

FOSTERING CONNECTIONS THROUGH MEANINGFUL FAMILY TIME

**2014 UTAH COURT IMPROVEMENT
SUMMIT**

Salt Lake City, Utah

August 14, 2014

Judge R. Michael Key, Troup County Juvenile Court

What is the Visitation Protocol Project?

- Project of the Georgia Court Improvement Initiative and the National Council of Juvenile and Family Court Judges
- Joint Project of the Permanency Planning Department and the Domestic Violence Department of the National Council
- Multi-Disciplinary Workgroup
- Work in Progress

Why Did We Do the Visitation Protocol Project?

- Because it was the right thing to do. What we were doing, or not doing, was hurting children and families.
- The data.

What is “Family Time”?

- “Visitation” does not adequately describe the time families need together, either quantitatively or qualitatively.
- “Family Time” should be frequent, consistent, and as “family-like” as possible given the state of disruption within the family.

Goals of the Project

- Reach consensus for minimum family time;
- Identify innovative practices;
- Identify the roles of various persons and agencies with reference to visitation; and
- Develop a decision model to ensure that all relevant factors are considered and properly weighed in setting family time.

Core Principles

- Whenever children are removed from their homes by state action, the state has a legal responsibility to provide meaningful and safe visitation.
- There is value in having a beginning point in the decision making process that is research-based.
- Family time plans should be based on the unique facts of each case, allowing for variation from the default provisions where certain factors, or “special circumstances”, are present.

Core Principles, Continued

- Although it is generally true that whatever is good for the parent is good for the child, when there is a conflict between what is in the best interest of the child and what is in the best interest of the parents, the best interest and well-being of the child shall always take precedence.
- An initial opportunity for family time should be made available within the first five (5) working days following physical removal of the child from the home.

Core Principles, Continued

- Within thirty (30) to forty-five (45) days following removal of the child from the home, if the child remains in care, the agency should develop a more case-specific family time plan, taking into account the facts as they have developed in the case, and seeking input from the parents, the child, and the CASA or other child advocate.
- Whenever possible, involvement of the parents and the foster parents together in the development of the family time plan is important.

Core Principles, Continued

- Throughout the life of the case, circumstances change and facts become known that previously had not been considered in developing the family time plan.
- Family time plans must never be used as a threat or form of discipline to the child or to control or punish the parent.
- Family time decisions are not made in a vacuum, so decisions regarding family time need to be made with consideration given to where the child is placed.

Core Principles, Continued

- The failure to provide for meaningful family time for children removed by state action, early and throughout the life of the case, may constitute a failure to make reasonable efforts to reunify families or to effect and finalize an alternate permanency plan.

Default Provisions- Working Assumptions

- Focus on duration and frequency.
- Contemplate only supervised visitation at this point in the project.
- Driven by the needs of the children and families, not controlled by readily available resources, but influenced by an overlay of reasonableness.
- Reunification is the permanency goal.

Troup County's Protocol

Troup County's Protocol

- The children shall be provided meaningful and safe Family Time from the time they enter care until the reunification is accomplished or until further order of the Court. The Agency shall provide as much Family Time as possible consistent with the best interests of the child, both in terms of frequency and duration, and to provide that opportunity in such a place and manner so as to make it as natural as possible.
- The Family Time Default Provisions contained herein are merely the minimum Family Time and, when possible and appropriate, provision of more Family Time shall be made.

Troup County's Protocol

- Family Time Plans should be based on the unique facts of each case, allowing for variation from the Default Provisions where certain factors, or “special circumstances”, are present. However, whenever there is a variance from the Default Provisions that result in *less* family time, the reason for the variance should be articulated to all relevant parties to the case, factually based, appropriately documented, and approved by the Court.
- Should there be a conflict between what is in the best interest of the child and what is in the best interest of the parents, the best interest and well-being of the child shall always take precedence in developing and implementing the Family Time Plan.

Troup County's Protocol

- Wherever used herein, the term "Family Time Plan" shall mean and refer to the schedule developed and implemented for the time the child, parents, and, where applicable, siblings spend together.
- An initial period of Family Time, consistent with the duration provided for in the Default Provisions, should be made available within the first five (5) working days following physical removal of the child from the home.

Troup County's Protocol

- At the shelter care hearing, the court shall put in place, or ensure that the agency has put in place, a meaningful Family Time Plan. This Family Time Plan shall remain in place until adjudication or until the plan is changed in accordance with the decision model provided for herein. Except to the extent special circumstances that justify a variance are established at the shelter care hearing, the pre-adjudication family time plan should, at a minimum, provide for family time substantially in accordance with the Default Provisions.
- In developing the Family Time Plan, there shall be a presumption that the Family Time shall not be supervised. The presumption may be rebutted based on evidence presented at the 72-hour hearing or any other subsequent hearing where Family Time is addressed.

Troup County's Protocol

- Within thirty (30) to forty-five (45) days following removal of the child from the home, if the child remains in care, the Agency shall develop a more case-specific Family Time Plan, taking into account the facts as they have developed in the case, and seeking input from the parents, the child, and the CASA or other child advocate.
- Family time plan should be developed in a family conference with as many of the following participants present and/or consulted: (1) the parents; (2) the child; (3) the CASA and/or attorney for the child; (4) family members with whom the child has a significant attachment; (5) foster parents; (5) service provider who is in a position to offer constructive comment in regard to Family Time; (6) any provider who has assessed the child; and (7) other persons demonstrating a significant attachment or commitment to the child.

Troup County's Protocol

- Whenever possible, the parents and the foster parents should be involved in the development and implementation of the Family Time Plan.
- The Family Time Plan should not be rigid, but should allow sufficient flexibility for change as circumstances warrant to ensure the safety and well-being of the child. Provided, however, that when the family time plan is changed, there should be safeguards in place to protect the rights of all parties.
- Family time plans shall not be used as a threat or form of discipline to the child or to control or punish the parent

Troup County's Protocol - Default Provisions

- Age Birth to 6 Months- 30 to 60 minutes 3 times per week.
- Age 6 to 18 Months- 1 hour 3 days per week.
- Age 18 months to 3 years- 1 ½ hours 2 times per week.
- Age 3 to 5 years- 2 or more hours 1 time per week.
- Age 5 to 12 years- 2 or more hours 1 time per week.
- Age 12 to 18 years- No specific recommendation.

Troup County's Protocol – Special Circumstances

- The default provisions provided for in Paragraph 13 hereof shall apply in every case unless, based on the unique facts of each case, a variation from the Default Provisions is warranted. In considering whether to vary from the Default Provisions, consideration shall be given to any special circumstances which might exist including, but not limited to the following:

Troup County's Protocol – Special Circumstances

- Safety, which shall always be of paramount concern;
- Any special purpose for the Family Time based on the facts of that particular case;
- The permanency plan for the child;
- Existence of a concurrent plan;
- Participation of siblings, including adults and children;

Troup County's Protocol – Special Circumstances

- Presence of domestic violence;
- The schedules and activities of the children;
- The schedules and activities of the parents;
- The relationship between the child and the current caregiver;
- The relationship between the child and the parents before removal;

Troup County's Protocol – Special Circumstances

- Transportation;
- The activities planned for Family Time;
- The reasons for removal of the child from the home;
- Other existing court orders;
- Placement of the child;
- Placement of the parent; and
- The history of the parent's exercise of parenting time.

Troup County's Protocol – Family Time for Siblings

- The particular relationship between the siblings in individual cases should always be considered because, generally speaking, sibling contact is at least as important as contact between children and their parents.
- If siblings cannot be placed together, the Family Time Plan should make specific provisions for contact between siblings. It is not necessary that all siblings be present for all family time. Considering the children's ages and activities it may be perfectly appropriate to have some family time as a complete family unit, and some spent with various parts of the family unit. Provided however that, the duration, length, or quality of family time for one child or parent should not be sacrificed on account of another child or parent.

Troup County's Protocol –

- In all matters relative to the establishment of a Family Time Plan the work of the Visitation Protocol Project, including the Domestic Violence Team Report from the Project, as it progresses shall be considered.
- In any case where reunification is still the permanency plan in the case and supervised visitation is still required six months following the removal of the child from the home, a hearing shall be held at the first available hearing date to show cause why there is still a need for supervised visitation.

Troup County's Protocol –

- At the first Citizens' Panel Review held following removal of the child from the home (usually held four months following removal), if there is not a plan in place to move to unsupervised visitation no later than six months following removal from the home, the case shall be referred to the Court for a review of the case generally and of visitation specifically.

Two New Related Projects

Two New Enhancements

- Enhancing Quality of Visitation to Promote Permanency
- Milestones to Permanency

What is a Milestone?

- A stone or marker functioning as a milepost.
- A significant event or stage in the life, progress, development, or the life of a person, nation, etc.
- Milestones are those points where time and specific events intersect.
- They are the critical stages of the case plan where decisions are made, actions are rewarded, or sanctions are administered.

Barriers

- Agency resistance
- Attitude
- Money
- Case manager time and energy
- Transportation
- Culture of supervised visitation in all cases
- Sustaining

Open Discussion.

Invite written follow-up comments to:

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The kids we serve.

- Their belongings in a bag, their hearts on a sleeve, or tucked securely away,
- Their futures not their own, but held in the hands of those who do not know them.
- Their worlds asunder; insecurity and mistrust their constant companions.
- They come to us looking for answers, for understanding, for hope, for resolution.
- What we give them will determine who they are and who they will forever be.
- Equally as important, what they become because of their having passed our way, will define our lives and our place in history.