the Board or designated committee of the Board for consultation and/or waiver of applicability.

(Ed. Note: It is recognized that since the development of these Guidelines there has been an increase in other services provided in conjunction with supervised visitation, such as parent education, mediation, etc. Many of these things are being addressed by the Committee in making revisions. However, these Guidelines still provide good basic rules for the operation of supervised visitation and exchange services regardless of whatever other services are added.)

2. TERMINOLOGY

2.1 Authorized Person

2.2 Child

2.3 Custodial Parent

2.4 Exchange Monitoring (also known as Supervision of Transfers)

2.5 Family Violence, Partner Abuse

2.6 Intern (also known as Trainee)

2.7 Non-custodial Parent (also known as Visiting Parent)

2.8 On-site Supervision

2.9 Off-site Supervision

2.10 Provider

2.11 Supervised Visitation (also known as Monitored Visitation, Child Access, Supervised Access)

2.12 Visit Supervisor (also known as Child Access Monitor, Observer)

2.13 Therapeutic Supervision

2.1 Authorized Person is a person who has been authorized to be present in addition to the visiting parent during supervised contacts.

2.2 Child means a minor, age birth to majority. More than one child may be involved in Supervised Visitation.

2.3 Custodial Parent may refer to a biological parent, adoptive parent, legal guardian, state agency and its representatives who has temporary or permanent legal custody of a child.

2.4 Exchange Monitoring (Supervision of Transfers) is supervision of movement of the child from the Custodial to the Non-custodial parent at the start of the Non-custodial parent / child contact and from the Non-custodial parent back to the Custodial parent at the end of the contact. Exchange monitoring may be limited to these exchanges with the remainder of the Non-custodial parent/child contact occurring unsupervised. Exchanges may be monitored On- or Off-site.

2.5 Family violence is any form of physical, sexual, or other abuse inflicted on any person in a household by a family or household member. Family violence includes abuse of both adults and children.

2.6 Partner Abuse is the particular form of family violence involving abuse by one adult of another with whom he/she has a relationship. **2.6 “Intern” or “Trainee”** refers to a person training to become a Visit Supervisor working under the supervision of a staff member responsible for his/her work.

2.7 Non-custodial Parent or Visiting Parent may refer to a biological parent or other adult, who is authorized to have contact with child.

2.8 On-site Supervision refers to supervision of a Non-custodial parent and child(ren), on a site under control of the Provider and Supervisor. On-site Supervision may include a range of closeness of supervision from continuous, close monitoring to periods of time during which the Non-custodial parent and child are intermittently monitored by video or audio and/or are accompanied away from the site. On-site supervision may occur in a group setting or on an individual basis.

2.9 Off-site Supervision is supervision of contact between the “Non-custodial parent” and child(ren) which occurs away from a site which is under the control of the Provider and Visit Supervisor. Off-site supervision may occur in a group setting or on an individual basis.

2.10 Provider is an independent individual or organization providing supervised visitation services.

2.11 Supervised Visitation; means contact between a Non-custodial parent and one or more

children in the presence of a third person responsible for observing and ensuring the safety of those involved. Monitored Visitation and/or Supervised Child Access are other terms with the same meaning.

2.12 Visit Supervisor (Child Access Monitor, Observer) is the person responsible for observing the contact and ensuring the safety of the child(ren) during the visit and the transition between the parents.

2.13 Therapeutic Supervision is the provision of supervision of contacts between the child and parent, as well as therapeutic intervention and modeling to help improve the parent-child interactions. This service may be offered only by a certified or licensed mental health professional as required by individual states or jurisdictions. Because this service is provided by trained, therapeutic professionals, evaluations and recommendations for further parent-child contact can be made.

3. STRUCTURE OF SERVICES

3.1 Providers

3.2 Advisory Board

3.3 Conflict of Interest

3.4 Insurance

3.1 Providers

Supervised Visitation services can be provided by a qualified (refer to sections 10 and 11) independent, by a free-standing agency, or by a sub-division or program of a larger agency. An independent Provider is responsible for compliance with these Guidelines. In an agency, the governing board (or the partners in the case of a partnership) is responsible for compliance with the Guidelines.

3.2 Advisory Board

Regardless of whether supervised visitation services are provided by an independent individual or an agency, the Provider should establish and report to an Advisory Board. In the case of an agency, this may be the governing board or a separate body composed of individuals with knowledge of supervised visitation issues. It is likely that a Provider of supervised visitation services will benefit from input and support from such a group. In addition, it is crucial that Providers remain focused on their role and critical of quality of service.

3.2 Conflict of Interest

Supervised visitation services may be provided by or may be operated by agencies which have other functions. However, the mission of such agencies should be compatible with supervised visitation. When supervised visitation services are provided by an agency, whose primary mission is not Supervised Visitation, the agency should be responsible for ensuring that staff or persons providing supervised visitation are trained and qualified according to these Guidelines and should encourage the provision of services in conformity with these Guidelines.

3.3 Insurance

All Providers of Supervised Visitation services must provide adequate general and liability insurance for staff and families utilizing the services.

4. ADMINISTRATIVE FUNCTIONS

4.1 Financial Records

4.2 Files

4.3 Statistics

4.1 Financial Records

A Provider should maintain appropriate financial records. Agency providers should follow generally accepted accounting principles.

4.2 Files

A provider should keep records including client identifying information and a record of each contact.

4.3 Statistics

Statistics should be kept, for evaluation monitoring and to account to funders as per the statistical requirements of the individual funders. Statistical reports must not compromise client confidentiality.

5. OPERATIONS - Preliminary Issues, Structure Of Services

5.1 Resources and Functions

5.2 Services

5.3 Evaluations

5.4 Caseload

5.5 Premises

5.6 Hours of Operation

5.1 Resources and Functions

The Provider's budget, the competence, and the training and experience of the program staff, will largely determine the type of Supervised Visitation the Provider can offer and the number of clients who can be assisted. Providers should not over extend themselves, but should ensure that the service they provide is of high quality. Providers should identify the type of assistance which is most urgently needed in order to target available resources to the area of greatest need.

5.2 Services

Providers should offer only those services for which their staff is adequately trained. (Refer to section 10) Services provided by a Supervised Visitation Program may include:

- On-site supervision
- Off-site supervision
- Exchange monitoring
- Therapeutic supervision
- Telephone monitoring
- Transportation to and from visits
- Recording observations of visits
- Reports (factual)
- Referrals to other services

5.3 Evaluations

Under these Guidelines, Providers should not perform evaluations or make recommendations. The rationale is that in order to preserve the objectivity of the visitation setting, the function of supervising parent-child contacts and the function of evaluating those contacts should be performed by different people. This is particularly so where Supervised Visitation continues over an extended period.

If a Provider does perform evaluations, the Provider should make statements of opinion about a family member or the contact between a child and adult ONLY IF:

- the referring court or other referring agency or person has specifically requested that the Provider conduct an evaluation AND;
- the Provider is specially trained to provide an evaluation of the type requested AND;
- the Provider informs both parents that the evaluation is occurring; AND

the Provider follows procedures generally accepted as adequate for an evaluation.

This should not prevent a Provider from declining to provide service to a family or from terminating service to a family based on an assessment of risk or a determination that the conditions of service required by the referring agency are inappropriate.

(Ed. Note: There has been some confusion about the above. The second paragraph should not be construed to negate the first. The intent is that supervision and evaluation be kept as two separate functions. If an agency is requested to perform both functions, then the evaluation should be done by a clinically qualified evaluator who uses the information provided by a neutral and objective supervisor in conjunction with other appropriate clinical tools to make such an evaluation and/or recommendations. The information obtained through supervision is not in and of itself adequate information upon which to base evaluations and recommendations.)

5.4 Caseload size for staff should take into account time required for intake, supervision of visits, report writing, testifying, training, and staff supervision.

5.5 Premises

- a. For On-Site supervised visitation, services shall be provided in a building accessible by public transportation and to the handicapped.
- b. Premises should be suitable for the age of the children, the degree of supervision required.
- c. Waiting areas should be located so that a waiting parent cannot be seen by a parent entering the facility and so that a waiting parent cannot hear or see a visit in progress.
- d. Premises must be safe and secure.

5.6 Hours of operation

- a. Hours of operation will depend on the resources of the service, the age range of the children, and the type of cases the service accepts.
- b. Providers should also be accessible to the public in terms of hours of operation. Hours for providing supervised visitation services should, if possible, include evening and weekend hours.
- c. Even though services may be provided evenings and weekends, a Provider should be available by telephone at other times.

6. SECURITY

- 6.1 General Policy
- 6.2 Declining Unsafe Cases
- 6.3 Reasonable Security
- 6.4 Security Arrangements
- 6.5 Additional Administrative Security Procedures
- 6.6 Clinical Assessment and Client Relationship
- 6.7 Security for Individual Providers
- 6.8 Security in Off-site Supervision
- 6.9 Identity of Volunteers and Interns
- 6.10 Emergency Procedures

6.1 General Policy

A Provider must have security arrangements set down in writing, which seek to provide protection of all participants in a program. Security procedures shall be applied equally for all clients, staff and volunteers.

6.2 Declining unsafe cases

Resources and security needs affect decisions about the type of cases a Provider accepts. A Provider should refuse to accept any case if the Provider cannot reasonably ensure the safety of the child(ren) and adults. Specifically where there is risk of parental abduction or violence, a Provider should not provide services if a family appears too volatile, if the staff is not adequately trained to manage the situation, or if the facilities are not adequately secure. Providers should provide the court with a clear set of criteria regarding appropriate referrals.

6.3 Reasonable security

A Provider's responsibility extends to taking reasonable precautions and providing the security measures outlined in these Guidelines. A Provider cannot, however, absolutely guarantee the safety for all clients, and the adults involved remain responsible for their own actions.

6.4 Security Arrangements may include, but not be limited to:

- a. Layout of premises which permits Custodial and Visiting parents and other adults to be kept physically and visually separate;
- b. Procedures for arrival and departure of clients so that contact between them does not occur without the explicit agreement of the parties and the Provider [See Appendix A]
- c. Presence of security personnel; and/or
- d. Use of a metal detector, if available to the individual Provider;
- e. Relationship with Local Police Department

Provider should inform the local Police Department of the existence of its service to facilitate rapid response in case assistance is needed. If applicable to the community, a Provider should seek or establish a written protocol with the Police which describes what assistance and response the provider can expect from the Police, including the priority Police will accord to requests for assistance from the supervised visitation program while the service is operating.

6.5 Additional Administrative Security Procedures.

- a. Periodic review and evaluation of security arrangements, policies and procedures.
- b. Staff orientation and ongoing in-service training.
- c. Intake and case review process.

6.6 Clinical Screening and Client Relationship

The specific security procedures and equipment should not be a substitute for careful clinical screening of the security risk in each family or for maintaining a relationship with clients which will reduce risk. Providers must maintain policy/procedures to assess risk.

6.7 Security for Independent Providers

Independent Providers of supervised visitation services shall either provide security measures described in Sections 6.1 to 6.6 or should not accept referrals of cases where there is a high risk of violence, specifically including situations where there is a risk of parental abduction or a risk of violence between the parents.

6.8 Security in Off-site Supervision

Since metal detectors, security personnel, and the protection of a secure facility are not available in off-site supervision, Providers must be very careful about the risks involved in providing services.

6.9 Identity of Volunteers and Interns

A provider may decide not to reveal to clients the full name of volunteers and student interns providing supervision services. Clients will be introduced to volunteers and interns on a first name basis. This security measure shall not prevent a Provider from complying with an order of a court to name

a volunteer or student intern or to have that person appear as a witness in a court proceeding.

6.10 Emergency Procedures

A program should have written protocols for how to handle emergency situations including, but not limited to:

- a. Critical incidents such as violent or dangerous behavior on the part of an adult or child.
- b. Evacuation procedures in the case of a fire or other emergency.
- c. Medical emergencies.

7. SUPERVISOR TO CHILD RATIO

Supervision can be of one visiting parent and his/her child(ren) or of several families at a time in a group setting. The ratio of supervisors to children will depend on:

- the nature of the supervision required in each case;
- the number of children and/or families being supervised;
- the duration and location of the visit;
- the expertise and experience of the supervisor.

The ratio of supervisors to children should be tailored to each case. In cases requiring intensive supervision of more than one child, it may be appropriate to consider more than one supervisor.

8. RESPONSIBILITY FOR THE CHILD

8.1 Parental Responsibility

8.2 Provider Responsibility

8.1 Parental Responsibility

- a. Responsibility for the care of the child and the child's belongings, subject to any contrary order of the Court, rests with the parents.
- b. Prior to the beginning of supervised visitation, agreement should be reached about which parent has responsibility for ensuring the essentials for the visit are available (e.g. food, medication, clothing, car restraints, etc.). Where the Provider is involved in finalizing such arrangements, or is aware of the arrangements, these should be noted in the client file.

8.2 Provider Responsibility

The Provider will be temporarily responsible for the care of the child where the child is collected from the Custodial Parent and taken to the Visiting Parent, possibly at a different location, or where the Visiting Parent terminates the visit and leaves before the Custodial Parent has arrived to collect the child, or where the Custodial Parent drops off the child and leaves prior to the arrival of the Visiting Parent.

9. FEES

9.1 General Policy

9.2 Allocation of Fees

9.3 Fees in Cases of Family Violence

9.1 General Policy

Supervised visitation should be available to all who need it. Within the limits of available funding, the Provider shall make services available to all families regardless of ability to pay. If costs of the service are not otherwise covered, a Provider may charge fees-for-service.

9.2 Allocation of Fees

If fees are charged, the Provider should

- a. Charge each family fees for the services provided on a sliding scale basis according to ability to pay, unless the Provider charges a nominal fee;
- b. Apportion fees among the users of the service, unless otherwise agreed on by the users of the service, determined by the referring agency, or ordered by the Court;
- c. Have policies and procedures regarding consequences for clients who refuse to pay fees.

9.3 Fees in Cases of Family Violence

a. When there has been a **determination that partner abuse or child abuse has occurred**, but the family has been referred without an order that establishes who shall pay the fee, a Provider should have written guidelines indicating how fees will be allocated. These should be shown to parents and attorneys as soon as the referral has been made. Providers may select among the following alternatives, as relevant to their service:

1. Require the abuser to pay all fees;
2. Charge each parent according to ability to pay regardless of who committed the abuse.

b. When there are **contested allegations of abuse** and there is neither an order setting forth how the fee shall be apportioned, nor a determination of whether abuse has occurred, Providers may select among the following alternatives as relevant to their service:

1. Require the alleged abuser to pay the entire fee;
2. Reject the case until a determination about family violence has been made and/or there is a Court order or agency determination which includes the allocation of fees;
3. Send the family back to the Court or referring agency for a determination about the allegation of abuse or an order on the fee, but begin supervision pending the response, with each party paying a fee which is held in escrow until a determination has been made. The alleged abuser should pay the full fee in escrow; the abused parent (or the non-abusive parent in the case of child abuse) should pay that portion of the fee that would be allocated if the fee were split according to ability to pay;
4. Send the party back to Court as in 3) above, but leave it to the parents to allocate the fee. If the abused (or non-abusive) parent refuses to pay, then the alleged abuser has the choice of waiting for a Court or agency determination or paying the full fee and beginning the service.

(Editor's Note: There is some real concern that in making a determination regarding who pays based on the criteria above we are putting ourselves in the role of judging and compromising our neutrality. There are many who feel that in absence of a court order the fee should be split evenly with each paying according to his or her ability if the program has a sliding scale.)

10. STAFF

- 10.1 General Policy
- 10.2 General Staff Qualifications
- 10.3 Criteria for Staff Selections
- 10.4 Specific Staff Qualifications
- 10.5 Staff Responsibilities
- 10.6 Consultants
- 10.7 Affiliations
- 10.8 Therapeutic Supervision

10.1 General Policy

The type of cases which a service decides to take will determine the functions that staff should be required to perform and consequently the competencies and training that staff should be required to have. Providers may use volunteers, providing they meet relevant Staff Qualifications and Training Guidelines.

10.2 General Staff Qualifications

All staff members, volunteers or interns providing Supervised Visitation

1. shall be at least 18 years of age;
2. shall have successfully completed a thorough background check, including screening for prior criminal record; and
3. shall be in compliance with local staff health requirements for direct contact with children under the age of six.

10.3 Criteria for Staff Selection

The following qualities and experience are desirable for staff, volunteers or interns who will supervise visits:

- experience in a caregiving role in relation to children;
- ability and willingness to relate to all cultural, ethnic and socio-economic groups and different life styles;
- understanding of child development needs and issues;
- supportive and positive attitude;
- maturity, diplomacy, non-judgmental and common sense;
- ability to express authority and consideration;
- ability to maintain an independent role and draw boundaries;
- ability to assist parents, where necessary, with parenting skills;
- capacity to be observant;
- good communication and writing skills;
- capacity to be insightful and reflective concerning personal issues relevant to Supervised Visitation;
- understanding of the dynamics of separation and divorce including the impact on children and their parents; and
- basic understanding of the laws governing separation, divorce and child welfare.

10.4 Specific Staff Qualifications

a. Coordinator (Program Director)

Training and experience in relevant areas of specialization equivalent to a certified mental health professional.

b. Case Managers

Training and experience in supervised visitation services or related services, knowledge of emotional and practical ramifications of separation, divorce and abuse.

c. Visit Supervisors

Substantial experience working with children and demonstrated writing proficiency.

d. Drivers

All persons who transport client for a supervised visitation program shall:

1. be at least 18 years of age;
2. hold a valid operator's license for the state/country in which s/he will drive and appropriate for the vehicle being used;
3. consent to a check of his/her driving record; not have a record of impaired driving;
4. have or be the employee of a person who has liability insurance for the vehicle.
5. Vehicles must be equipped with seat belts in good repair.
6. Children under four years of age or under 40 pounds shall not be transported without age-appropriate individual restraints that meet the local standards.

7. Security Personnel

Training in a security related area, (e.g., security guard, investigator) preferably with experience in a social agency.

10.5 Staff Responsibilities - Some programs will require one person to assume several title responsibilities.

a. The Coordinator (or Program Director).

While the role of the Coordinator (or Director) will differ between Providers, the key role is to ensure the overall quality of the supervised visitation program. The Coordinator/Director is responsible for public relations, securing funding, managing all administrative aspects of the program, and ensuring that the community is aware of service.

b. The Case Manager will:

- link the clients to services;
- problem solve with clients;
- address concerns;
- follow progress of cases; and
- if appropriate, report to court.

c. The Visit Supervisor will:

- supervise visits according to Court orders or other relevant agreements;
- relay information between the child(ren)'s parents relevant to the child's welfare at the commencement and conclusion of the supervised visit, (e.g., medication, diet, etc.) in written and verbal form;
- intervene when appropriate to ensure the safety and welfare of the child;
- terminate the supervised visit when necessary;
- provide feedback or correction to the relevant party; and
- document supervised visits as required by the Provider.

d. Volunteers and Interns

Volunteers or Interns training to become Visit Supervisors may perform the same functions as Visit Supervisors providing that each volunteer and/or intern is under the direct supervision of a staff member responsible for his/her work, and has received adequate training.

e. Security Personnel

The key role of security personnel is to seek to ensure a reasonable degree of safety and security of children and adults.

10.6 Consultants

A Supervised Visitation Program or Individual Provider should have on its staff, and/or advisory board, available as consultants:

- a. a person trained in mental health and licensed to provide clinical mental health services, including clinical social work, clinical psychology, or psychiatry;
- b. a person trained in child mental health;
- c. a person trained in issues of domestic violence;
- d. a person trained in issues of child abuse (including child sexual abuse and maltreatment);
- e. a person trained in issues of substance abuse;
- f. a person trained in issues of foster care; and
- g. a lawyer with experience in domestic relations

One person or separate individuals may provide these areas of expertise.

Providers will utilize the above to provide program support, assistance and problem solving with program policies and procedures. Consultants may also be utilized to assist with staff and volunteer education and training.

10.7 Affiliations

Providers are encouraged to establish affiliations with agencies such as, but not limited to: child mental health clinics, child protective services, legal services, substance abuse, counseling and treatment, batterer's treatment and battered victim's services which provide services and expertise complementing Supervised Visitation.

10.8 Therapeutic Supervision

Therapeutic supervision, combining the functions of observing contacts between adult(s) and child(ren) and providing safety with the function of therapeutic intervention, shall be provided only by a licensed or certified mental health professional, as required by individual states. Providers who offer internship programs to individuals enrolled in a certified training program, leading toward a mental health professional license or certificate, and are under the direct supervision of a licensed or certified mental health professional shall also be approved to provide therapeutic supervision.

11. TRAINING

- 11.1 General Training Principles
- 11.2 Training for Visit Supervisor
- 11.3 Training of Current Providers
- 11.4 Training by Correspondence
- 11.5 Interim Use of Guidelines for Training

11.1 Training Principles

a. The training of a Provider should correspond with the services offered by that Provider. If the training of a Provider is limited to a specialized population, that Provider should serve only that population.

b. Training should ensure:

- knowledge of ethical principles involved in supervision of visits;
- cultural sensitivity;
- awareness of one's own values;
- familiarity with the reasons for Supervised Visitation;
- familiarity with issues about visits related to family violence, partner abuse, child abuse, and substance abuse;
- familiarity with issues related to psychiatric/psychological disorders;
- familiarity with relevant legal, welfare and governmental processes and terminology;
- awareness of common issues and problems which may arise during visits and techniques for dealing with difficult situations;
- awareness of the need to maintain role integrity;
- ability to assist parents, where appropriate, with parenting and child care skills;
- working knowledge of child development;
- visitation issues that may be related to separation;
- familiarity with the dynamics of separation and divorce and the impact on children and their parents;
- knowledge of the Provider's policies and procedures;
- familiarity with other relevant services in the community.

11.2 Training for Visit Supervisors

a. Basic Principles and Practice of Supervised Visitation

1. A Visit Supervisor shall complete a minimum of 10 (ten) and preferably at least 15 (fifteen) hours of training covering at least the following topics:

- General ethical principles for supervising visits, including: confidentiality, avoiding dual roles with client systems, objectivity, and focusing on the child's best interest;
- Supervised Visitation Program Policies and Procedures;
- Family violence: differing forms and dynamics of partner and child abuse, including child sexual abuse;
- The emotional and economic effects of divorce;
- Stages of child development;
- Separation issues in Supervised Visitation;
- Intervention to prevent physical or emotional harm;
- Observation of child/adult contacts;
- Recording observations;
- Reflective listening; giving feedback;
- Maintenance of physical safety for children and adults;

- Substance abuse education and detection.

2. A Visit Supervisor should also complete at least 3 and preferably 10 hours of training covering at least 5 of the following topics, as recommended by individual providers:

- Preparation of children and adults for contacts;
- Keeping boundaries:
- Legal context, court procedures, and relevant local/state/country agencies and procedures in the jurisdiction;
- Court testimony;
- Structuring the visits;
- Reporting to referring agencies;
- Assertiveness training;
- Psychiatric/psychological disabilities.

b. Training for Independent Providers and management roles

Independent Providers and those in a management role in a Supervised Visitation Program shall complete a minimum of an additional 10 (ten) hours of training covering at least the following topics:

- Receiving referrals and Intake process;
- Establishing a visitation contract;
- Setting fees;
- Explaining Conditions (rules) for Participation in the Supervised Visitation Program to clients;
- Relations with Courts, police, attorneys, referring agencies and therapists;
- Termination of Providers' supervised visitation services;
- Referrals of families to other services;
- Supervision and training of staff including volunteers and interns; and
- Use of consultants and affiliated groups.

NOTE: Independent providers should have clinical supervision.

11.3 Training of Current Providers

For those already engaged in Supervised Visitation practice who have not had the opportunity for pre- or in-service training, training should be provided in relevant areas.

11.4 Training by Correspondence

Where no training in supervised visitation is available in a locality, an individual wishing to become a Provider or to begin a new program may get trained by correspondence, using training materials that conform with these Guidelines.

11.5 Interim Use of Guidelines for Training

Until training standards are adopted, it is strongly recommended that the provisions of this section be used by currently operating programs as the basis for training.

12. REFERRALS

12.1 Requesting Referral Information

12.2 Declining Referrals

12.1 Requesting Referral Information

j. A Provider should obtain all relevant information about the person(s) being referred, including specifically:

- the reasons for supervision of visits;
- the type of service requested (e.g., one-on-one supervision, exchange monitoring, off-site supervision);
- the requested frequency of visits;
- the arrangements for payment of fees, if any, including apportionment among the person(s) referred;
- special needs of the child(ren); and
- any information concerning family violence.

k. A Provider may send a family that is referred with inadequate information back to the referring agency or may continue to gather the necessary information during the Intake process. Inadequate information concerning fees in cases of family violence is addressed in Section 9.3 above.

12.2 Declining Referrals

A Provider should review the services requested by the referring agency and determine if the Provider can provide those services. If a referring agency requests services (such as evaluation) which the Provider cannot or is not trained to provide, or if there are security risks which the Provider cannot appropriately manage, then the Provider should notify the referring agency and decline the referral, stating the reason(s).

13. INTAKE

13.1 Face-to-Face Interviews

13.2 Children not present at Interviews

13.3 Parents Interviewed Separately

13.4 Assessment for Family Violence (see also Appendix B)

13.5 Checklist of Suggested Intake Questions - Appendix B

13.6 Checklist for Information to Provide - Appendix C

13.1 Face-to-Face Interviews

A Provider should conduct a face-to-face interview with each of the parents and the children before Supervised Visitation begins. This requirement should not include representatives of State agencies or foster parents when a child has been removed from the home. In this latter situation, intake information may be collected by written correspondence or telephone. The visiting parent(s) and child(ren) should still be interviewed in person. In reunification cases, the face-to-face interviews and/or orientations may take place at the time of the first visit.

13.2 Generally, children should not be present during the intake interviews with the parents.

13.3 Parents should be interviewed separately and at different times, so that they do not come into contact with each other.

13.4 Whether or not family violence has been identified as an issue in the referral, a Provider shall routinely assess during the intake process whether there has been a history of family violence, including specifically child abuse or partner abuse. (See Appendix B)

13.5 Checklist of Suggested Information to be Gathered During Intake - Appendix B

13.6 Checklist of Information to Provide During Intake - Appendix C

14. CONDITIONS FOR PARTICIPATION IN THE SUPERVISED VISITATION PROGRAM (RULES).

Rules should be in written form which is given to each parent and reviewed and explained. Each parent should indicate his/her understanding and acceptance of the rules by signing them in the presence of the staff person conducting the Intake.

1. The Conditions for Participation in the Supervised Visitation Program (Rules) should include, but not be limited to the following:

1. Parties shall arrive punctually at the arranged times for the start and end of the visits.

2. Except in an unavoidable emergency such as sudden illness, the relevant parent will inform the service as soon as possible, and at least 24 hours in advance, if the Custodial or Non-Custodial parent is canceling a visit. (Repeated incidents of sudden illness may have to be verified by a licensed health provider).

3. Custodial and Non-Custodial parents agree that they (and if applicable, Authorized Persons approved for inclusion in supervised visits) will remain separate, physically and visually, so that contact between them does not occur, unless here has been specific agreement between the parties and the Provider that contact may occur.

4. Arrivals of the Non-custodial and custodial parent will be at different times.

5. At the end of the visit, the non-custodial and custodial parent will have different departure times so that they may avoid contact with one another.

6. Parties will obtain appropriate authorization before bringing an additional visitor. (See section 16.4)

7. No participant in the Supervised Visitation Program may follow or harass another party before or after a scheduled supervised visit.

8. Weapons or dangerous implements of any kind may not be brought to the supervised visitation program at any time. Participants in the supervised visitation program should be aware that security staff has a right to search them for weapons.

9. Participants in the Supervised Visitation Program will not use illegal substances or alcohol before or during supervised visits.

10. No client may make any threat of violence or threat to break any Court order during a supervised visit, including the transitions before and after the visit.

11. No client may commit any violent act or break any Court order during a supervised visit, including the transitions before and after the visit.

12. No adult may physically discipline, or threaten to physically discipline a child during Supervised Visitation whether the locale of the visit is On- or Off-site.

13. A Custodial parent may not make negative comments to a visiting child about the Non-custodial parent, his/her partners or family members.

14. A Non-Custodial parent may not make negative comments to a child about the custodial parent, his/her partners or family members.

15. Neither Custodial nor Non-custodial parent shall ask a child or staff member to deliver support

payments or legal documents to the other parent.

16. Neither Custodial nor Non-custodial parents may take any photograph or make any audio or visual recording On- or Off-site during Supervised Visitation without prior approval of the child and the other parent.

17. Written records of observations during supervised visits will be maintained and reports according to Provider practice submitted to the Court.

m. Details of Visit Schedule; Additional Special Conditions.

A record should be made either as part of the Conditions for Participation or in a separate document, for each family of:

- the frequency, duration, and number of supervised visits (if known);
- any special conditions applying to the visits.
- Custodial and non-custodial parents should make available to the Provider all protective orders including, but not limited to, protective orders pertaining to domestic violence and child abuse.

The above should be described in writing. These details and special conditions should be reviewed with each parent. Each parent should indicate his/her understanding and acceptance of the rules by signing them in the presence of the staff person conducting the Intake.

15. INITIAL FAMILIARIZATION OF THE CHILD(REN)

15.1 Explaining Purpose of Supervision of Visits to Child(ren)

15.2 Special Preparation in Cases of Family Violence

15.1 Explaining Purpose of Supervision of Visits to Child(ren).

The child(ren) may be informed, according to age and stage of development about the purpose of the supervised visits and the safety arrangements. When supervised visits or Exchange Monitoring will be On-site, the child(ren) may have the opportunity to visit the Supervised Visitation Program before the first visit. When supervised visits or exchange supervision will occur Off-site, the child(ren) may have the opportunity to meet the Visit Supervisor before the first visit. Children shall be oriented to the setting, introduced to the staff and reassured that the staff will be available to him/her during the visit. In an age-appropriate way the child(ren) should be told the arrangements (e.g., frequency, duration, and procedures) for the visits.

15.2 Special Preparation in Cases of Family Violence

n. If abuse of either child(ren) or a parent has been confirmed, the staff person should explain to the child in the presence of the custodial parent the safety aspects of the service provided.

o. If there are allegations of abuse which have been denied by the visiting parent and there has been NO DETERMINATION of whether abuse has occurred, then without going into the allegations or taking sides, the staff member should explain the safety aspects of the service provided.

p. If there is evidence that a child has been abused or is afraid of the visiting parent the Visit Supervisor should arrange a sign with the child(ren) if s/he wants the visit to end. In this prearranged way the child(ren) can signal discomfort with less risk of angering a parent perceived as powerful and/or scary.

q. If there is any question of physical or sexual abuse of a child, both parents and the child(ren) should be informed before the first supervised visit that physical contact is to be initiated only by the child(ren).

r. When abuse of a child or parent has been confirmed, there should be a clearly stated acknowledgment to the child in the presence of the Custodial parent that the visits will be supervised because of what the visiting parent has done and in order to protect the child and/or the custodial parent.

s. When sexual abuse has been alleged and is still being evaluated, Supervised Visitation should not begin without consultation with the evaluator, if available, to make sure that contact between the child(ren) and the alleged abuser will not interfere with the evaluation or traumatize the child(ren).

t. In situations involving sexual abuse of the child, whether confirmed or alleged, the non-custodial parent must not accompany the child to the bathroom, or be responsible for changing diapers.

16. STAFF PREPARATION FOR VISITS

16.1 Staff Briefing

16.2 Alcohol and Drugs

16.3 Activities during Supervised Visits

16.4 Inviting Others to the Visit

16.5 Conversations with the Child(ren)

16.6 Medication, Diet and Discipline

16.1 Staff Briefing

A Visit Supervisor should be fully briefed about each family s/he will supervise before each visit, including details about any recent developments in the case.

16.2 Alcohol and Drugs

Alcohol and drugs are not permitted.

See Sections: 14 a) (9). Conditions for Participation

19.1 c) Termination of Services

16.3 Activities during Supervised Visits

· Any activities proposed or contemplated during supervised visits should be consistent with the type of supervision which is required in the particular case.

· Requests for non-standard activities during a supervised visit should be approved by the custodial parent prior to the activities through appropriate counsel, whether attorneys or court mediators.

16.4 Inviting Others to the Visit

During the Intake, the parties should cover who will be included in the Supervised Visits. Unless previously agreed, the Non-custodial parent should be the only person to visit the child during the supervised visits. The Non-custodial Parent should ensure that authorized visitors understand the Conditions for Participation in the Supervised Visitation Program (Rules) and are prepared to abide by them. This process aims to ensure that contact which is prohibited by the agreement between the parties or by a Court order does not occur and there is time to determine whether the Provider is able to respond appropriately to any additional supervision requirements which may result, (e.g., adjusting the number of visitors and briefing the additional Visit Supervisors).

16.5 Conversations with the Child(ren)

See Conditions for Participation in the Supervised Visitation Program (Rules). Section 14.

16.6 Medication, Diet and Discipline

See Conditions for Participation in the Supervised Visitation Program (Rules). Section 14.

17. INTERVENTIONS DURING SUPERVISED VISITS, TERMINATING A SUPERVISED VISIT

In addition to interventions specified elsewhere in these Guidelines, a Visit Supervisor shall stop any visit during which

- u. a child becomes acutely distressed,
- v. where it is deemed by the visit supervisor that the child is in a situation of possible risk either emotionally or physically; or
- w. if a non-custodial parent acts in an inappropriate manner towards the child, staff or others present.

Depending on the child's reaction and the Visit Supervisor's assessment, stopping the visit may be a temporary interruption with the visiting resuming when the child has calmed, or the visit may be ended entirely. Terminating an individual visit shall not necessarily mean that supervised visitation services for the family shall be stopped permanently. See Section 19. Termination of Services.

18. STAFF FUNCTIONS FOLLOWING VISITS

- 18.1 Feedback to Parents
- 18.2 Staff Debriefing
- 18.3 Routine Case Review
- 18.4 Post Incident Follow-up

18.1 Feedback to Parents

If requested or required, staff should provide factual feedback about the supervised visit to the custodial parent.

In certain situations, the Visit Supervisor may also provide feedback to the Non-custodial parent about his/her behavior and/or the child's reactions to the visit.

18.2 Staff Debriefing

There should be time made available for the Visit Supervisor to be debriefed, for issues relating to the visit, with staff, and for the client file to be updated.

18.3 Routine Case Review

There should be a periodic review of each family as part of the ongoing evaluation of the Supervised Visitation Program. The review should take place by court mediators, clients and their attorneys.

18.4 Post Incident Follow-up

If there is a significant problematic incident involving the Supervised Visitation Program, the Provider should document the incident and the relevant authorities/agencies (e.g., court, police, child protective agencies) should be notified.

19. TERMINATION OF SERVICES

- 19.1 Reasons for Termination
- 19.2 Procedure for Termination

19.1 A provider may decide to terminate services to a family for the following reasons:

- x. Safety or other issues involved in the case that cannot effectively be addressed by the Provider;
- y. The case is placing an undue demand on the Provider's resources;

- z. One or both parties have failed to comply with the Conditions for Participation in the Program (Rules);
- aa. Non-Custodial parent continuously refuses to pay fees for services; and/or
- bb. The parties agree that they can manage visits without assistance. Both parties may notify the appropriate referral source.

19.2 Procedure for Termination

When termination of Supervised Visitation services is being considered by a Provider, it will be appropriate for the Provider to advise the Custodial and Non-Custodial Parents separately about the issues. Once a decision has been made, both parties should be advised of the reason(s) for termination. These reasons should be confirmed in writing to both parties and the referral source. At times, it is appropriate for the Provider to document a warning of termination in written form to both parents, with explanations for why services may be terminated.

20. SPECIAL CONSIDERATIONS IN SITUATIONS INVOLVING FAMILY VIOLENCE

20.1 Child Sexual Abuse

20.2 Partner Abuse

20.1 Child Sexual Abuse

cc. Any person supervising contacts between a parent and child when sexual abuse has been alleged or proven shall have specific training in child sexual abuse, and shall either be a licensed or certified mental health professional, under supervision of a licensed or certified mental health professional, prior experience with supervision of alleged or proven child sexual abuse, and/or co-supervision with a trained staff person.

dd. The contact between the visiting adult and child(ren) shall be monitored continually and in a manner that allows all verbal communication between the adult and child(ren) to be heard and any physical contact to be observed.

ee. Physical contact shall be initiated only by the child and shall continue only as long as the child wants.

ff. The Visit Supervisor shall intervene to stop any physical contact that appears inappropriate or sexualized, even if the child does not appear distressed.

gg. The visiting adult shall not deny any statement by the child about the alleged or confirmed abuse.

hh. Because Supervised Visitation is not psychotherapy and because contact with an alleged or confirmed abusive adult can stir powerful emotions for a child, except where the supervision is therapeutic supervision by a licensed mental health professional, it is recommended that the child be in concurrent psychotherapy, unless or until a determination has been made by the child's therapist with the agreement of the custodial adult or by a court of competent jurisdiction, that such psychotherapy is not necessary.

20.2 Partner Abuse

Where contact is to be supervised between a child and an adult in a family in which a court of competent jurisdiction or a social service agency has determined that there has been partner abuse of any form, OR where there have been allegations by either parent of such abuse, OR where the intake process has revealed concerns about such abuse, the following additional guidelines shall be followed:

ii. Before any contacts begin, the Non-custodial parent should be told that if a child makes any statement or reference to any abuse, s/he is not to deny the child's statement, but to listen to what the child says.

jj. During visits with the child, if the Non-custodial parent does deny any statement by the child about alleged or confirmed abuse, then the Visit Supervisor shall intervene to stop the denial and, if necessary, to terminate the visit.

21. RECORDS

21.1 Client Files

21.2 Records of Visits

21.3 Protection of Information about Clients

21.4 Protection of Supervisor's Identity

21.5 Completeness of Records

21.1 Client Files

Relevant information should be recorded during intake and a file should be created for each family, including at a minimum identifying information on each client:

kk. name;

ll. date of birth;

mm. address;

nn. telephone number;

oo. referral date;

pp. source of referral;

qq. reason for referral;

rr. arrangements for supervised contact;

ss. lawyers name, address and phone numbers;

tt. other agencies involved; and

uu. if applicable, authorized persons.

21.2 Records of Visits

A Provider should also maintain a record of each contact (Observation Note) which includes at a minimum:

vv. identifying client information;

ww. a means of identifying who provided visit supervision;

xx. the date, time and duration of contact;

yy. who attended (e.g., authorized person);

zz. account of critical incidents;

aaa. summary of activities during visit;

bbb. comments, requests made by children and/or parents;

ccc. interventions made during the contact including early termination of the visit with the reason for the intervention.

21.3 Protection of information about clients because of concerns about safety:

Identifying information, including addresses, telephone numbers, schools, and places of work, should be kept confidential to prevent unintentionally revealing where an abused partner or child lives, works or goes to school.

21.4 Protection of Supervisor's Identity.

Some Providers will choose to protect the identity of staff or volunteer Visit Supervisors. In this case, there should be procedures which allow a Provider to determine on records of visits, who provided the supervision of each visit.

21.5 Completeness of Records

All contacts in person, by telephone or correspondence, concerning each family, including contacts with the parties and child(ren), the court, attorneys, health providers, and referring agencies, should be documented in the client file. Entries should be dated and signed by the person recording the entry.

22. REPORTS TO COURTS AND/OR REFERRING AGENCIES

22.1 Factual Reports

22.2 Cautionary Note on All Reports or Observation Notes

22.1 Factual Reports

Providers can best serve their clients and the public by providing clear factual reports. A Provider shall not provide a Report which expresses opinions, including specifically an opinion about the appropriate future course of access between a child and a parents who have been supervised by the Provider. In cases of reunification, Providers may be required by the court to make future visitation recommendations.

22.2 Cautionary Note on All Reports or Observation Notes

When submitting any reports or copies of Observation Notes, a Provider should include a clear introductory notice stating the context in which the observations occurred and the need for caution in making decisions about future adult-child access based solely on these reports or notes. A cautionary note need not be repeated when the referral source makes regular referrals to the Provider. Sample language is included in Appendix D.

23. CONFIDENTIALITY

23.1 No Privilege of Confidentiality, Subpoenas

23.2 Confidentiality That Can Be Offered, Exceptions

23.3 Parents Rights to Review Records

23.4 Copies of Records for Attorneys in Preparation for Litigation

23.5 Requests to Observe a Supervised Visit

23.1 No Privilege of Confidentiality, Subpoenas.

ddd. Unlike clients of lawyers, clients of Supervised Visitation Programs do not have a privilege of confidentiality which protects from having client records requested by the Court or by another party as part of a Court proceeding. By requesting the Court to issue a "subpoena", any client may require a Provider to grant the client all records and/or require that a Provider come to a Court proceeding and bring the records. Providers should explain this fact to clients.

eee. Subpoenas follow different rules in different jurisdictions. It is recommended that Providers have access to a legal consultant in cases where they are subpoenaed and required to

become involved in a Court proceeding.

23.2 Confidentiality that Can be Offered, Exceptions

Even though a Provider cannot stop a legal demand to produce records as part of a Court proceeding, a Provider can and shall commit to keep its records confidential in all other situations. Whenever possible, Providers of Supervised Visitation shall maintain confidentiality and refuse to release information without the permission of the client, with the following exceptions:

fff. Providers should respond to requests from referring agencies for factual information about the participation of clients in Supervised Visitation, including the number and duration of contacts, what occurred during contacts, and the need, if any for interventions and/or termination of visits.

ggg. Providers should respond to requests for information from court-appointed evaluators and/or a psychotherapist treating a child whose contacts with a parent are supervised.

hhh. Providers shall obtain consent for release of information from clients for the requests stated in a) and b).

iii. Providers, whether or not they are required by law to do so, shall report evidence of child abuse to the appropriate state agency. Providers shall inform clients of their obligation of commitment to such reports.

23.3 Parents' Rights to Review Records

Providers should offer parents the opportunity to see a copy of their client file, provided that in appropriate cases information about where a parent or child lives, works or goes to school shall be kept confidential. However, because of the risk that the information in the record will be misused, copies of records should not be given to clients to keep, unless mandated by the local court system.

23.4 Copies of Records for Attorneys in Preparation for Litigation.

Providers should allow an attorney to examine a copy of his/her client's records in preparation for a court proceeding. They may also be required to release a copy of the record to a client's attorney.

23.5 Requests to Observe a Supervised Visit

A Provider may be asked to permit observation of a parent and child(ren) during a supervised visit, e.g., by a mental health professional appointed by the Court to evaluate a family. Providers should not become assessment facilities. Assessors will only be permitted to observe if they are unable to make other arrangements to view the child and the Non-Custodial parent interacting. A Provider may permit such observation if:

jjj. The observation is requested/ordered by the Court; or both parents agree to allow the observation;

kkk. if the observation will not unduly interfere with the operation of the supervised visitation service; and

lll. if the observation will not jeopardize the confidentiality of other clients; and

mmm. if the observation does not prove upsetting to the child

observer should bring some form of identification to the visit.

APPENDIX A

6.4 b) PROCEDURES FOR ARRIVAL AND DEPARTURE OF CLIENTS

So that contact between parents does not occur without the explicit agreement of the parties and the Provider, specifically, the following arrangement or some appropriate variation should be used:

nnn. The Visiting parent should arrive at least 15 minutes before the visit and be taken to a space visually separate from where the Custodial parent will arrive.

ooo. The Custodial parent should arrive with the child at the time of the visit;

ppp. The Custodial parent should leave first with the child, and the Visiting Parent should remain at the site for at least 15 minutes.

In the case of Exchange Supervision, depending on the degree of risk, it may be appropriate, after the child(ren) has/have arrived for the visit, according to the above procedure, to have the Visiting Parent and child(ren) remain at the exchange location for a further 15 minutes while the Custodial parent leaves.

At the end of the visit, it may be appropriate to have the Visiting parent and child(ren) return to the site 15 minutes before the end of the visit, so the Custodial parent can arrive with a lowered risk of contact with the Visiting Parent.

-OR-

qqq. The custodial parent and child should arrive at least 15 minutes before the visit. The custodial parent should then go to a designated area or leave the premises. This allows the child to have a 15 minute transitional, tension-free period between parents, giving him/her the opportunity to play and talk with staff.

rrr. The visiting parent should arrive promptly at the designated visiting time.

In the case of exchange supervision, depending on the degree of risk, it may be appropriate, after the child(ren) has/have arrived that the custodial parent remain in a designated area, separate from the exchange area until 15 minutes after the visiting parent has picked up the child(ren).

Visiting parents must leave the premises upon completion of supervision or return exchange.

APPENDIX B

13.5 CHECKLIST OF SUGGESTED INFORMATION TO BE GATHERED DURING INTAKE:

At least the following information should be requested during intake with each of the parties:

sss. Name, address and telephone number of parties; (this information must be kept confidential);

ttt. Names and ages of child(ren);

uuu. Copies of current relevant Court orders (including Orders of Protection or signed agreements by both parties);

vvv. Court proceedings in progress; upcoming court dates; criminal actions pending against either parent; prior Orders of Protection;

www. Information regarding any previous supervised visitation arrangements;

xxx. Details of the reasons for the request for Supervised Visitation;

yyy. Risk factors, including risk of abduction and any history of family violence;

zzz. History of parental dysfunction, including mental illness, developmental delay, or

substance abuse (specify substance of choice);

aaaa. Concerns about issues that may arise during visits with the child(ren);

bbbb. Requests for special restrictions during visits (e.g., no photographs, close attention to negative statements);

cccc. Information on practical arrangements for visits: diet, medication, toileting, clothing, food;

dddd. Details for scheduling visits: where, when, who can visit, duration of visit;

eeee. Information on prior or current evaluations relevant to visitation and current psychotherapists, if any;

ffff. Releases of information for contact with referring agency, relevant therapists, court appointed evaluators, attorneys, and others; and

gggg. Information adequate to set and/or apportion fee, if not already determined by Court or referring agency.

APPENDIX C

13.6 CHECKLIST OF INFORMATION TO PROVIDE DURING INTAKE.

The following information should be provided to parties during Intake:

hhhh. Explain that the Provider maintains a stance of neutrality between the Custodial and Non-custodial parents.

Maintaining neutrality does not, however, mean that the Provider shall accept or condone prior or current behavior of any family member that has been abusive or harmful. **INSTEAD, THE PRINCIPLE OF NEUTRALITY** is intended to convey respect for the potential importance of each parent to his/her child(ren) and to make the Provider a safe person in a safe place for the child(ren) where contact with the Non-custodial parent involves as little conflict of loyalty between the parents as possible.

iiii. Describe records kept by the Provider, reports which may be provided to referring agency or others, confidentiality and the limits of confidentiality.

jjjj. Describe communication the Provider will have about the family with others including therapists and the referring agency.

kkkk. Explain the steps the Provider can and will take to promote the safety and welfare of the child.

llll. Explain that the use of the service is not a right and that the service can decline to continue providing Supervised Visitation and the reasons, including the Provider's judgment that continued contacts present unacceptable risk; that a parent has failed to comply with the Conditions for Participation, or a child appears significantly distressed by the contacts.

mmmm. Review the Conditions for Participation detailed in Section 14.

nnnn. Provide information on fees that will be charged, including fees for canceled sessions and any special fees, e.g. for preparation of reports or appearance of staff at Court proceedings.

oooo. Explain how to prepare a child for the supervised visits.

pppp. Provide information regarding office hours and availability of staff outside of visiting hours.

qqqq. Provide and review a written Intake Worm addressing rules and regulations. Copies of these forms are kept by each parent. Signed agreement stays in case file.

APPENDIX D

22.2 CAUTIONARY NOTE ON ALL REPORTS OR OBSERVATION NOTES - RECOMMENDED WORDING:

This report is based on observation notes that have been prepared by volunteer observers in training as well as by paraprofessional and professional staff.

Observers are instructed to record what happens during parent child contacts and are required to not include opinions and judgments.

(Name of Provider) does not provide evaluations of the families who use the program's services or make recommendations about future arrangements for parent-child access.

The observations are of parent-child contacts which have occurred in a structured and protected setting. No prediction is intended about how contacts between the same parent(s) and child(ren) might occur in a less protected setting and without supervision. Care should be exercised by the users of these observations making such predictions.

Supervised Visitation Network
2804 Paran Pointe Drive
Cookeville, TN 38506
931-537-3414

Florida's Supervised Visitation Centers

Judicial Circuits	Florida Visitation Centers	Judicial Circuits	Florida Visitation Centers	Judicial Circuits	Florida Visitation Centers
1st	<p>Garry Phillips, Director Fran L. Frick Family Visitation Center 5375 N. 9th Ave. Pensacola, FL 32504 850/494-5990 Fax 850/494-5981 Garry.Phillips@chsfl.org</p> <p>Sharon Rogers, Program Director Judge Ben Gordon, Jr. Family Visitation Cntr PO Box 436 Shalimar, FL 32579 850/609-1850 Fax 850/609-1851 staff@visitationctr.gccoxmail.com</p> <p>Sharon Rogers, Program Director Crestview Family Visitation Program 599 8th Avenue, Crestview, FL 850/689-0066 Fax 850/689-0066 staff@visitationctr.gccoxmail.com</p> <p>Sharon Rogers, Program Director Friends of the Family Visitation Center 938 S. US Highway 331 Defuniak Springs, FL 32433 850/951-0177 Fax 850/951-0840 staff@visitationctr.gccoxmail.com</p>	5th	<p>Pam Pearce, Program Supervisor Family Visitation Cntr of Ocala 216 NE Sanchez Avenue Ocala, FL 34470 352/622-9408 Fax 352/622-2035 fvcgainesville@msn.com</p> <p>Jo Anna Woody, Director Citrus County Family Visitation Center, Inc. PO Box 1184 Inverness, FL 34451 352/637-3154 Fax 352/637-2893 joannawoody@hotmail.com</p> <p>Mari Claiborne, Exec. Director Hernando County Visitation Cntr 275 Oak Street Brooksville, FL 34601 352/796-7024 Fax 352/346-7092 hcvisitation@yahoo.com</p> <p>Diane Pisczek, Director Lake Children's Advocacy Center 220 N. Rockingham Avenue Tavares, FL 32778 352/343-6200 Fax 352/343-7733 cac4kids@earthlink.net</p> <p>Diane Pisczek, Director Sumter Children's Advocacy Center 107 Bushnell Plaza Tavares, FL 32778 352/568-3152 Fax 352/568-3152 cac4kids@earthlink.net</p>	7th	<p>Dori Gluz, Coordinator Deland Supervised Visitation Center 203 West Wisconsin Ave. DeLand, FL 32720 386/740-3839 (ext. 224) Fax 386/740-2607 dorigluz@bellsouth.net</p>
2nd	<p>Susan Marvin, Director The Family Visitation Program of Tallahassee 715 West Gaines St. Tallahassee, FL 32304 850/645-5612 Fax 850/644-9750 susanm@mail.co.leon.fl.us</p>	6th	<p>Kris Nowland, Director The Visitation Center of CASA P.O. Box 414 St. Petersburg, FL 33731 727/897-9204 Fax 727/895-8090 knowland@casa-stpete.org</p> <p>Kirsten Maynard, Director Children's Home Society Family Visitation Ctr. 2731 13th Ave. N. St. Petersburg, FL 33713 727/552-1487(x1) Fax 727/552-1488 Kirsten.Maynard@chsfl.org</p> <p>Pasco Kids First 7615 Little Road New Port Richey, FL 34654 727/845-8080 Fax 727/848-1292</p>	8th	<p>Pam Pearce, Program Director Family Visitation Center of Alachua County 1409 NW 36 Place Gainesville, FL 32605 352/334-0882 Fax 352/334-0883 Pam.pearce@chsfl.org</p>
3rd	<p>Pam Pearce, Program Director Family Visitation Center of the Suwannee Valley 830 Old Columbia City Rd. Lake City, FL 32025 386/758-0591 Fax 386/758-0592 fvcgainesville@msn.com</p>	7th	<p>Dori Gluz, Director The Family Tree House Visitation Center 525 S. Ridgewood Ave Daytona Beach, FL 32114 386/323-2550 Fax 386/323-2552 dorigluz@bellsouth.net</p>	9th	<p>Eunice Nelson, Director The Family Support and Visitation Center 118 Pasadena Place Orlando, FL 32803 407/999-5577 Fax 407/999- 5580nelson@devereux.org</p> <p>Christine Houoios, Program Director Family Ties Visitation Center PO Box 4934, 425 N. Orange Ave, Room #330, 3rd FL Orlando, FL 32801 407/836-0427 Fax 407/836-2359 ctfch1@ocnjcc.org</p> <p>Jackie Dalton, Director The Children's Visitation Center for Families with DV Injunctions 2 Courthouse Square, Ste #3100 Kissimmee, FL 34741 407/343-2467 Fax 407/343-2446 ctadj2@ocnjcc.org</p> <p>Laura Olivo, Director Osceola Family Visitation 2653 Michigan Avenue Kissimmee, FL 34744 407/846-5077 Fax 407/846-5080 Laura.Olivo@chsfl.org</p>
4th	<p>Joseph Nullet, Executive Director The Family Nurturing Center of Florida, Inc. 1221 King St. Jacksonville, FL 32204 904/389-4244 Fax 904/389-4255 joe@FncFlorida.org</p> <p>Note: The Family Nurturing Center of Florida has five programs in Jacksonville. Contact Joe Nullet for information.</p> <p>Lynn Straughan, Director Kids' Bridge 238 San Marco Dr. St. Augustine, FL 904/823-3180 Fax 904/823-3181 kidsbrdg@aug.com</p>	10th	<p>Faye Hamilton, Director New Foundation SV Center PO Box 9000, Drawer J148 Bartow, FL 33831 863/534-4357 Fax 863/534-4190 fhamilton@jud10.flcourts.org</p>	11th	<p>Imran Ali, Director CHS Family Visitation Center 1471 N.W. 8th Avenue Miami, FL 33136 305/325-2632 Fax 305/325-2632 imran.ali@chsfl.org</p>

Florida's Supervised Visitation Centers

Judicial Circuits	Florida Visitation Centers	Judicial Circuits	Florida Visitation Centers	Judicial Circuits	Florida Visitation Centers
11th	Linda Fieldstone, Director Family Court Services 175 NW First Avenue, 15th Floor Miami, FL 33128 305/349-5575 Fax 305/349-5634 lfieldstone@jud11.flcourts.org	15th	Mary Jaffe, Director The Family Connection Program 205 N. Dixie Hwy, Suite #5-1130 West Palm Beach, FL 33401 561/355-3200 Fax 561/355-6248 MJafee@co.palm-beach.fl.us Hallie Pasternack Children's Place 159 NW 3rd Street Boca Raton, FL 33432 561/393-7495 Fax 561/393-5063 hpasternack@tcphs.org	20th	Gail Tunnock & Jacqueline Griffith Stephens Family Visitation Center 1034 6th Avenue, North Naples, FL 34102 239/263-8383 Fax 239/263-7931 cptnaples@worldnet.att.net Daryl Garner, Director Charlotte County Supervised Visitation Program 3440 Depew Circle Port Charlotte, FL 33952 941/255-0677 Fax 941/255-0797 billreillycenter@earthlink.net Jamie Ponce, Coordinator Nanny's House at Collier County Counseling, Inc. 3375 Tamiami Trail East, Ste. 200 Naples, FL 34112 239/417-0181 Fax 239/417-0930 ccnaples2272@aol.com Sharon L. Mynear, Director Lee County Counseling 9371 Cypress Lake Dr. Ste. 17 Ft. Myers, FL 33919 239/437-0009 Fax 239/437-4325 lccfm@aol.com
12th	Carol Rosenbaum, Director Family Resources, Inc. 361 Sixth Avenue West Bradenton, FL 34205 941/708-5893 Fax 941/741-3578 CRosenbaum@family-resources.org Carroll Leis The Children & Families Supervised Visitation Program 2210 S. Tamiami Tr. Venice, FL 34293 941/492-6491 Fax 941/408-8469 lexiveigel@aol.com	16th	Charnita Shipp, Director The Family Access Center of the Domestic Abuse Shelter Inc. #3 Key Lime Square Key West, FL 33040 305/294-4532 Fax 305/294-1574 cshipp26@aol.com		Program in Progress Christy Boudreaux, Interim Program Supervisor Ruth Cooper Center 2789 Ortiz Ave. S.E. Ft. Myers, FL 33905 239/791-1527 Fax 239/275-0058 boudreac@rcbhc.org Val Gill, Director Lutheran Services Visitation Program 2295 Victoria Avenue Ft. Myers, FL 33901 239/278-1140 Fax 239/278-8567
13th	Trish Waterman, Director Children's Justice Center's Supervised Visitation Program 700 East Twigs Street, Suite 102 Tampa, FL 33602 813/272-7179 Fax 813/276-2404 watermpl@tjud13.org Michelle Lee, VP Coordinator Hillsborough Kids Inc. (where the actual visits are held) 4520 Oak Fair Blvd Tampa, FL 33610 813/765-1595 or 471/0006 Fax 813/471-0007 michelle.lee@hillsboroughkids.org	17th	Carolyn Pittelli Our House 408 NE 4th Street Ft. Lauderdale, FL 33301 954/765-4159 Fax 954/765-4075 cpittelli@broward.org		
14th	Cindy Lee, Community Resource Director Tri-County Community Counsel 302 N. Oklahoma Street Bonifay, FL 32425 850/547-3688 Fax 850/547-1010 clee@tricitycommunitycouncil.com Catherine Ake, Director New Beginnings 801 Jenks Ave. Ste. B 850/913-9550 Fax 850/913-8187 miniakers@l-1.net	18th	Cindy Flachmeier, Director The Salvation Army N. Central Brevard County DV Program PO Box 1540 Cocoa, FL 32923 321/631-2766 (ext 24) 321/631-7914 cindy_flachmeier@uss.salvationarmy.org Gene Schweizer, Director Riverboat Landing 1610 West Airport Blvd. Sanford, FL 32771 407/323-6848 (ext 225) Fax 407/323-3691 gene_schweizer@uss.salvationarmy.org		
		19th	Cherie Huttman, Director Valued Visits – Exchange Club CASTLE PO Box 12908 Ft. Pierce, FL 34979 772/465-6011 Fax 772/465-6013 joeyhuttman@netzero.com		
		20th	Gail Varley, Director The Family Connection, Inc. 3406 Palm Beach Blvd. Ft. Myers, FL 33916 239/461-7519 Fax 239/338-3374 egvarley@aol.com		

Florida's Children's Advocacy Centers

Judicial Circuit

1st

Carmen Jones
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512 S. Palafox St., Suite 10
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Niceville, Fl 32588-1237

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P.O. Box 40279
Jacksonville, Fl 32203-0279

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Palatka, FL 32178-1578

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Child Advocacy Center, Inc
P.O. Box 1128
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14th

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15th

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2309 Ponce de Leon Ave.
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17th

Mandy Wells
Broward County Sexual
Assault Treatment Center
400 NE 4th Street
Fort Lauderdale, FL 33302

18th

Nancy Crawford
Kids House of Seminole, Inc
5467 N. Ronald Reagan
Blvd.
Sanford, FL 32773-6332

Diane MacEntee
CAC of Brevard County
Two Suntree Place
Melbourne, FL 32940

20th

Jackie Stephens
Collier County Child
Advocacy Council, Inc.
1034 6th Avenue North
Naples, FL 34102

Jill Turner
CAC of Southwest Florida
3900 Broadway, B-1
Fort Myers, FL 33901

*** Program in Development**

Florida's Children's Medical Services

Sexual Abuse Treatment Programs

1st CIRCUIT

CMS SEXUAL ABUSE TREATMENT PROGRAM PROVIDERS

District 1

Parent Organization – Lutheran Services Florida, Inc.

Sexual Abuse Treatment Program

4610 W. Fairfield Drive

Pensacola, FL 32506

(850) 453-2772

Fax: (850) 453-2866

Contact Person –

Sherri Swann, Program Coordinator

Email: sswann@lsfnet.org

Beth Deck, Regional Director

Email: bdeck@lsfnet.org

2nd CIRCUIT

Society of Florida, N. Central Division

(850) 921-0772

Fax: (850) 921-0726

Sexual Abuse Treatment Program

Children's Home Society

1801 Miccosukee Commons Dr.

Tallahassee, FL 32308

(850) 921-8989

Fax: (850) 921-8997

Paul Vandervelde, Exec. Director

Email: paul.vandervelde@chsfl.org

Contact Person –

Mandi Moerland, SATP Coordinator

Email: Mandi.moerland@chsfl.org

4TH CIRCUIT

District

4 Parent Organization – Children's Crisis Center, Inc.

Sexual Abuse Treatment Program

655 West 11th Street

Jacksonville, FL 32209 or

P.O. Box 40279, Zip 32203-0279

(904) 244-4670

Fax: (904) 244-4627

Contact Persons –

Nancy Nowlan

Jim Vallely, Ph.D., Clinical Coordinator

Email: nnowlan@childrenscrisiscenter.org

drvallely@aol.com

(Sub-contracts for sexual abuse treatment with the following private provider agencies)

(1) Psychological Services of St. Augustine

236 South Park Circle, East

St. Augustine, FL 32086

(904) 824-7733

Fax: (904) 829-9768

Contact Person - Jack Merwin, Ph.D.

Karen Selig, M.A.

(2) Larry Neidigh, PhD

Community Behavioral Services

1543 Kingsley Ave., Suite 18A

Orange Park, FL 32073

Fran Cuchiara, LMHT

Tina Larson, LMHT

655 West 11th Street

Jacksonville, FL 32209

(3) Fran Cucharia, LMHC

3715-1 San Jose Place

Jacksonville, FL 32257

(904) 880-0603

Fax: (904) 880-0802

(4) Tina Larson, LMHC

P.O. Box 56881

Jacksonville, FL 32241-6881

(904) 704-5911

6TH CIRCUIT

13 Parent Organization – The Harbor Behavioral Health

Care Institute (Main Admin. Office)

P. O. Box 428

New Port Richey, FL 34656-0428

(727) 841-4200

SC 538-4200

Fax: (727) 841-4354

Contact:

Leslie Ellis-Lang, Program Administrator

Sexual Abuse Treatment Program

7537 Forest Oaks Blvd.

Spring Hill, FL 34606-0908

(352) 688-0700

or (SC) 621-5175

Fax: (352) 688-1918
Program Contact Person: Sharon Rose
Email: Sharon.Rose@Baycare.org
Melissa Alexander, Contract Manager
Email: Melissa.Alexander@baycare.org

7TH CIRCUIT

Parent Organization Children's Advocacy
Center of Volusia & Flagler Counties
(SAPX2) (386) 238-3830
Fax: (386) 239-6918
Sexual Abuse Treatment Program
344 S. Beach Street
Daytona Beach, FL 32114
(386) 238-3830
Fax: (386) 239-6918
Contact Person:
Darlene Stewart, MS, LMHC
Email: dstewart@childrensadvocacy.org
Maryann Barry, Executive Director
Email: mbarry@childrensadvocacy@org

10TH CIRCUIT

District
Parent Organization – Peace River Center
(SAPP4) Sexual Abuse Treatment Program
(Victim Intervention Program)
Peace River Center
Administration
P.O. Box 1559
Bartow, FL 33831
(863) 534-7020 ext. 120
Fax: (863) 534-7028
Contact:
Vivian Mehnert, Clinical Director
Email: vmehnert@peace-river.com
Alisa Harry, Contract Manager
Email: aharry@peace-river.com
QA: Vicki Trevino

10TH CIRCUIT

Parent Org. – Winter Haven Hospital's
(SAPW4) Behavioral Health Division
(same address as SATP)
Sexual Abuse Treatment Program
Family Counseling Services,

Behavioral Health Division
200 Avenue F, N.E.
Winter Haven, FL 33881
(863) 294-7062, 967-7596
Fax: (863) 294-7064
Contact person –
Kimberly Mott, L.M.H.C.
Email: kimberly.mott@mfms.com
Kathy Maddalena, Admin., Contract Manager
Email: Kathy.Maddalena@mfms.com
(1) Satellite site: Marge Brewster Center
928 S.E. Lakeview Drive
Sebring, FL 33870-4344

Central Office Program Staff for the Sexual Abuse Treatment Program

State Sexual Abuse Treatment Consultant
Debra Nelson-Gardell, Ph.D., LCSW
3301 Loop Road East, #101
Tuscaloosa, AL 35404
(205) 348-2990
Fax: (978) 945-0368
E-mail: dnelson@sw.ua.edu
(University of Alabama School of Social Work)
Michael L. Haney, Ph.D., N.C.C., L.M.H.C.
Division Director
Prevention and Interventions
Children's Medical Services
4052 Bald Cypress Way, BIN# A06
Tallahassee, FL 32399-1707
(850) 488-3813, SC 278-3813
Email: Mike_Haney@doh.state.fl.us
Child Protection Unit
Peggy Scheuermann, Child Protection Unit Dir.
Division of Children's Medical Services
Department of Health
(850) 245-4220
Fax: (850) 414-7350
Email: Peggy_Scheuermann@doh.state.fl.us
Susan McLauchlin
Child Protection Unit
Division of Children's Medical Services
Department of Health
(850) 245-4444 ext. 2258
Fax: (850) 414-7350
Email: Susan_Mclauchlin@doh.state.fl.us

12TH CIRCUIT

8A Parent Organization – Child Protection Center, Inc.

Sexual Abuse Treatment Program

1750 - 17th Street, Building L

Sarasota, FL 34234

(941) 365-1277

Fax: (941) 366-1849

Contact Person –

Ruth Shapiro, L.C.S.W

Email: ruth_shapiro@doh.state.fl.us

12TH CIRCUIT

District

8B Parent Organization – Children’s Advocacy

Center of Southwest Florida, Inc.

(SAP8B) Sexual Abuse Treatment Program

3900 Broadway, Suite B-1

Ft. Myers, FL 33901

(239) 939-2808

Fax: (239) 939-4794

Contact Person –

Jill L. Turner, Executive Director

Email: jturner@cac-swfl.org

Amy Eller, Clinical Director

Email: aeller@cac-swfl.org

14TH CIRCUIT

2A Parent Organization – Life Management Center of Northwest Florida, Inc.

Sexual Abuse Treatment Program

525 East 15th Street

Panama City, FL 32401

(850) 769-9481 (Ext 201)

Fax: (850) 872-4828

Contact Person –

Mitch Mays, LMFT, Program Director

Email: mmays@lifemanagementcenter.org

Julie Kitzerow, LMHT, Program Director

Email: jkitzerow@lifemanagementcenter.org

Satellite Sites:

(1) 4099 Lafayette Street

Marianna, Florida 32446

(850) 482-7441

Fax: (850) 482-4164

Contact Person: Deborah Mobley

(2) 801 South Weeks Street

Bonifay, Florida 32425

Contact Person: Deborah Mobley

18TH CIRCUIT

7B Parent Organization – Florida Institute of Technology

The Family Learning Program,

A Sexual Abuse Treatment Program

Florida Institute of Technology

Department of Psychology

150 West University Blvd.

Melbourne, FL 32901-6988

(321) 674-7418

Fax: (321) 674-7105

Contact Person –

Carolyn Lockyer, Sponsored Prog. Admin.

Email: clockyer@fit.edu

Dr. Juanita Baker, Program Director

(321) 674-8104

Email: bakerj@fit.edu

Florida's Sexual Abuse Treatment Providers

<p>Florida Council Against Sexual Violence 1311-A Paul Russell Rd., Ste. 204 Tallahassee, FL 32301 1-888-956-RAPE (7273) 850-297-2000 850-297-2002 (fax)</p>	<p>Broward County Sexual Assault Treatment Center 400 NE 4th St. Fort Lauderdale FL 33301 954-765-4159 954-765-4075 (fax)</p>	<p>Domestic Abuse Shelter, Inc. Sexual Assault Response Assistance (SARA) PO Box 522696 Marathon Shores FL 33052 305-743-5452 305-289-1589 (fax)</p>
<p>Abuse Counseling and Treatment, Inc. (ACT) PO Box 60401 Ft. Myers FL 33906 239-939-2553 239-939-4741 (fax)</p>	<p>Center for Abuse and Rape Emergencies (CARE) PO Box 510234 Punta Gorda FL 33951-0234 941-639-5499 941-639-7079 (fax)</p>	<p>Family Service Centers Rape Crisis Program and Sexual Assault Victim Services 2188 58th St., N Clearwater FL 33760 727-535-9811 727-530-7423 (fax)</p>
<p>Alachua County Office of Victim Services 218 SE 24th St. Gainesville FL 32641 352-264-6760 352-264-6703 (fax)</p>	<p>Chautauqua Office of Psychotherapy and Evaluation (COPE) 3686 U.S. Highway 331 S Defuniak Springs FL 32435 850-892-8045 850-892-8039 (fax)</p>	<p>Haven of Lake and Sumter Counties, Inc. Sexual Assault Program 2021 Tally Rd. Leesburg FL 34748 352-787-5889 352-787-4125 (fax)</p>
<p>Another Way, Inc. 297 Court St. Bronson FL 32621 352-486-3305 or 386-719-2757 352-486-3313 (fax)</p>	<p>Citrus County Abuse Shelter (CASA) PO Box 205 Inverness FL 34451 352-344-8111 352-344-0548 (fax)</p>	<p>The Healing Tree/Sexual Trauma Recovery Center Howard Phillips Center for Children and Families 601 W Michigan St. Orlando FL 32805-6203 407-317-7430 407-540-1924 (fax)</p>
<p>APPLE Services Crisis Center of Tampa Bay, Inc. NEP Forensic Services Hotline of Hillsborough and 211 One Crisis Center Plaza Tampa FL 33613-1238 APPLE : 813-264-9955 813-969-4950 (fax) Forensic: 813-264-9961 813-969-4910 (fax)</p>	<p>City of Jacksonville Sexual Assault Response Center 2104 Blvd. Jacksonville FL 32206 904-244-4600 904-244-4653 (fax)</p>	<p>The Journey Institute 2650 SW 27 Ave., Ste. 303 Miami FL 33133 305-443-1123 305-443-0063 (fax)</p>
<p>Betty Griffin House PO Box 3319 St. Augustine FL 32085 904-808-8544 904-808-8338 (fax)</p>	<p>Creative Services, Inc. Ocala Rape Crisis/Domestic Violence Center PO Box 2193 Ocala FL 34478 352-351-4009 352-351-9455 (fax)</p>	<p>Lakeview Center Rape Crisis and Rape Awareness Programs 1221 W Lakeview Ave. Pensacola FL 32501 850-469-3800 850-595-1420 (fax)</p>
<p>Bridgeway Center 137 Hospital Dr. Fort Walton Beach FL 32548 850-833-7400 850-833-7528 (fax)</p>	<p>The Dawn Center P.O. Box 6179 Spring Hill FL 34611-6179 352-592-1288 352-592-1787 (fax)</p>	<p>Manatee Glens Rape Crisis Services 379 6th Ave. W Bradenton FL 34205 941-741-3131 941-741-3196 (fax)</p>

Martha's House, Inc.
PO Box 727
Okeechobee FL 34973
863-763-2893
863-763-6712 (fax)

M.U.J.E.R., Inc.
PO Box 900685
28905 S Dixie Highway
Homestead FL 33030
305-247-1388
305-247-1362 (fax)

North Central Florida Sexual
Assault Center, Inc.
1149 SW Main Blvd.
Lake City FL 32025
386-719-9287
386-719-9465 (fax)

Palm Beach County Victim
Services
205 N Dixie Highway, Ste.
5.1100, 5th Floor
Palm Beach County Courthouse
West Palm Beach FL 33401
561-355-2418
561-355-2757 (fax)

Peace River Rape Recovery and
Resource Center
1860 S Crystal Lake Dr.
Lakeland FL 33801
863-413-2708
863-582-7280 (fax)

Project Help, Inc.
PO Box 7804
Naples FL 34101
239-649-1404
239-649-5520 (fax)

Putnam County Health Dept.
Sexual and Physical Violence
Intervention Program
2801 Kennedy St.
Palatka FL 32177
386-326-3200
386-326-3350 (fax)

Quigley House, Inc.
PO Box 142
Orange Park FL 32067
904-284-0340
904-284-5407 (fax)

Rape Crisis Center of Volusia
and Flagler Counties
240 N Frederick Ave., Ste. A
Daytona Beach FL 32114
386-252-5050
386-252-9162 (fax)

Refuge House, Inc.
PO Box 20910
Tallahassee FL 32316
850-922-6062
850-413-0395 (fax)

Roxcy Bolton Rape Treatment
Center/Jackson Memorial
Hospital
1611 NW 12th Ave.
Miami FL 33136
305-585-5185
305-585-7560 (fax)

Safe Place & Rape Crisis Center
(SPARCC)
2139 Main St.
Sarasota FL 34237
941-365-0208
941-365-4919 (fax)

Salvation Army Domestic
Violence and Rape
Crisis Program
651 W 14th St., Unit C
Panama City FL 32401
850-769-7989
850-769-2183 (fax)

Sexual Assault Assistance
Program
State Attorneys' Office 19th
Circuit
411 South Second St.
Ft Pierce FL 34950
772-462-1306
772-462-1214 (fax)

Sexual Assault Treatment
Center, Victim Service Center of
Orange County
2309 B. Bedford Rd.
Orlando FL 32803
407-228-1430
407-228-1434 (fax)

Sexual Assault Victim Services
2725 Judge Fran Jamieson Way
Viera FL 32940
321-617-7533
321-617-7532 (fax)

Sunrise of Pasco County, Inc.
PO Box 928
Dade City FL 33526-0928
352-521-3358
352-521-3099 (fax)

Women's Center of Brevard
County
1425 Aurora Rd.
Melbourne FL 32935
321-242-3110
321-242-7464 (fax)

Women's Center of
Jacksonville
Rape Recovery Team
5644 Colcord Ave.
Jacksonville FL 32211
904-722-3000
904-722-3100 (fax)

Florida's Domestic Violence / Rape Crisis Centers

Judicial Circuits

1

Shelter House, Inc.
P.O. Box 220
Fort Walton Beach FL 32549
Business #: 904-833-3772
Hotline/Crisis: 904-863-4777 Toll
Free #: (800)44ABUSE

FavorHouse of Northwest
Florida, Inc.

1207 W. Moreno St.
Pensacola FL 32501
Business #: 904-434-1177
Hotline/Crisis: 904-434-6600

2

Florida Coalition Against Do-
mestic Violence
1521 A Killlearn Center Blvd.
Tallahassee, FL 32308
(904)668-6862

Refuge House of Leon County, Inc.
P.O. Box 4356
Tallahassee FL 32315
Business #: 904-921-0692
Hotline/Crisis: 904-681-2111

3

4

Hubbard House, Inc.
P.O. Box 4909
Jacksonville FL 32201
Business #: 904-399-1000
Hotline/Crisis: 904-354-3114 Toll
Free #: (800)76-ABUSE

Quigley House, Inc.
P.O. Box 142
Orange Park Fl 32073
Business #: 904-284-0340
Hotline/Crisis: 904-284-0061 Toll
Free #: (800)339-5017

5

CASA/Citrus Abuse Shelter
Association, Inc.
P.O. Box 205
Inverness FL 34451
Business #: 904-344-8111
Hotline/Crisis: 904-344-8111

5

Rape Crisis/Spouse Abuse
Center
P.O. Box 21193
Ocala FL 32678
Business #: 904-622-8495
Hotline/Crisis: 904-622-8495 Toll
Free #: (800)736-4461

6

Spouse Abuse Shelter of RCS
P.O. Box 10594
Clearwater FL 34617
Business #: 813-442-4128
Hotline/Crisis: 813-442-4129

Sunrise of Pasco County, Inc.
P.O. Box 928
Dade City FL 33526
Business #: 904-521-3120
Hotline/Crisis: 904-521-3120

The Salvation Army Domestic
Violence
P.O. Box 1050
Port Richey FL 34673
Hotline #: 813-856-5797

7

Family Life Center
P.O. Box 2058
Bunnell FL 32110
Business #: 904-437-3505
Hotline/Crisis: 904-437-3505

Domestic Abuse Council, Inc.
P.O. Box 142
Daytona Beach FL 32115
Business #: 904-255-2130
Hotline/Crisis: 904-255-2102

8

Another Way Inc.
P.O. Box 529
Archer FL 32618
Business #: 904-493-2522
Hotline/Crisis: (800)369-6700

Sexual and Physical Abuse
Resource Center (SPACE)
P.O. Box 5099
Gainesville FL 32602
Business #: 904-377-5690
Hotline/Crisis: 904-377-8255
Toll Free #: (800)393-SAFE

9

Spouse Abuse, Inc.
P.O. Box 680748
Orlando FL 32868
Business #: 407-886-2244
Hotline/Crisis: 407-886-2856

Women's Residential &
Counseling Center
107 E. Hillcrest St.
Orlando FL 32801
Business #: 407-425-2502
Hotline/Crisis: 407-425-2502

10

Help Now of Osceola, Inc. WIN
(For Women in Need)
P.O. Box 421302
Kissimmee FL 32742
Business #: 407-847-8562
Hotline/Crisis: 407-847-8562

Peace River Center Domestic
Violence Shelter
P.O. Box 797
Lakeland FL 33802
Business #: 813-682-7063
Hotline/Crisis: 813-682-7270

11

Metro Dade-
SouthDade Victim's Center
49 West Mowry St.
Homestead FL 33030
Business #: 305-247-4249
Hotline/Crisis: 305-247-4249

Metro-Dade Advocates For
Victims
7831 N.E. Miami Crt.
Miami FL 33138
Business #: 305-758-2546
Hotline/Crisis: 305-758-2546

12

Hope Family Services, Inc.
P.O. Box 1624
Bradenton FL 34206
Business #: 813-747-7790
Hotline/Crisis: 813-755-6805

12

The Salvation Army Domestic
Violence Shelter
P.O. Box 1540
Cocoa FL 32923
Business #: 407-631-2764
Hotline/Crisis: 407-631-2764

Abuse Counseling &
Treatment, Inc.
P.O. Box 60401
Fort Meyers FL 33906
Business #: 813-939-2553
Hotline/Crisis: 813-939-3112

Safe Place and Rape Crisis
Center (SPARCC)
1750 17th St. Bldg H
Sarasota FL 34234
Business #: 813-365-1976
Hotline/Crisis: 813-365-1976

13

Mary and Martha House
P.O. Box 1251
Ruskin FL 33570
Business #: 813-645-7874

The Spring of Tampa Bay, Inc.
P.O. Box 4772
Tampa FL 33677
Business #: 813-247-5433
Hotline/Crisis: 813-247-SAFE

14

Salvation Army Domestic
Violence Program
651 - J W.14th St.
Panama City FL 32401
Business #: 904-769-7989
Hotline/Crisis: 904-763-0706

15

Aid to Victims of Domestic
Assault, Inc.
P.O. Box 667
Deray Beach FL 33447
Business #: 407-265-2900
Hotline/Crisis: 407-265-2900

Mary Rubloff YWCA
Harmony House
901 S. Olive Avenue
West Palm Beach FL 33401
Business #: 407-833-2439
Hotline/Crisis: 407-655-6106

16

Domestic Abuse Shelter, Inc.
P.O. Box 522696
Marathon Shores FL 33052
Business #: 305-743-9465
Hotline/Crisis: 743-4440

Center Against Spouse Abuse,
Inc. P.O. Box 414
St. Petersburg FL 33731
Business #: 813-895-4912
Hotline/Crisis: 813-898-3671

17

Women in Distress
of Broward County, Inc.
P.O. Box 676
Fort Lauderdale FL 33302
Business #: 305-760-9800
Hotline/Crisis: 761-1133

18

19
Safe Space Domestic
Violence Services
P.O. Box 4222
Fort Pierce FL 34950
Business #: 407-595-0042

Martha's House, Inc.
P.O. Box 663
Okeechobee FL 34973
Business #: 813-763-2893
Hotline/Crisis: 813-763-0202

20

Shelter for Abused Women
of C. C.
P.O. Box 10102
Naples FL 33941
Business #: 813-775-3862
Hotline/Crisis: 813-775-1101
Toll Free #: (800)780-HELP

Center for Abuse and Rape
Emergencies, Inc.
P.O. Box 234
Punta Gorda FL 33951
Business #: 813-639-5499
Hotline/Crisis: 813-627-6000
Toll Free #: (813)475-6465

APPENDIX

B

California Rules of Court;
Standards of Judicial
Administration Regarding
Supervised Visitation

Kansas Statute on Visitation

American Bar Association
Commission on Domestic
Violence Policy 00A109A/
2000

California Rules of Court

Sec. 26.2. Uniform standards of practice for providers of supervised visitation

(a) [Scope of service] This section defines the duties and obligations for providers of supervised visitation as set forth in Family Code section 3200. Unless specified otherwise, the standards are designed to apply to all providers of supervised visitation, whether the provider is a friend, relative, paid independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The goal of these standards is to assure the safety and welfare of the child, adults, and providers of supervised visitation. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided. Each court is encouraged to adopt local court rules necessary to implement these standards.

(b) [Definition] Family Code section 3200 defines a provider as any individual or any supervised visitation center who monitors visitation. Supervised visitation is contact between a noncustodial party and one or more children in the presence of a neutral third person. These standards and this definition are not applicable to supervision of visitation exchanges only, but may be useful in that context.

(c) [Qualifications, experience, and training of the provider] Who provides the supervision and the manner in which supervision is provided depends on different factors including local resources, the financial situation of the parties, and the degree of risk in each case. While the court makes the final decision as to the manner in which supervision is provided and any terms or conditions, the court may consider recommendations by the attorney for the child, the parties and their attorneys, Family Court Services staff, evaluators, therapists, and providers of supervised visitation.

There are three kinds of providers: nonprofessional, professional, and therapeutic. The minimum qualifications for providers are as follows:

(1) The nonprofessional provider is any person who is not paid for providing supervised visitation services. Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider should: (i) be 21 years of age or older; (ii) have no conviction for driving under the influence (DUI) within the last 5 years; (iii) not have been on probation or parole for the last 10 years; (iv) have no record of a conviction for child molestation, child abuse, or other crimes against a person; (v) have proof of automobile insurance if transporting the child; (vi) have no civil, criminal, or juvenile restraining orders within the last 10 years; (vii) have no current or past court order in which the provider is the person being supervised; (viii) not be financially dependent upon the person being supervised; (ix) have no conflict of interest as per subdivision (f) of this section; and (x) agree to adhere to and enforce the court order regarding supervised visitation.

(2) The professional provider is any person paid for providing supervised visitation services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The professional and therapeutic provider should: (i) be 21 years of age or older; (ii) have no conviction for driving under the influence (DUI) within the last 5 years; (iii) not have been on probation or parole for the last 10 years; (iv) have no record of a conviction for child molestation, child abuse, or other crimes against a person; (v) have proof of automobile insurance if transporting the child; (vi) have no civil, criminal, or juvenile restraining orders within the last 10 years; (vii) have no current or past court order in which the provider is the person being supervised; (viii) be able to speak the language of the party being supervised and of the child, or provide a neutral interpreter over the age of 18; (ix) have no conflict of interest as per subdivision (f) of this section; and (x) agree to adhere to and enforce the court order regarding supervised visitation.

(3) The therapeutic provider is a licensed mental health professional paid for providing supervised visitation services, including but not limited to the following: a psychiatrist, psychologist, clinical

social worker, marriage and family counselor, or intern working under direct supervision. A judicial officer may order therapeutic supervision for cases requiring a clinical setting.

(4) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation as per subdivision (i) of this section, and the legal responsibilities and obligations of a provider as per subdivisions (k) and (l) of this section.

In addition, the professional and therapeutic providers of supervised visitation should receive training including but not limited to the following: (i) the role of a professional and therapeutic provider; (ii) child abuse reporting laws; (iii) record-keeping procedures; (iv) screening, monitoring, and termination of visitation; (v) developmental needs of children; (vi) legal responsibilities and obligations of a provider; (vii) cultural sensitivity; (viii) conflicts of interest; (ix) confidentiality; and (x) issues relating to substance abuse, child abuse, sexual abuse, and domestic violence.

(d) [Safety and security procedures] All providers should make every reasonable effort to assure the safety and welfare of the child and adults during the visitation. Supervised visitation centers should establish a written protocol with the assistance of the local law enforcement agency that describes what emergency assistance and responses can be expected from the local police or sheriff's department. In addition, the professional and therapeutic provider should do all the following:

(1) Establish and set forth in writing minimum security procedures and inform the parties of these procedures prior to the commencement of supervised visitation;

(2) Conduct a comprehensive intake and screening to assess the nature and degree of risk for each case. The procedures for intake should include separate interviews with the parties before the first visit. During the interview, the provider should obtain identifying information and explain the reasons for temporary suspension or termination of a visit as specified in subdivision (m) of this section. If the child is of sufficient age and capacity, the provider should include him or her in part of the intake or orientation process. Any discussion should be presented to the child in a manner appropriate to the child's developmental stage;

(3) Obtain during the intake process, (i) copies of any protective order, (ii) current court orders, (iii) any Judicial Council form relating to supervised visitation orders, (iv) a report of any written records of allegations of domestic violence or abuse, and (v) in the case of a child's chronic health condition, an account of his or her health needs;

(4) Establish written procedures to follow in the event a child is abducted during supervised visitation; and

(5) Suspend or terminate supervised visitation if the provider determines that the risk factors present are placing in jeopardy the safety and welfare of the child or provider as enumerated in subdivision (i) of this section.

(e) [Ratio of children to provider] The ratio of children to a professional provider should be contingent upon:

(1) The degree of risk factors present in each case;

(2) The nature of supervision required in each case;

(3) The number and ages of the children to be supervised during a visit;

(4) The number of people visiting the child during the visit;

(5) The duration and location of the visit; and

(6) The experience of the provider.

(f) [Conflict of interest] All providers should maintain a neutral role by refusing to discuss the merits of the case, or agree with or support one party over another. Any discussion between a provider and the parties should be for the purposes of arranging visitation and providing for the safety of the children. In order to avoid a conflict of interest, no provider should:

- (1) Be financially dependent on the person being supervised;
- (2) Be an employee of the person being supervised;
- (3) Be an employee of or affiliated with any superior or municipal court in the county in which the supervision is ordered unless specified in the employment contract; or
- (4) Be in an intimate relationship with the person being supervised.

(g) [Maintenance and disclosure of records] The professional and therapeutic provider should keep a record for each case, including but not limited to the following: (i) a written record of each contact and visit including the date, time, and duration of the contact or visit; (ii) who attended the visit; (iii) a summary of activities during the visit; (iv) actions taken by the provider, including any interruptions, termination of a visit, and reasons for these actions; (v) an account of critical incidents, including physical or verbal altercations and threats; (vi) violations of protective or court visitation orders; (vii) any failure to comply with the terms and conditions of the visitation as per subdivision (i) of this section; and (viii) any incidence of abuse as required by law.

- (1) Case recordings should be limited to facts, observations, and direct statements made by the parties, not personal conclusions, suggestions, or opinions of the provider. All contacts by the provider in person, in writing, or by telephone with either party, the children, the court, attorneys, mental health professionals, and referring agencies, should be documented in the case file. All entries should be dated and signed by the person recording the entry.
- (2) If ordered by the court, or requested by either party or the attorney for either party or the attorney for the child, a report about the supervised visit should be produced. These reports should include facts, observations, and direct statements and not opinions or recommendations regarding future visitation unless ordered by the court. A copy of any report should be sent to all parties, their attorneys, and the attorney for the child.
- (3) Any identifying information about the parties and the child, including addresses, telephone numbers, places of employment, and schools, is confidential, should not be disclosed, and should be deleted from documents before releasing them to any court, attorney, attorney for the child, party, mediator, evaluator, mental health professional, social worker, or referring agency, except as required in reporting suspected child abuse.

(h) [Confidentiality] Communications between parties and providers of supervised visitation are not protected by any privilege of confidentiality. The psychotherapist-patient privilege does not apply during therapeutic supervision.

The professional and therapeutic provider should, whenever possible, maintain confidentiality regarding the case except when (i) ordered by the court; (ii) subpoenaed to produce records or testify in court; (iii) requested by a mediator or evaluator in conjunction with a court-ordered mediation, investigation, or evaluation; (iv) required by Child Protective Services; or (v) requested by law enforcement.

(i) [Delineation of terms and conditions] The sole responsibility for enforcement of all the terms and conditions of any supervised visitation is the provider's. The terms and conditions for any supervised visitation, unless otherwise ordered by the court, are as follows:

- (1) Monitor conditions to assure the safety and welfare of the child;
- (2) Enforce the frequency and duration of the visits as ordered by the court;

- (3) Avoid any attempt to take sides with either party;
- (4) Ensure that all contact between the child and the noncustodial party is within the provider's hearing and sight at all times, and that discussions are audible to the provider, unless a different order is issued by the court;
- (5) Speak in a language spoken by the child and noncustodial party;
- (6) Allow no derogatory comments about the other parent, his or her family, caretaker, child, or child's siblings;
- (7) Allow no discussion of the court case or possible future outcomes;
- (8) Allow no provider nor the child to be used to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;
- (9) Allow no spanking, hitting, or threatening the child;
- (10) Allow no visits to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;
- (11) Allow no emotional, verbal, physical, or sexual abuse; and
- (12) Ensure that the parties follow any additional rules set forth by the provider or the court.

(j) [Safety considerations for sexual abuse cases] In cases where there are allegations of sexual abuse, the following additional terms and conditions are applicable to all providers unless otherwise authorized by the court:

- (1) Allow no exchanges of gifts, money, or cards;
- (2) Allow no photographing, audiotaping, or videotaping of the child;
- (3) Allow no physical contact with the child such as lap sitting, hair combing, stroking, hand holding, prolonged hugging, wrestling, tickling, horseplaying, changing diapers, or accompanying the child to the bathroom;
- (4) Allow no whispering, passing notes, hand signals, or body signals; and
- (5) Allow no supervised visitation in the location where the alleged sexual abuse occurred.

(k) [Legal responsibilities and obligations of a provider] All providers of supervised visitation have the following responsibilities and obligations:

- (1) Advise the parties before commencement of supervised visitation that no confidential privilege exists;
- (2) Report suspected child abuse to the appropriate agency, as provided by law, and inform the parties of the provider's obligation to make such reports;
- (3) Implement the terms and conditions as per subdivision (i) of this section; and
- (4) Suspend or terminate visitation as per subdivision (m) of this section.

(l) [Additional legal responsibilities for professional and therapeutic providers] In addition to the preceding legal responsibilities and obligations, the professional and therapeutic provider should:

- (1) Prepare a written contract to be signed by the parties before commencement of the supervised visitation. The contract should inform each party of the terms and conditions of supervised visitation;

- (2) Review custody and visitation orders relevant to the supervised visitation;
- (3) Implement an intake and screening procedure as per subdivision (d)(2) of this section; and
- (4) Comply with additional requirements as per subdivision (n) of this section.

(m) [Temporary suspension or termination of supervised visitation] All providers should make every reasonable effort to provide a safe visit for the child and the noncustodial party. However, if a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated. All interruptions or terminations of visits should be recorded in the case file.

All providers should advise both parties of the reasons for interruption of a visit or termination.

(n) [Additional requirements for professional and therapeutic providers] The professional and therapeutic provider should also state the reasons for temporary suspension or termination of supervised visitation in writing and provide them to both parties, their attorneys, the attorney for the child, and the court.

Sec. 26.2 adopted effective January 1, 1998.

Drafter's Notes

1998-This standard was adopted to comply with Family Code section 3200. The standard provides the first statewide framework for providers of supervised visitation, encompassing the areas mandated in the statute: qualifications, experience, and education; safety and security procedures; conflicts of interest; maintenance and disclosure of records; confidentiality; delineation of terms and conditions; procedures for termination; and legal responsibilities and obligations for providers of supervised visitation.

Kansas Statutes Annotated 75-720

Chapter 75.—STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

Article 7.—ATTORNEY GENERAL

75-720. Child exchange and visitation centers; duties of the attorney general; child exchange and visitation centers fund. (a) Subject to the provisions of appropriation acts, the attorney general shall provide for child exchange and visitation centers throughout the state for victims of domestic or family violence and their children to allow court-ordered child exchange or visitation in a manner that protects the safety of all family members. The attorney general shall coordinate and cooperate with local governmental agencies in providing the child exchange and visitation centers.

(b) A child exchange and visitation center shall provide:

(1) A secure setting and specialized procedures for supervised visitation and the exchange or transfer of children for visitation; and

(2) supervision by a person trained in security and the avoidance of domestic and family violence.

(c) A child exchange and visitation center is for children who have been removed from such children's parents and placed outside the home as a result of abuse or neglect or other risk of harm to such children and for children whose parents are separated or divorced and the children are at risk because:

(1) There is documented sexual, physical or emotional abuse as determined by the court;

(2) there is suspected or elevated risk of sexual, physical or emotional abuse, or there have been threats of parental abduction of the child;

(3) due to domestic violence, there is an ongoing risk of harm to a parent or child;

(4) a parent is impaired because of substance abuse or mental illness;

(5) there are allegations that a child is at risk for any of the reasons stated in paragraphs (1) through (4) pending an investigation; or

(6) other circumstances, as determined by the court, point to the existence of such a risk.

(d) The attorney general may apply for, receive and accept moneys from any source for the purposes of establishing child exchange and visitation centers for victims of domestic violence.

(e) There is hereby created in the state treasury the child exchange and visitation centers fund. All moneys credited to the fund shall be used solely for the purpose of establishing and maintaining child exchange and visitation centers for victims of domestic violence. All expenditures from the child exchange and visitation center fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by the attorney general's designee.

History: L. 1996, ch. 188, § 1; July 1.

American Bar Association Commission on Domestic Violence POLICY OOA109A

Approved by the American Bar Association House of Delegates at the Annual Meeting in July 2000

**Co-Sponsored by COMMISSION ON DOMESTIC VIOLENCE SECTION OF FAMILY LAW
STEERING COMMITTEE ON THE UNMET LEGAL NEEDS OF CHILDREN
YOUNG LAWYERS DIVISION**

The American Bar Association encourages (1) governments to enact legislation requiring courts to consider the safety risks to victims of domestic violence and their children when drafting orders containing visitation and visitation exchange provisions; (2) courts to provide or identify, and make use of, locations in which supervised visitation and visitation exchanges can safely occur; (3) courts to inquire about domestic violence when addressing visitation issues in child custody matters, and if it determines there is a risk to the safety of a parent or child, to craft orders of visitation that create safe visitation exchanges; (4) attorneys to advocate for safe visitation and visitation exchanges.

REPORT

1. BACKGROUND

More than half of the one to four million American women abused by intimate partners each year have children under the age of twelve,¹ and every year, at least 3.3 million children are exposed to parental violence.² The impact of domestic violence on children is well documented. Immediate harm may include inadvertent physical injury,³ intentional physical violence,⁴ and sexual abuse.⁵ The long-term consequences of childhood exposure to domestic violence range from delayed development⁶ to behavioral and emotional problems.⁷ In 1995, the U.S. Advisory Board on Child Abuse and Neglect cited domestic violence as the “single major precursor to child abuse and neglect fatalities in the United States.”⁸

Unfortunately, the children’s safety is not assured once the victim leaves the abuser, and unsupervised visitation poses a risk of continuing violence.⁹ Abusers sometimes retaliate severely against victims who leave them, a phenomenon known as separation violence.¹⁰ Retaliation may include heightened physical abuse, threatening or attempting to take custody of the children, abusing, stalking or harassing the victim and children, or abducting the children.

Consequently, when a victim attempts to leave an abusive relationship, courts should recognize that custody or visitation orders require, foremost, safety considerations. In most states, custody determinations are based upon the best interests of the child.¹¹ When crafting visitation orders, creating safety provisions that provide for continued and consistent protection during visitation and visitation exchanges is critical. Considering the safety of the custodial parent promotes the best interests of the children, and is crucial to their safety, as well.

A visitation order can be a court-sanctioned means through which an abuser can continue to have regular contact with the victim and children at a time when they are at an increased risk of harm.¹² Judicial establishment of safe times, places and procedures for visitation exchanges is critical to the safety of victims and children.

Sometimes, requiring supervision by a neutral third party also enhances safety. Orders allowing a family member to supervise visitation or visitation exchanges do not adequately address safety and place the family member at risk of violence or manipulation by the abuser. Family members are also

more likely to tolerate inappropriate behavior or violations of the visitation order.

Visitation orders that do not consider safety issues provide abusers with opportunities to continue control and abuse of the victim and children. An abuser may threaten or actually abduct children during visitation in order to force the victim to return to the relationship. An abuser may also harass a victim by constantly arguing about visitation issues such as the time and place of exchange, or manipulate the victim by being late or early for visitation exchanges. Visitation orders lacking specificity also provide abusers the opportunity to have continuing contact with the victim in court by re-litigating the terms of the order again and again. Most dangerously, an abuser can use the knowledge of the victim's whereabouts at the time of a visitation exchange to make threats seem more credible and immediate.

2. DISCUSSION

Legislatures, courts and attorneys can and must address the safety risks inherent in visitation and visitation exchanges in cases in which one parent has abused the other. This can be accomplished by enacting safe visitation statutes, implementing safe visitation and visitation exchange procedures, issuing and enforcing very explicit safety orders and zealously advocating for clients' and children's safety needs in visitation matters. The American Bar Association should encourage and support all efforts to prioritize safety considerations in visitation orders and exchanges.

Legislatures can address these safety issues by enacting laws which require courts to consider the safety of victims and their children when issuing custody and visitation orders. Several legislative efforts to address this problem already exist. For example, in 1994, the National Council of Juvenile and Family Court Judges issued the Model Code on Domestic and Family Violence, which contains provisions pertinent to safe visitation. In Section 405, the Model Code states:

1. A court may award visitation by a parent who committed domestic or family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic or family violence can be made.

In a visitation order, a court may:

a. Order an exchange of a child to occur in a protected setting.

Order visitation supervised by another person or agency.

Order the perpetrator of domestic or family violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation.

Order the perpetrator of domestic or family violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding the visitation.

Order the perpetrator of domestic or family violence to pay a fee to defray the costs of supervised visitation.

Prohibit overnight visitation.

Require a bond from the perpetrator of domestic or family violence for the return and safety of the child.

Impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic or family violence, or other family or household member.

Whether or not visitation is allowed, the court may order the address of the child and the victim to be kept confidential.

The court may refer but shall not order an adult who is a victim of domestic or family violence to

attend counseling relating to the victim's status or behavior as a victim, individually or with the perpetrator of domestic or family violence as a condition of receiving custody of a child or as a condition of visitation.

If a court allows a family member or household member to supervise visitation, the court shall establish conditions to be followed during visitation.

In addition, Section 406 requires that states have supervised visitation centers in order to provide a secure setting for visitation and visitation exchanges, with trained security and domestic violence safety personnel on site.

While no state has adopted these sections of the Model Code in their entirety, some states have clearly been influenced by it.¹³ In keeping with the Model Code's concept of safety as the starting point for visitation provisions, Louisiana has developed its own visitation statute. The Louisiana statute limits abusive parents to supervised visitation, and conditions the right to supervised visitation upon the abusive parent's successful completion of a treatment program.¹⁴

In 1997, only twenty-seven states had statutes requiring courts to consider the safety of domestic violence victims or their children to be considered when making visitation decisions.¹⁵ Given that separation from abusers is one of the most dangerous and lethal times for victims, state legislatures must ensure that the safety needs and concerns of victims of domestic violence and their children are met, particularly when courts are requiring interaction between victims, their children, and their batterers.

Courts can address the safety risks visitation poses to victims and their children by identifying, providing and utilizing safe locations for supervised visitation or visitation exchanges. Courts can also enhance safety by inquiring about domestic violence when making visitation determinations in child custody matters, and by crafting safety orders that establish very specific times, dates and places for visitation and visitation exchanges whenever they determine that visitation poses a risk to the safety of a parent or child.

Attorneys can also play an important role in ensuring safe visitation. They must become educated about the risks inherent in visitation where domestic violence is a factor, and advocate for safe visitation and visitation exchanges for their clients.

3. CONCLUSION

Visitation and visitation exchanges constitute a court-sanctioned point of contact between abusers, victims and their children and provide abusers with ongoing opportunities for directed and lethal contact. Visitation and visitation exchanges will continue to pose a substantial threat to the safety of victims of domestic violence and their children until legislatures, courts and attorneys include safety provisions in custody and visitation orders as a matter of course. This requires recognition of the dangers inherent in child visitation arrangements, and the institution of statutes, policies and procedures which address and minimize those risks.

The American Bar Association should encourage individual states, courts and attorneys to consider, implement and utilize safety protocols to protect the safety of victims of domestic violence and their children.

Accordingly, we urge adoption of the enclosed resolution.

Respectfully submitted,

Judy Perry Martinez
Chair, Commission on Domestic Violence

July 2000

FOOTNOTES

¹ Bureau of Justice Statistics Factbook, U.S. Dep't of Justice, Violence by Intimates v (NCJ-167237, March 1998); Bureau of Justice Statistics, U.S. Dep't of Justice, Special Report: Violence Against Women: Estimates from the Redesigned Survey 3 (NCJ-154348, August 1995); American Psychol. Ass'n, Violence and the Family: Report of the American Psychological Association Presidential Task Force on Violence and the Family 10 (1996); S. Rep. No.103-138, at 38 (1993).

² Jaffe, Wolfe, Wilson, *Children of Battered Women*, Sage Publications 19 (1990).

³ Lee Bowker, Michelle Arbitell, & J. Richard McFerron, *On the Relationship Between Wife Beating and Child Abuse*, in *Feminist Perspectives on Wife Abuse* 158 - 162 (Kersti Yllö & Michele Bograd eds., 1990).

⁴ Lee Bowker, Michelle Arbitell, & J. Richard McFerron, *On the Relationship Between Wife Beating and Child Abuse*, in *Feminist Perspectives on Wife Abuse* 165 (Kersti Yllö & Michele Bograd eds., 1990). American Psychol. Ass'n, Violence and the Family: Report of the American Psychological Association Presidential Task Force on Violence and the Family 80 (1996) (40 – 60%); *The Violence Against Women Act of 1990: Hearings on S. 2754 Before the Senate Comm. on the Judiciary*, 101st Cong. (1990) (70%).

⁵ Jan Osborn, *Incest*, in *The Impact of Violence on the Family* 82 (Dean Busby, ed., 1996) (Risk factors associated with incest include an acceptance of male supremacy and an abusive family system).

⁶ Hearings on Women and Violence, Committee on the Judiciary, U.S. Senate, *Ten Facts About Violence Against Women* 78 (August 29 & December 11, 1990).

⁷ Substance Abuse and Mental Health Services Administration, U.S. Dep't of Health and Human Services, *Substance Abuse Treatment and Domestic Violence* 17 (DHHS Publication No. (SMA) 97-3163, 1997).

⁸ Howard Davidson, *Professionals Working with Children*, in *The Impact of Domestic Violence on your legal Practice: A lawyer's Handbook*, 5-20, (Goelman, Lehrman, Valente, eds., 1996) citing U.S. Dep't of Health & Human Services, *A Nation's Shame: Fatal Child Abuse and Neglect in the United States* (1995).

⁹ The National Council of Juvenile and Family Court Judges found that “the propensity for continued violence remains after the divorce or separation and frequently recurs during unsupervised visitation or joint custody.” National Council of Juvenile and Family Court Judges, *Family Violence Project*, 25.

¹⁰ Bureau of Justice Statistics, U.S. Dep't of Justice, Special Report: Violence Against Women: Estimates from the Redesigned Survey 4 (NCJ-154348, August 1995) (separated women were 3 times more likely than divorced women and 25 times more likely than married women to be victimized by spouses).

¹¹ In 1990, Congress unanimously passed a resolution that “credible evidence of physical abuse of one's spouse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive spouse.” [H.R. Con. Res. 172, 101st Cong. (1990)]. A review of state statutes in 1997, reveals that seven states adopted a similar presumption against awarding custody to an abusive spouse and that twenty states require that evidence of a history of abuse be considered in determining the best interest of the child.

¹² Julie Kunce Field, *Visiting Danger: Keeping Battered Women and their Children Safe*, Clearinghouse Review, Special Issue 1996, at 296.

¹³ See e.g., Wyoming's statute, §§ 20-2-112, 35-21-105, which encompass all of the Model code provisions in § 405, except #4.

¹⁴ Louisiana Revised Statutes 9:364 (1999).

¹⁵ Domestic Violence and Child Custody Disputes: A Resource Handbook for Judges and Court Managers, National Center for State Courts 1 (1997).

**For help call the National Domestic Violence Hotline:
1-800-799-SAFE 1-800-787-3224 (TTY)**