# Visitation



Addressing the Issues of Visitation and the Engagement of Incarcerated Parents in the Child Dependency System

A Report to the Pennsylvania State Roundtable May 2011 Dear Statewide Children's Roundtable Members:

With your approval the Visitation and Incarcerated Parents Workgroup was created to identify barriers and problems surrounding visits and to identify best and promising practices for frequency of visits, supervision of visits, quality of visits, and location of visits.

We also were tasked to take a look at engagement of incarcerated parents in case planning, engagement of incarcerated parents in the delivery of services, engagement of incarcerated parents in the court process, as well as the issues of visitation for incarcerated parents.

Between September of 2010 and May of 2011, the workgroup worked diligently to develop a plan for Pennsylvania to enable children and parents to experience quality visits to help minimize trauma to children who have been removed from their homes and communities, to help children and families maintain, develop and improve their bond and connection, to enhance the well being of children in foster care, and that will hopefully move children to permanence more quickly. We tackled the difficult issue how to engage incarcerated parents.

We invited youth and parents to our meetings. They provided a lot of insight into the issues of visitation and, from their perspectives, what works and what doesn't work. We also had input from two wardens of local county jails, who had very different views of how we should engage incarcerated parents and how visits with incarcerated parents should occur.

We also looked nationally and within the Commonwealth of Pennsylvania, to identify those services, programs and systems that deliver quality visitation with good outcomes and are working to improve the issue of engaging incarcerated parents.

We have worked hard to develop what we believe are solid recommendations and an exciting plan for Pennsylvania, and we are proud to present our report to you. It has been a privilege to serve in this capacity.

Sincerely,

Dana Revay, Co-chair

Visitation & Incarcerated Parents Workgroup

Kim Berkeley Clark, Co-chair

Visitation & Incarcerated Parents Workgroup

### **Visitation & Incarcerated Parents Workgroup Members**

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Judge

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# Addressing the Issues of Visitation and the Engagement of Incarcerated Parents in the Child Dependency System

### A Report to the Pennsylvania Statewide Children's Roundtable

### **FOREWORD**

In 2010, at the recommendation of the Pennsylvania Statewide Children's Roundtable, a Fatherhood Workgroup was created to examine how fathers are engaged in dependency proceedings. Among other issues concerning fatherhood engagement in the child welfare system, the Fatherhood Workgroup examined visitation for fathers and the issue of incarcerated parents. The workgroup discovered that the concerns with visitation and incarceration were not limited to fathers. Problems with frequency and quality of visits occur with mothers as well as fathers, with siblings, and with others that have a significant relationship with the dependent child. The difficulty in engaging incarcerated fathers also applied to incarcerated mothers.

Accordingly, in the preliminary report that was presented to the Statewide Children's Roundtable in 2010, the Fatherhood Workgroup made the following recommendations.

- 1. Because the issues with visitation are not limited to fathers, we recommend that the workgroup continue and be expanded to thoroughly examine and identify the issues surrounding visits; to develop best practices; and make recommendations with respect to the frequency of visits for both parents, the quality of the visits for both parents (including incarcerated parents), the location of visits, sibling visits, grandparents' visits, visits with others, and supervision of visits.
- 2. We recommend that the group should move towards working with the Department of Corrections and Wardens to develop a visitation protocol for incarcerated parents.
- 3. We recommend the creation of a parent handbook (for mothers and fathers) to assist parents in understanding their rights.

The Statewide Roundtable accepted these recommendations and the Visitation and Incarcerated Parents (VIP) Workgroup was formed. Between September of 2010 and May of 2011 the VIP Workgroup worked hard to identify barriers and problems surrounding visits and to identify best and promising practices for frequency of visits, supervision of visits, quality of visits, and location of visits.

We also took a careful look at engagement of incarcerated parents in case planning, engagement of incarcerated parents in the delivery of services, engagement of incarcerated parents in the court process, as well as the issues of visitation for incarcerated parents.

### Fatherhood Survey

In order to have a better understanding of specific practices and areas of improvement that pertain to Pennsylvania, the fatherhood workgroup devised a comprehensive survey that was sent to all sixty-seven jurisdictions. The focus of the survey was information gathering in areas that predominately mirror the focus areas of the group so that they can put effort into the areas that will have the most impact on improving the well-being and timely permanence for children. The survey included categories for assessing practice in visitation for fathers and engaging incarcerated fathers. Of the 67 surveys distributed, 41 were returned for a response rate of 62%. The survey results were synthesized and were used to guide the development of practice recommendations in the focus areas. With respect to the frequency with which non-resident fathers attend visitation with their children, the counties answered as follows.

|                             | Nev | er |    |   |   |   |   | Δ | lways |    |
|-----------------------------|-----|----|----|---|---|---|---|---|-------|----|
| Likelihood                  | 1   | 2  | 3  | 4 | 5 | 6 | 7 | 8 | 9     | 10 |
| Frequency<br>of<br>Response | 1   | 7  | 11 | 7 | 7 | 8 | 0 | 0 | 0     | 0  |

As to the issues of whether there are differences in what is court ordered for incarcerated mothers and incarcerated fathers—3 counties responded yes and 37 counties responded no.

As to whether the county facilitated visitation with incarcerated fathers—32 counties responded yes and 8 counties responded no.

### VISITATION—Visitation is a Right—Not a Privilege!

### I. The Importance of Visitation: What is Visitation?

Children enter out-of-home placement because of concerns with the family that are serious enough that a child's safety cannot be ensured if they remain at home. Out-of-home placement is a devastating event for the child and the entire family. The trauma of separation can affect a child's cognitive, emotional, and behavioral well-being and the effects can last a lifetime. Separation is traumatic for parents as well; it can affect their overall ability to function.

In most cases, the parent-child relationship must be preserved in order for children and parents to achieve optimal functioning. The primary purpose of visitation is to preserve or develop the bond between the parent and the child. Visitation (as well as other contact) provides an opportunity to improve and establish a healthy parent-child relationship; provides the opportunity to help the child manage the impact of separation from the family and community; provides the opportunity for ongoing assessment; and provides the parents with the opportunity to learn, improve, develop, and practice parenting skills.

Frequent, meaningful, and quality visitation is an important predictor of reunification. Visitation is also instrumental in indicating that a concurrent plan for permanency is necessary. Accordingly, without visitation that is frequent and purposeful,

the parent-child bond and relationship can deteriorate and the parent and child can become emotionally detached. When this occurs, the possibility of reunification becomes next to impossible.

Some benefits of parent-child visitation are:

- Frequent contact minimizes the negative impact of separation.
- > Visitation enhances the child's emotional well-being and adjustment.
- Contact with parents helps the child to address the idea of "bad things" happening to their parents and can address issues of self-blame.
- ➤ Visitation helps to communicate the agency's belief that the family is important to the child, and the caseworker, which supports family involvement and timely reunification.
- ➤ Visitation assists parent's feelings about the placement and decreased their concerns about how their children are being cared for by the placement resource.
- ➤ Visitation that is frequent and meaningful is highly correlated with achieving the outcome of reunification for children or is indicative of the need to establish a different permanency goal for the child. Strong visitation practices lend themselves to a decreased time in care for the child.

A great deal of research has been conducted with regard to visitation and the impact it has upon the children and their relationships with parents and other significant people in their life. The research lends evidence as to why visitation is such a critical practice component if the well-being of children is to be maintained while they are in placement. Hess states, "Children in care who are visited frequently by their parents are more likely to have high well-being ratings and to adjust to placement than are children less frequently or never visited. Children who are more frequently visited are more likely to be discharged from placement, and to experience shorter placement time in months." (Hess, 2003. P. 2) In addition, visiting is the **primary** casework intervention for maintaining and supporting adequate parent-child relationships necessary for successful reunification (Haight, 2001).

Even children who will not reunify with their parents benefit from visitation with their family. Visitation for children with a goal of PLC/SPLC/APPLA (especially those "aging out" of care and likely to return to their parent) can help them:

- Reestablish a relationship with their family.
- Understand the safety/risk factors that may still exist.
- Understand their parents', or other caregivers', capacity for change.
- Recognize their own needs versus the family's needs and recognize their feelings of loyalty and obligations to their families.

Children with a goal of adoption benefit from visitation in the following ways (Hess, 2003, p.3):

Visitation offers an opportunity for a child and parent to say goodbye to each other. This ties in with the fact that the child may eventually reconnect with the biological family.

- ➤ Visitation offers an opportunity for the parent to accept, demonstrate and/or communicate responsibility for the behavior that is preventing the child from returning home; and,
- Visitation offers an opportunity for the parent to send the child a supportive message to move on to a new permanent family.

For visitation to be used as a tool for successful reunification or other permanency planning, the agency staff must realize the importance of visitation by holding and acknowledging the following values.

- Visitation is a right for children and families, not a privilege.
- Visitation builds upon existing relationships.
- > Visitation honors an existing bond while providing a safe environment in which to build upon the parent-child attachment.
- Visitation provides for family continuity.
- Visitation respects parents and acknowledges their strengths.
- Visitation needs to be planned and purposeful.
- Visitation needs to be the least intrusive possible and held in "home like" settings. The degree of supervision should depend upon safety and risk.
- Visitation should utilize a family driven plan that is individual.
- Visitation and other contact should never be used as punishment for the child or parent.
- > The strengths of the family and the child should be recognized and respected when planning visitation.

### II. WHO SHOULD PARTICIPATE IN VISITATION?

When agencies are completing an assessment on families, there should be an indication of persons with whom the child has a significant relationship. Completion of a genogram can help to identify these relationships. A relationship would be considered significant if the loss of such relationship would cause substantial harm and loss for the child. It is in the child's best interest to preserve relationships where there has been bonding, trust, love, and mutual caring. These relationships could include parents, grandparents, aunts and uncles, siblings, and other adults who have acted in the role of surrogate parent or as mentors or a system of support for the child.

The importance of preserving important relationships for children has been addressed by recent federal and state legislation, particularly that of the sibling relationship. A piece of federal legislation, The Fostering Connections Act of 2009 requires agencies to complete a thorough search for relatives within 30 days of the child's placement and also requires an agency to place siblings together whenever possible and to document thoroughly why this action was not possible when siblings are separated. Sibling visitation is to take place no less than twice a month if the siblings are in different placement settings. Act 115 of 2010 was recently enacted in Pennsylvania and addresses the need to place siblings together and provide for frequent visitation. Pennsylvania has also enacted Act 101 of 2010, which addresses the preservation of family relationships post-adoption.

The court may specify who may and may not visit the child and the frequency of those visits. In most cases, visits with parents and siblings will take priority. If there are

disagreements as to who should be visiting the child, the agency should meet with the parent and child (if appropriate) to mediate the differences. Often, other parties such as grandparents can participate in the visits with one of the other parties.

Expanding the number of participants who visit with the child should always be done with consideration to what is in the best interests of the child.

### III. THE IMPORTANCE OF INVOLVING FATHERS

With families involved in the child welfare system, there are many fathers who have not been living in the home and who have not been actively involved with the children. The workgroup identified the following barriers to a father's engagement and participation in their children's lives:

- > Father has not had prior involvement with the child.
- Focus of the agency and the court is on returning the child to the mother, particularly if the parents are divorced, separated or were never married.
- Fathers do not respond to traditional outreach from agencies.
- Mother's are extremely resistant to a father's involvement in their children's lives with or without substantial reasons.

This being said, children can greatly benefit from the involvement of fathers in their lives. Accordingly, the workgroup makes the following recommendations.

- It is in the best interest of a child to have regular visits and contact with the father.
- > The agency or the court should determine what the level of contact has been prior to the initiation of the dependency proceeding, what the child's needs and wishes are, and whether visitation should be increased or decreased.
- At the very least, absent safety considerations, a child's visits or contact *after* the initiation of a dependency proceeding should be the same or similar as the child's visits or contact with father *prior* to the dependency proceeding.
- > The agency and the court must recognize that every family system is not the same and visitation needs to be planned within that context. It is crucial to respect the family system.
- Fathers should be encouraged to utilize all forms of contact, not just visitation. Children also enjoy letters, cards and telephone calls. Cards and letters can become important keepsakes for children.
- Family Group Decision Making can be effective in developing the visitation plan.
- > Transportation to visits can be difficult, if the child is placed far from where father resides. Therefore, this should be taken into consideration before a child is placed.

The agency should ensure that visits with father are quality visits.

- > The "atmosphere" during the visits should reflect engagement and mutual respect.
- Dads engage differently than moms. The visits should be structured so that fathers can be active participants and can accommodate the different ways in which parents interact with their children. This is especially important with active children and teens.

Consider having visits occur in places other than the agency office. Visits in the office may restrict a father's ability to engage and interact in a meaningful way. Father's don't always do well sitting down with the child and reading a book or playing a board game. Consider non-traditional spaces for visitation, like a basketball court or a playground. Other structured outing such as a movie and lunch might also facilitate more natural contact between the father and child.

Fathers need to be given the same opportunities to take an active role in their children's lives as mothers. Visitation affords an opportunity for the father to develop his parenting skills and gives the agency the opportunity to assess the father's ability to parent their children and his commitment to forming and/or improving the relationship.

### IV. FREQUENCY, DURATION, AND INTENSITY OF VISITS

As previously stated, in most cases, frequent visitation is critical to minimizing the trauma of separation and to maintain, develop, and repair the bond and relationship between a child and the parents. It is a key component to reunification. Accordingly, the workgroup makes the following recommendations:

### Infants & Toddlers

- > The first visitation should occur within 72 hours of the removal of a child from the care of the parents or guardians.
- ➤ Infants and toddlers should have visitation for a minimum of 3 times per week. If possible, new-borns and infants should have daily visitation with their parents in order to establish a bond.
- > The agency and the court should look for kinship caregivers or foster homes as close as possible to where the parents live, in order to facilitate frequent visitation.

### Children Ages 5 to 12 Years

- > The first visitation should occur within 72 hours of the removal of a child from the care of the parents or guardians.
- In developing a visitation plan, the agency and the court should consider the fact that the children may be involved in sports and other activities that are important to the child. Accordingly the court should consider decreasing the frequency of the visitation by increasing the duration of the visitation.
- Parents should be encouraged to attend collateral activities (sports, school, medical appointments, etc.)
- In any case, visitation should occur at least once a week.
- > The court should discourage "visitation at the discretion of the child."

### Children Ages 13 to 17 Years

- > The first visitation should occur within 72 hours of the removal of a child from the care of the parents or guardians.
- In developing a visitation plan, the agency and the court should consider the fact that as children age, they become more independent, may have developed full social

- lives, or may have obtained employment, which will result in the child wanting less frequent visits or limiting the time that the child can visit.
- The court should consider the wishes of the child, but the court should discourage "visitation at the discretion of the child."
- ➤ In most cases, visitation should occur at least once a week. With respect to the duration of the visits, we recommend that the best practice is to let the visit end naturally and not set a specific duration (i.e., 1 hour, 2 hours, etc.).

Children Ages 18 to 21 Years—We recommend that adult children who have consented to remain under the supervision of the juvenile court beyond the age of 18 years, should have visitation at their discretion.

### **General Considerations**

- > In all cases the safety of the child is the primary consideration when ordering visits.
- In cases where the goal is reunification, the objective is to move as quickly as possible (while ensuring the safety of the child) to move from supervised visits to unsupervised and then to overnight and weekend visits.
- ➤ In all cases, visitation should be supplemented by other forms of meaningful contact (telephone calls, cards, letters, attendance at school and athletic events, attendance at medical appointments, etc.
- ➤ In cases with large sibling groups, the court should consider separating sibling visits so that the parents have quality time for visits.
- > Absent safety or other concerns, sibling visits should occur at least twice per month.
- > The visitation plan should address visits with others.

### V. THE ROLE OF THE COURT

The judge or master has the legal responsibility for oversight and the development of the visitation plan. Accordingly, we recommend the following with respect to the role of the court in oversight and development of the visitation plan.

- At the shelter hearing the judge or master should ask whether a visit has occurred since the removal of the child. If a visit has not occurred, the court should order the visit to take place within 72 hours of the removal of the child from the care of the parents or guardians.
- If the child is not returned at the shelter hearing, the judge or master should ask the agency for their recommendation as to a visitation plan. If the agency is recommending supervised visits, the judge or master should require the agency to state on the record the reasons, related to the safety of the child, that supervised visitation is recommended. If there are no safety concerns, the judge or master should order unsupervised visits.
- In deciding the issue of placement of the child, the judge or master should consider how the placement of the child will impact upon the parents' ability to have frequent visitation.
- The judge or master should set forth on the record, the visitation plan and what is expected. This is important, because the parents may not always read the court order.

- The court order should set forth, in clear and concise language, the visitation plan, which should include the following: whether visitation should be supervised and the reasons for the supervision, the frequency and duration of the visitation, where visitation should occur, whether a report of the visitation is required and what information the court wishes to receive, who will transport the child to visits, what assistance should be given to the parents to transport them to visit the child. The court order should also address sibling visitation and visitation with grandparents and others, including the frequency, location and supervision of theses visits.
- ➤ The judge or master should also order the parents or guardians to have contact with the child by telephone calls and by sending letters and to attend school meetings and activities, athletic events, medical appointments, and the like.
- At every hearing, the judge or master should ask whether the visitation plan has been complied with and if not why. If the agency has not followed the visitation plan, the court should consider entering a finding of no reasonable efforts.
- At every hearing the judge or master should examine the visitation plan and consider changing it so that it is commensurate with the permanency goal. For example, if the goal is reunification and the parents have been compliant with the permanency plan and are making progress, the judge or master should consider increasing the visits from supervised to unsupervised or from unsupervised to overnight.
- If visitation is observed or therapeutic, the judge or master should ask whether the parents have made any improvements in the bond or relationship or in parenting ability.
- The judge or master should always ask the child about the visits—whether the child felt safe, whether the child enjoyed the visits, whether the child wants to increase the visits, etc.
- > The judge or master should never withhold visitation as punishment. Visitation is a right, not a privilege!

### VI. SUPERVISION AND OVERSIGHT OF VISITS

### Introduction

Oversight of visits is a shorthand phrase for addressing how visits should be supervised, monitored, facilitated, or reported to the court. The question for the parties to answer is: should someone other than the parents and child be present during the visit? While visits should be as natural as possible, the parties and courts must consider supervision, monitoring, or facilitation if there are safety threats to the child, if someone needs to report how a visit went to the court, or if the parent and child could otherwise benefit from some help during the visit. Visitation should be organized with the minimum level of oversight possible but still meets the child's safety needs. Oversight may be necessary to facilitate interactions between the parent and the child, to model positive parenting behavior, to mediate conflicts between the parent and child, and to provide protection to the child. Where visits require supervision, monitoring, or facilitation, the visitation plan should contain the reasons oversight is required and what must change for oversight to decrease.

In addition to considering whether visits require supervision or monitoring, the parties must determine who should be supervising, how often they should check in with the parent and the child, and what training is required for supervision to be successful.

### **Levels of Oversight**

When determining the level of oversight that is appropriate for a visit, the agency and the court should consider the child's safety, the family's needs, and all the resources available to meet these issues.

Parents should not be required to "prove" their ability to keep their children safe during the visits, and visits should not be supervised by default. The workgroup recommends the following:

- Supervision should only be used where there is an articulated reason for supervision that relates to the physical, mental, or emotional safety of the child.
- Oversight should only be used where it meets a specific, documented need of the family.
- ➤ When visits must be supervised, there should be a plan for visits to progress to unsupervised when the permanency goal is reunification.
- Visits should never occur at the discretion of the agency.

### **Unsupervised Visits**

Unsupervised visits are preferred, because they promote normal parent-child interaction. Unsupervised visits are appropriate if the parent can safely meet the child's needs given the time, place, and other safety measures in place for the visit.

### **Entirely or Closely Supervised Visits (Sight and Sound)**

Closely supervised visits provide the highest level of oversight during a visit: the child must be in the supervisor's line of sight during the visit. There must be a specific documented safety concern for this level of supervision. Supervised visits are appropriate where the child is a victim of the physical, sexual, or emotional abuse by the parent, where there are legitimate concerns that a parent might ask, pressure, or intimidate a child to recant allegations, where there is a risk that a parent might abscond with the child, or where the parent's supervision of the child is so lacking that the child cannot safely be alone with the parent given the other parameters of the visit.

If visits require constant supervision, the person supervising the visit should be trained on what to do and how to intervene if the parent engages in behavior that threatens the child safety.

If safety concerns can be addressed in the visitation plan without requiring constant supervision, then the court and the agency should consider a less restrictive level of supervision. For example, the location of the visit may ensure the child's safety.

### **Therapeutic or Structured Visits**

Therapeutic visits are appropriate where the parent and child have a strained relationship, where the child witnessed or was the victim of abuse, or where the parent would benefit from a better understanding of the child's mental, emotional, physical, and social development. Therapeutic visits are facilitated by a licensed therapist. The therapist

interacts with the family prior to, during, and after the visit to improve or repair the parentchild relationship.

Structured visits help parents develop parenting skills while with their children. The facilitator should be a neutral, trained person who can provide feedback and intervention before, during, and after the visit. The facilitator may assist the parent in developing a plan for the visit, learning how to engage the child, understanding and meeting the child's needs, and setting limits and providing appropriate discipline.

### **Monitored & Observed Visits**

Monitored or observed visits fulfill two important purposes for children in foster care. First, monitored or observed visits may be necessary if the court requires a report on how the visit went, whether the parent has or is developing a bond with the child, and whether there has been an improvement in parenting skills.

Secondly, monitored visits can provide a less intrusive way to ensure the child's safety. For example, a visit may be monitored to ensure that a parent with a known drug problem does not arrive under the influence, to redirect a parent who is distracted during visits, or to check in with a child who has reported concerns about his parent.

Examples of monitored visits include: the visit takes place in a relative's house, and the relative is home during the visit; the foster care worker sees the parent and the child at the beginning or end of the visit; or a supervisor drops in occasionally during visits.

### Who Should Supervise the Visits?

Supervision can be provided by a family member or friend, a foster parent, an agency worker, a therapist, or another trained professional. The court and the agency should take into account the reasons for and the level of the supervision when deciding who should supervise the visits. The best supervisor is someone who: understands the child's needs; can supportively intervene or redirect the parent to meet the child's needs during a visit; appreciates a parent's strengths; recognizes improvement; and ensures visiting conditions that allow the parent to demonstrate his parenting skills and maintain his relationship with the child. Accordingly we make the following recommendations.

- Regardless of the level of supervision, the parties should choose a supervisor with whom the parent and child are comfortable.
- > The same person should supervise the visits every time, unless there is a reason to change the supervisor.
- If possible, the same person should transport the child to and from the visits.
- Wherever possible, supervision should be provided by a family member or friend that is familiar to both the parent and the child. However, it is not appropriate for a person who has a known conflict with the parent or child to supervise the visits.
- Visitations supervisors should receive training on how to supervise visits. (See below.)

### **Training for Visitation Supervisors**

Visitation supervisors should be appropriately trained. Visitation supervisors should understand why the visit is supervised and what the level of supervision or oversight is. Training should include:

- appropriate intervention techniques,
- > understanding the normal reactions and behaviors of children and parents before, during, and after visits,
- proper parenting techniques,
- > redirection techniques,
- > family dynamics,
- > effective communication skills.
- > cultural competency and awareness, and
- giving proper feedback.

For certain visits such as therapeutic visits, the supervisor may need to meet educational qualifications.

### **Evaluation and Assessment of Visits**

Often the visitation supervisor or monitor is required to evaluate and assess the quality of the visits and provide this information to the agency and the court.

### Best Practices

- > The visitation supervisor should be available to testify in court, rather than having the caseworker present the written report to the court.
- Agencies should develop a tool to evaluate visits so that evaluations are consistent and conducted in a timely manner.
- Parents should receive feedback immediately following visits so that they can learn what went well and what improvements they can make. Feedback should include the strengths as well as the areas that need improvement.
- It is important that anyone who evaluates or assesses visits understands the normal reactions that parents and children may have before, during, and after visits.

### **Special Concerns and Circumstances for Visits**

### **Domestic Abuse**

Even where the child is not a victim of abuse, the history of family violence should be considered when planning visitation. Parents from homes with a history of domestic abuse should not visit together, even if the abuse is non-violent. One parent should not be responsible for facilitating or supervising the other parent's visitation. Safe, undisclosed drop-off and pick-up locations may be required. Therapeutic visits may be especially helpful for families with a history of domestic abuse.

### Sexual Abuse

In cases of sexual abuse, the court should carefully consider if, when, and how visits should occur between a child and the offender. The court should consult with the child's therapist as to whether visitation is appropriate or will be appropriate in the future. In most cases, visitation between a child and the offender should be supervised by the child's therapist. Where the child's therapist is not available, the visit should be supervised by someone the child trusts.

### **Children in Group Homes**

Frequently, visits for children in group homes do not require any supervision, since these children are older, can report problems with visits, and may be in placement for reasons unrelated to their parents' skills and abilities. As with all visits, many locations are available for children in group homes: weekend passes allow visits in the parent's or other relative's home; day passes allow for community visits; and visits can take place at the facility itself. While children who are placed in group homes must obey the facility's rules and policies, visitation should not be suspended or denied to punish children, enforce rules, or establish a "black-out" period. Visits may be limited to the facility if there is a risk the child will abscond or if there is no other safe place for the visit to occur. However, such visits may not require supervision. Agency contracts with providers should explicitly state that visitation is a right of the child, and that visitation may not be suspended or modified as punishment.

### Parent or Child with Special Needs

The special needs of a parent or child are a primary consideration in determining the appropriate level and type of oversight or supervision. A parent may require supervision during visits with only some of the children. For instance, if one child has a serious medical condition, monitoring may be required; but the parent may be perfectly capable to care for a non-needy child during weekend visits without anyone checking in. A parent with intellectual limitations, made need observation or monitoring to ensure that the basic needs of the child are being met (diaper changing, feeding, etc.).

Timing is very important for visitation when the parent, child, or both have special needs. For example, the failure-to-thrive child of a cognitively-limited parent may benefit from a facilitated visit during his normal eating times; that way, the facilitator can help the parent learn to feed the child the right foods in an appropriate way.

### VII. LOCATION OF VISITS

### Location, Location—Why Does Location Matter?

The location of the visits has a direct impact upon the quality and the success of the visits. The location sets the tone for the visit by affecting the parents' and child's comfort levels. Location also is an important factor in making the visit safe. Choosing a location that is convenient for all parties may make more frequent visitation possible. Additionally, the law states that visitation must take place in the most natural, family-like setting possible. At least one study found that natural, family-like settings for visitation promote reunification.

<sup>&</sup>lt;sup>1</sup> Sonya J. Leathers, PhD. "Parental Visitation and Family Reunification: How Inclusive Practice can Make a Difference." 596 CHILD WELFARE • Vol. LXXXI, #4 • July/August

### **Location and Supervision**

Any of the types of locations discussed here may be proper for a family, regardless of the level of supervision that is appropriate. For instance, a parent could be supervised by a caseworker or an approved family member even if the visit occurs in the parent's home. Similarly, a parent could have an unsupervised visit in a visitation house if there is no other safe place for the visit to take place. Those people supervising visits, especially child welfare professionals, must be flexible about traveling to visit locations that are suitable for promoting normal parent-child interaction. Children and Youth agencies should build into their contracts with providers that supervisors may need to travel off-site to supervise visits.

### Visits in the Parents Home

The parent's home is the ideal location for visits to take place. This location should be considered for all of phases of visiting and is especially desirable when the child is transitioning back to living in the parent's home. The parent's home offers a variety of advantages. First, visits in the parent's home are comfortable for both the parent and the child, since it is a place both are familiar with. The child has access to his own toys, room, books, and pictures. This level of comfort best promotes normal parent-child interaction. Secondly, visits in the parent's home allow the family to engage in regular activities. The parent can practice parenting skills in the setting where reunification will occur, which is helpful not only for the parent to develop those skills, but also for accurate observation of the parent's abilities.

Children should visit with their parents in their home as long as the home is safe and appropriate. Safety includes the home itself – are necessary utilities on?; objects in the home – are there drugs frequently in the home?; and people in the home – are other people who live in the home a danger to the child? Some of these issues can be fixed or temporarily changed to allow for safe visits in the home. For example, if another person living in the home poses a safety risk to the child, the parties may be able to develop a safety plan where this person leaves during visitation. Similarly, the agency can help parents make their homes safer by providing smoke alarms, electrical outlet covers, or utility assistance.

### Visits in the Child's Community

Visitation in the child's community provides many of the same advantages as visitation in the parent's home. Visiting in the community allows the child to stay connected with people, places, and activities that are important in his life. Community visits are a good option where there are specific safety concerns with the family home that cannot be easily remedied. Be creative in determining locations. Consider where the family regularly spent time together before the child was placed outside of the home. Churches, malls, parks, community centers, the home of a relative or family, and restaurants are good options.

### Visits in the Child's Foster Home

Visits in the child's foster home may be desirable for certain children. For many children, the foster home is a comfortable, familiar place, and this will help ensure the visits go smoothly. The child will have some of his belongings and schoolwork at the foster home, facilitating activities during the visits. Parents and children can engage in regular activities in the foster home, like eating and doing homework.

For visits to take place in the foster home, it is important that foster parents understand their role during the visits. For instance, if the foster parent is supervising the visit due to safety concerns, he must understand what is expected of him, who he will report concerns and praise to, and what parameters are on the biological parent during the visit. If the visit does not require supervision, the foster parent must be comfortable with allowing the parent and child time alone together. If appropriate, the foster parent can also play an important modeling role for the biological parent during the visit. For such modeling to be successful, the foster parent must know when it is appropriate to jump in during a visit, and the biological parent must be willing to accept feedback.

It is important to understand that visits in the foster home may not be appropriate for all families. If the biological parent and the foster parent do not get along, visits in the foster home are not appropriate. Visits in the foster home may also be difficult if the biological parent is not comfortable in the foster home. The biological parent may feel like he is being judged by the foster parent, or may simply be uncomfortable seeing the home where his child is placed.

### Visits in a Visitation Center

Many counties have a dedicated space designed for the purpose of hosting visits between parents and their children who are in foster care. Ideally, visitation centers are set up to mimic a house – they have spaces for cooking and eating, sitting together, and engaging in the same activities that families do in their own homes. Visitation centers are a good place for visits to take place when safety is a definite concern during the visits. They also provide a neutral setting for the visit to take place.

### Visits in the Agency's Visiting Room

Visits in the agency office are the least preferred. Visits should only take place in the agency visiting room as a last resort and when there are real safety concerns. Unlike the other locations outlined here, visiting rooms are frequently an artificial, uncomfortable, and ill-equipped space for visits to take place.

### Contacts During Appointments and Additional Family Access

In addition to regular visits, parents and children should have as much access to each other as possible, while meeting the child's needs and ensuring his safety. Phone contact and letter writing are important ways for parents and their children to keep in touch between visits. Frequent contact between visits ensures that in-person visits remain a time for the parent and child to maintain their relationship and interact normally, not just catch up on what they have missed while the child was in placement.

Depending on the level of supervision required to protect the child's safety, parents and children should be able to do everyday activities together, like going grocery shopping, visiting approved family members, and participating in after school activities. Parents should also attend professional appointments for their children, like doctors' appointments, meetings with teachers, and individual and family therapy. If the child has momentous occasion, like a birthday party or a performance at school, parents should be involved as well. For these contacts to be successful, parents should be part of the planning process; their schedules should be considered when setting up appointments, and they should be provided with all information ahead of the appointment. Involving parents in day-to-day activities and long-term planning reinforces the parents' responsibility for their children. It also facilitates a smooth reunification process, because the parent is already aware of the issues and knows the important professionals in his child's life.

### VIII. QUALITY OF VISITS

One of the challenges of a worker who is supporting family visits is helping parents not get discouraged—change takes time, and time is what parents feel they don't have when they believe they are losing their children. They get frustrated that "the system" is so slow. Many parents have been debilitated themselves by trauma, learning disabilities, and poverty, and they are fragile as they "start their lives over" in alcohol and drug treatment, domestic violence programs, and employment. Many have their own histories of abuse, neglect, and foster care placement and are still grieving the deaths of family members and other losses, which affect them during visits.

Separating from a child after a visit is so painful that it is remarkable that parents do not give up. Parents whose children have been removed are often in shock for a long time. The loss of their child and the resulting instability and sense of guilt take a toll. When they come for visits, parents may be overwhelmed by their mixed feelings of pleasure, sadness, awkwardness, defensiveness, and competitiveness with the foster parent. Parents often feel more inadequate after visits. Visits do not make most parents feel better.

Coaching parents to prepare for visits, and learn from them afterwards, can help make the pain of visits tolerable for parents so they will return. If planning and debriefing start immediately after removal and parents are helped to visit consistently for several months, safe reunification may be able to occur. But progress may not be that rapid, and in subsequent months the parent may require continuing encouragement not to give up. By confirming that meeting their children's needs (especially in the agency visiting environment) can be frustrating and exhausting, the visit coach gives the parent valuable support. This helps parents plan to put their reactions aside in order to spend the entire visit focusing on their child.

### Preparation And Debriefing For Quality Visits—What The Court Should Consider

All children have the right: to be happy, thriving, self-actualized, educated, healthy and content; to have the opportunity to reach their full potential as individuals capable of healthy relationships and productive lives; and to have a fair chance in life with opportunities for healthy, balanced, and well-rounded development. (from: Mission and Guiding Principles for Pennsylvania's Child Dependency System, May 2009, p. 11)

Pennsylvania's child dependency system shall:

Implement a visitation schedule, including siblings, parents, and kin that meets the developmental needs of each child, understanding frequent, quality visitation as being key to successful family reunification. (from: Mission and Guiding Principles for Pennsylvania's Child Dependency System, May 2009, p. 12)

At a minimum, the court should review the visitation plan at each permanency review hearing to determine whether the needs of the child are being met. The court should take the lead in developing a clearly communicated visitation plan that successfully implements the permanency goal while addressing the child's development ensuring that the child is not inhibited from developing a meaningful relationship with family members.

### The court shall consider:

- > What is the relationship between the child and the party having visitation?
- What barriers exist considering the strengths and assets of the child and the party having visitation?
- What is the child's preference?
- What is the child's reaction to scheduling visits?
- Is there a need for parenting skills/parent coaching during the visit?
- > What is the level of engagement between the child and the parent?
- How does the visitation plan enhance or achieve the permanency goal?

### IX. GOODBYE/MOVING ON VISITS2

### Goodbye Visits with Birth Parents

A goodbye visit is held between the child and the birth family after termination of parental rights when the adoption is closed. It is essential that this visit not be treated as just another visit. The family members must be assisted with saying goodbye with the realization that this is a permanent end to their relationship. The purpose of the visit is to provide both the child and the birth family with a sense of closure. The final visit is a ritual akin to a funeral, which may help the child to grieve and mourn the loss of his parents. Ideally, the goodbye visit will help the child to move on and attach to the new family.

It is important to have the caseworker or other visit facilitator present before, during and after the visit to help the family have a successful visit. It is important to acknowledge that goodbye visits will vary based on the developmental age of the child. It will not be necessary to prepare an infant or toddler for a goodbye visit in the same way an older child should be prepared.

<sup>&</sup>lt;sup>2</sup> The workgroup relied heavily on the doctoral dissertation of Rebecca R. Laufer, "Facilitating Impossible Goodbyes: The Final Visit After Termination of Parental Rights" (2006).

### When a Goodbye Visit is Not Appropriate

A goodbye visit is not appropriate in every case. Prior to scheduling a goodbye visit the adoption worker should meet with both parent and child to determine if the goodbye visit is in the child's best interest. Factors to be considered include:

- Dangerous or disruptive behavior on the part of a parent at earlier visits.
- Court orders prohibiting contact between parent and child.
- Refusal of parent to participate in planning for the goodbye visit.
- Testimony from the child's mental health provider providing reasons for why a goodbye visit may be too traumatic or harmful to the child.
- Refusal of either the parent of the child to participate.

### **Preparation for the Visit**

Birth parents, foster parents and the child need to be prepared for the final visit. The visitation facilitator should set up the visit, locate a meeting place and meet with all parties for preparation before the visit. All parties need to be notified of the exact time and location of the visit.

### **Preparing the Birth Parents**

Birth parents need to be coached prior to the visit. The visit needs to be planned and parents should be helped to develop a way to say goodbye in language that the child will understand. The facilitator needs to be able to explain to the parent how a goodbye visit can help the child and why it is important to the future success of the child. The facilitator may have the parent write a goodbye letter or tape a voice recording explaining to the child how much the child meant to the parent and the reasons for the separation. The facilitator should help the parent identify meaningful gifts that can be given to the child, help with duplicating family photographs that the parent can give to the child and encourage picture taking at the final visit. The facilitator should help the parent recall memories of the child as well as information about the parent to share at the final visit. Refreshments should be planned and the facilitator should help the parent obtain them.

The facilitator should be able to answer the parent's questions about adoption and address any concerns the parent may have about the separation prior to the goodbye visit. Before leaving the preparation visit, the parent should have an outline of topics to discuss at the visit as well as an outline of topics that should be avoided. The parent needs to understand that part of the reason for a goodbye visit is to have the parent accept responsibility for the termination and to reassure the child that it is not the child's fault that the family is no longer together. The facilitator should take notes of the session in order to aid the parent during the actual goodbye visit. If the parent does not feel that she will be able to convey this message during the actual visit, the facilitator should offer to tape the parent for replay at the visit.

### Preparing the Child

The visit facilitator must meet with the child prior to the goodbye visit. It may be helpful to include the child's therapist if the child is in therapy in this meeting. The facilitator must let

the child know that the goodbye visit is a special visit because it is the last time that the child will be visiting with the parent. The child should be told what to expect at the visit, i.e. who will be there, where the visit will take place, what will occur. The facilitator should help the child identify meaningful gifts that can be given to the parent, help the child to duplicate photos, write a letter or draw a special picture for their parent.

The facilitator should be able to answer the child's questions about adoption and address any concerns the child has about the separation from the birth parent prior to the goodbye visit. As in the adult preparation, the facilitator should help the child develop topics the child would like to discuss at the visit. For instance, the child may want the parent to remember that the child liked the color red or that she remembers a time when she and mom went trick or treating. The facilitator should record this information to help the child remember to convey it at the visit.

### **Preparing the Foster Parents**

The foster parents also need to be prepared for the final visit. The foster parents must be told the reason for the goodbye visit and why it is important and beneficial to the child. The facilitator should explain that the child may need extra comforting and reassurance after the visit. The facilitator should encourage the foster parents to help the child make the goodbye visit a special day. The foster parents should help the child by providing photos and helping the child either pick a gift or make a gift for the parent.

### The Actual Goodbye Visit

The visit should be long enough to allow the family to say goodbye, share their thoughts, exchange their gifts and memories and share a snack. If there are multiple children, the visit length would be longer to allow for each child to express himself. The visit should not be rushed and all participants should be allowed time to recuperate after the visit.

The final visit should be attended by the children, the birth parents and the facilitator who met with the parties in preparation for the visit. If the caseworker is not the facilitator the caseworker should be present as he/she is familiar with the family and can answer any questions that may arise. If the parents and child are engaged with a therapist or other professional who can lend support, the therapists or other professional workers could be in attendance to offer support to both parents and child.

The visit should take place in a child friendly setting that offers plenty of privacy to the family. Ideally, the setting would be in a place that is as home-like as possible with toys, comfortable furniture and a place to share food around a table.

Discussion during the visit should occur in a relaxed and accepting manner. The parents should be able to explain to the children why their rights were terminated and what it means in terms of future visits. The parent needs to reassure the child that it is all right to feel sad and feel loss. The parents and child need to be able to openly express their grief. The parents need to be able to tell their children that they have permission to love and form a new family. If the parents are unable to speak about this during the visit, the facilitator should be able to help the parents by either playing the audiotape of the pre-visit session, or reading from the notes taken at the session.

The family should be able to reminisce, participate in family rituals, share hopes for the child's future, discuss and share favorite things, and actually say goodbye to one another during the visit. Gifts should be exchanged, photos should be taken and the meal should be shared.

The facilitator should step in to guide and direct the family and provide support to everyone. If a parent does start to blame the child, the foster parent or the system for the break-up of the family, the facilitator must correct and redirect the parent. The visits are expected to be emotional and tears will be plentiful, but if appropriate planning is done the visit should be successful and impact the child in a positive way.

### X. BEST PRACTICES/MODEL PROGRAMS

### **Visit Coaching**

"Coaching" family visits can be the most significant assistance that a child welfare agency can provide for safe reunification or permanent placement. Unfortunately, in most child welfare systems, visits are less than once a week and usually just an office encounter. Dr. Marty Beyer, Visit Coaching Manual

Visit coaching helps parents develop their parenting skills during visits with their children. The visits take place with a neutral, trained facilitator who provides feedback and intervention before, during, and after the visit. The visit coach can help the parent with developing a visitation, learning how to engage the child and meet the child's needs, understanding the child's needs, and providing appropriate discipline.

Visit Coaching begins when the family reaches an agreement. The agreement should specify the needs of the child, which need to be met in each visit. These needs are usually connected to the risks that brought the child into care originally. Before each visit, families should be prepared to give their children their full attention, which includes meeting the competing needs of siblings and the different reactions of each child. During the visit, the coach actively appreciates the family's strengths in responding to their children and guides them in improving their skills. Angry or depressed family members are encouraged to leave their emotions outside of the visit and to organize play, snacks, crafts, and other activities to make the visit as happy for the children as possible. After the visit, the family and coach evaluate how the next visit could be improved. The coach helps the family cope with their feelings to ensure that they return for the following visit.

The four integral principles of Visit Coaching are empowerment, empathy, responsiveness, and active parenting.

### 1. EMPOWERMENT:

### Visit Coaching builds on the family's strengths

- Families are supported to take charge of visits, making them as homelike as possible.
- As soon as possible, coached visits occur outside of the office in parks, school, libraries, the family's home, or the foster home.
- The coach guides while appreciating the unique ways the family shows love for their children.

- Siblings, whom the child does not live with, are important and families are assisted with sibling visits.
- Visits become a celebration of the family by taking pictures, making a family scrapbook, and telling family stories.

### 2. EMPATHY:

### Visit Coaching supports families to meet the unique needs of their children

- Standing in the child's shoes, the family and coach agree on the child's specific needs to be met in the visit. When more than one child is visiting, the parent is coached to recognize each child's different needs.
- At least one need must be met during the visit to recognize the reasons why the child was removed from the home.
- The effect of adult lifestyle choices versus meeting the child's needs is an ongoing topic of discussion between the coach and the family.
- The coach makes it possible for each child to have "just you, just me" time with the parent in every visit.

### 3. RESPONSIVENESS:

### Visit Coaching helps families manage the conflict between adult and child needs

- Visits are an anger-free, depression-free zone: families learn how feeling victimized, how their anger, or how their sadness get in the way of meeting their child's needs.
- Families are coached to understand their child's need for stimulation and expectations that fit his/her age.
- Separate time is made available for discussions with the worker, so the parent can concentrate on the child/children during visits.
- Play led by the child, such as singing, dancing, reading, and crafts are opportunities to give 100% attention to the child during visits.

### 4. ACTIVE PARENTING:

# Visit Coaching helps families learn how their child's behavior is shaped by the adult's words, action, and attitudes

- Families are helped to improve the fit between their limit setting and the child's temperament and behavior. They are coached to see the effect on a child when the adult is too controlling or too passive.
- Families are helped to stop viewing the child's behavior as "bad" or hyper."
- Families are involved in the child's school, activities, and medical appointments.
- Through redirection and play, parents practice skills to prevent escalating and confrontational behavior.

The *Visit Coaching* manual describes how a visit coach, provided with supervision to adhere to these principles, carefully tailors culturally competent interventions uniquely to each family and child. Visit Coaching can be provided in a variety of ways and settings by caseworkers, foster parents, case aides, parent advocates, therapists, and others. With trained visit coaches, agencies find that coached visits are an exciting innovation, and are much more effective than supervised visits. Overall, Visit Coaching builds on the strengths of families to meet the safety, developmental, and permanency needs of their children.

### "Bridging the Gap" (Northern Virginia Foster Care and Adoption Initiative)

Bridging the gap is the process of building and maintaining relationships and communication between the birth and foster families involved in a youth's life, or between the foster and adoptive families, with the goal of supporting family reunification or another permanency plan. The protocol includes:

- Icebreaker Meeting Guidelines
- Meeting Process and Agenda
- Icebreaker Meeting Report
- "All About Me" Questionnaire
- "Fast Facts Sheet"

### **Other Promising Practices**

Visitation houses (Indiana, Washington, Westmoreland)
Visit Hosting (New York state)
Arsenal Therapeutic Visitation Program (Pittsburgh)
Project PACT—(Parents and Children Together) Rapid reunification program (Beaver)

### **INCARCERATED PARENTS**

### I. INTRODUCTION

The issue of engaging and including incarcerated parents is complex and requires the collaboration of several different entities to ensure that this can be accomplished. A collaborative group that shares the same vision in regards to incarcerated parents is one that can see obstacles as opportunities and focus on what can be done rather than what cannot be done. At the very root of the issue is the simple value that captures the essence of the vision of this workgroup, that visitation and contact with parents is important to children no matter where the parent resides. Children who have an incarcerated parent find themselves at risk in numerous areas but these risks can be offset to some degree by having a positive relationship with an incarcerated parent and having that parent's participation during the life of the dependency proceedings. To that end, the workgroup has some preliminary recommendations that counties can use as guidelines to raise their level of practice with incarcerated parents or, for those that are at the very beginning of this process with incarcerated parents they can form the basis for discussions at local children's roundtables. The recommendations are as follows.

- Incarcerated parents have the right to participate in case planning. Incarcerated parents should be included in the family service plan and have goals tailored to their needs. The plan should include the goals that the incarcerated parent can work on and accomplish during incarceration as well as those that will be worked on after discharge.
- Incarceration does not relieve the agency of the obligation to make reasonable efforts to assist the parents in meeting their family service plan goals or to offer "reasonable services".

- Incarcerated parents should participate in the court process and should be present for all court hearings. Videoconferencing or conference calling may make this feasible.
- Incarcerated parents have the right, in most cases, to visit their children and to maintain contact with their children while they are incarcerated. A father's right to visits is equal to a mother's right to visit under the same circumstances. The court and agency should recognize that in most cases, it is in the child's best interest to visit an incarcerated parent.

### II. BARRIERS TO ENGAGEMENT OF INCARCERATED PARENTS

Engagement of incarcerated parents may be difficult at times, but it is by no means impossible. 21<sup>st</sup> century technology makes communication between the caseworker and a parent who is incarcerated a lot easier. Technology can also increase the contact that the incarcerated parent has with a child.

The workgroup identified the following as barriers to engagement of incarcerated parents:

- Poor or lack of communication between the agency, the court and the correctional facility.
- Lack of a contact or point person within the institution.
- Lack of knowledge as to the programs of services available in the correctional facility.
- Assumption that the incarcerated parent will not be able to work on family service plan goals during incarceration.
- > Bias toward an incarcerated parent (by both the agency and the court).

With respect to issues such as attendance at court hearings, videoconference appearances and visitation, the workgroup felt that a major barrier was that the court has no control over the state or local correctional facilities. In particular, with the State Correctional Facilities, videoconferencing is often difficult. Some facilities have days or times that videoconferencing are not available for dependency proceeding, because other types of hearings take priority (PCRA hearing, immigration hearings, etc). Policies with respect to visitation with incarcerated parents, varied widely among the county correctional facilities. Some facilities permit no children to visit incarcerated parents. Some permit no contact visits. Others permit visits for mothers, but not fathers.

### III. Engaging the Incarcerated Parent in Case Planning

Inclusion of the incarcerated parent in the case planning process is critical. Inclusion must occur at the onset of the case, or at least when the agency learns that a parent is incarcerated. Many parents who are incarcerated are serving minimal sentences in county jails, or are incarcerated pretrial and will be released while the permanency goal is reunification with a parent. If the incarcerated parent was engaged in the case planning and working on family services plan goals while incarcerated, it is possible that reunification could occur shortly after release from incarceration. Accordingly, the workgroup makes the following recommendations.

### Protocol for the Agency

Once it has been determined that a parent is incarcerated, the caseworker should meet with the incarcerated parent and make the same assessments as with non-incarcerated parents.

- > The caseworker should meet with the incarcerated parent and explain why the agency is involved with the family and if the children are in care, the issues that led to the removal of the children.
- > If relative caregivers or supports have not already been identified, the caseworker should ask the incarcerated parent about relatives.
- > The caseworker should try to ascertain when the parent might be released from incarceration, so that the case plan includes the incarcerated parent's discharge plan.
- > The caseworker should give an overview of the court process to incarcerated parents and provide the incarcerated parent with information on obtaining legal representation.
- ➢ If the family service plan was created prior to incarceration or before it is discovered that a parent is incarcerated, upon discovery that a parent is incarcerated, the family service plan should be amended to include goals for the incarcerated parent.
- > The caseworker should send notice of all meetings and court hearings to the incarcerated parent.

The caseworker should determine whether assessments have been made in the facility and what steps the incarcerated parent has taken to complete or comply with treatment recommendations.

The caseworker should assess the availability of services in the facility that would assist the incarcerated parent in meeting family service plan goals.

The following are recommended as **best practices** for engaging incarcerated parents in case planning.

- Family Groups Decision Making should be used to assist in the development of case planning for incarcerated parents.
- Videoconferencing should be utilized to enable caseworkers to meet with incarcerated parents and to enable the incarcerated parent to appear at family conferences, family service plan meetings, and permanency planning meetings.
- The caseworker should speak with the social worker in the jail or prison before meeting with the incarcerated parent to gather information about why the parent is incarcerated and when release is likely, to develop an understanding of what services are available in the institution and to discover whether the incarcerated parent has already been assessed and is receiving services.

### Protocol for the Parent Attorney

Good representation can ensure that the parent is included in the case plan. Upon appointment, the parent attorney should meet with the incarcerated parent and make the same assessments as with non-incarcerated parents.

The lawyer should meet with the incarcerated parent and explain why the agency is involved with the family and if the children are in care, the issues that led to the removal of the children.
Videoconferencing, teleconferencing and letters can facilitate communication between lawyer and client.

- If relative caregivers or supports have not already been identified, the lawyer should ask the client about relatives.
- > The lawyer should give an overview of the court process and explain the ASFA timelines to the parent and stress the importance of working on family service plan goals during incarceration.
- > The lawyer should maintain contact with the parent on a regular basis and keep the parent informed of all court dates.
- The lawyer should speak with the **social worker in the jail** or prison to develop an understanding of what services are available in the institution and to discover whether the incarcerated parent has already been assessed and is receiving services.
- > The lawyer should assist the parent in collecting documentation of participation in or completion of programs in the institution.

### The Role of the Judge or Master

- Although case planning is largely the function of the agency, judicial oversight is important to ensure that the rights of incarcerated parents are protected. Accordingly, we make the following recommendations with respect to judicial oversight in the case planning process.
- The judge or master should "set the tone" and make it clear that it is EXPECTED that the caseworker is required to meet with the incarcerated parent and to include the incarcerated parent in case planning.
- At every hearing, the judge or master should ask whether the caseworker has met with the incarcerated parent and whether that parent has been included in the family service plan.
- The judge or master should write a court order that sets forth, in clear and concise language, what is expected of the caseworker with respect to the incarcerated parent and what the court expects the incarcerated parent to do during the period of incarceration.
- It is also recommended that the judge or master order the incarcerated parent to contact the caseworker within 72 hours of discharge from incarceration so that the caseworker will know where the parent is residing and so that the parent can be assessed and the family service plan can be revised to take into account that the parent has been released.
- The court should allow the caseworkers and the lawyers to utilize court videoconferencing equipment and space to facilitate meetings and family conferences.

### IV. Delivery of Services to Incarcerated Parents

Incarceration does not relieve the agency of making reasonable efforts or offering reasonable services to assist the incarcerated parent with meeting their family service plan goals. Although, delivery of services to the incarcerated parent may be difficult, it is not impossible. Most jails and prisons offer some services for inmates. Although they may not be the traditional services that the agency uses, the services in the institution may be relevant to the incarcerated parent's family service plan goals. For example, most correctional facilities offer some form of drug assessment and drug treatment and mental health assessment and treatment. Most, if not all offer GED classes and many offer other educational and vocational training as well as on-line college courses. Many facilities offer services and programs through the faith-based communities that deal with issues such as domestic violence and parenting.

The agency should assess what services are offered and then encourage the incarcerated parent to participate in services and begin addressing the family service plan goals during incarceration.

The attorney for the incarcerated parent should explain the court process to the client and stress the importance of attending court hearings, participating in programs within the correctional facility and maintaining contact with the agency and with the lawyer. The lawyer should also stress the importance of documentation and encourage the client to keep all certificates of participation in programs and perhaps to keep a journal of all contact with the caseworker (including attempts) and with their children.

The court should make it clear to the incarcerated parent, that the "clock is ticking" and that the parent cannot wait until discharge to begin addressing the family service plan goals.

### V. Engaging the Incarcerated Parent in the Court Process

Participation in court hearings is critical for an incarcerated parent. Many incarcerated parents are serving sentences for minor offenses and for non-payment of child support and may be available to care for their child upon discharge or shortly thereafter. It should be "the rule, rather than the exception" for incarcerated parents to attend court hearings. After all, the incarcerated parent is a captive audience. To this end, we recommend the following to ensure that incarcerated parents participate in the court process.

Good representation provides a better opportunity for the incarcerated parent to become engaged in the court process. The parent attorney should insist that the client attends every court hearing. While it may not be feasible to transport the incarcerated parent to every hearing, videoconferencing and teleconferencing makes it possible for incarcerated parents to participate in the court process.

Appearances at court hearings provide an opportunity for the court to observe the interaction between parent and child. In cases where it is difficult for a child to visit an incarcerated parent, appearances at court hearings provide an opportunity for the parent and child to have contact.

Appearances at court hearings enable the court to engage the parent and to encourage the incarcerated parent to participate in the case planning.

### Protocol for the court

- > The court should automatically appoint counsel to represent a parent who is incarcerated.
- > The court should **order the incarcerated parent to appear at every hearing**. The court can order the parent to be transported to the hearing or can order appearance by videoconference or teleconference.
- > The judge or master should set forth, on the record, the expectations for the incarcerated parent. It is important that the judge or master speak on the record, as the incarcerated parent may not receive or read the court order. The judge or master should address the issue of visitation and contact with the child in the order of court.

# VI. Visitation with Incarcerated Parents—The Importance of Visitation and Contact Between Children and Incarcerated Parents

In 2003, the Pittsburgh Child Guidance Foundation conducted interviews with incarcerated parents in the Allegheny County Jail and their children. A study of these interviews led to the following conclusions.

- Most children desire to maintain relationships with incarcerated parents and that incarcerated parents desire to maintain contact with their children.
- > Contact visits are best, because children need nurturing through physical contact.
- Incarcerated parents and their children need appropriate space to have visits.
- Children need preparation for the visits.

The survey identified the following barriers to visitation between incarcerated parents and their children.

- Prisons are not supportive of visits.
- Some prisons only allow visits with mothers.
- > Distance, staff resource, finances only allows for county prison visits.
- Lack of videoconferencing.
- County prison does not allow visits.

In addition, the workgroup identified the following as barriers to visitation and to quality visitation between incarcerated parents and their children.

- > Some judges and masters refuse to order visits in a jail or prison.
- Caseworkers do not recommend visits with incarcerated parents.
- Lack of preparation of both the child and parent for the visit.
- Lack of structure to the visits.
- Difficulties with supervision during the visits.

In light of these identified barriers, the workgroup makes the following recommendations for ensuring that children maintain contact with incarcerated parents and have quality visits with incarcerated parents.

- ➢ If a child had regular contact with a parent prior to incarceration, it is in the best interest of a child to continue contact with an incarcerated parent after incarceration.
  Contact visits are generally preferred. (See role of the court, below.)
- "Virtual visits" by videoconference and Skype should be utilized to increase the frequency of contacts between parent and child.
- > Caseworkers and parent attorneys should encourage the incarcerated parent to maintain additional contact with their children through letters, cards, and telephone calls.
- Jail and prison visits are often emotional for both the parent and the child. Accordingly, caseworkers should meet with the parent to prepare him or her for the visit and assist the parent in developing a plan or structure for the visit. The guardian ad litem, CASA, or therapist should meet with the child to explain what is going to occur during the visit, including passing through security, long periods of waiting, and so forth.

Children should be "de-briefed" after the visit to make sure that the visit was appropriate to be prepared for any behavioral changes that might occur.

It is important for the judge or master to take an active role in ensuring that, when appropriate, a child maintains contact with an incarcerated parent. Many institutions will not permit contact visits if they are not court ordered. Accordingly we propose the following.

### Role of the Judge or Master

- > In deciding whether to order contact visits, the judge or master should consider the following:
  - o the type of contact the child had with the parent prior to the incarceration and adjudication of dependency,
  - o the child's needs and wishes.
  - o the age and special needs of the child,
  - o the distance the child will have to travel to attend the visit,
  - o the visitation schedule in the facility, and
  - o the wishes of the incarcerated parent.
- The court order should set forth in clear and concise language, whether contact visits should take place, and whether the visits need supervision other than the security in the institution. If the court requires some other type of supervision, observation, or coaching, then the order should reflect this and who will be responsible for the supervision. Remember, the job of the correction officer is to keep the institution secure and not to supervise a court-ordered visit!
- > The judge or master should order the same person to transport the child to and from the visits (if possible). This will enable observations and consistent assessments to be made of the child's mood and behaviors. This will also allow for debriefing by a person with whom the child is familiar.
- > The judge or master should order additional visits by videoconference (if available) and the judge or master should order an incarcerated parent to also maintain contact with the child through letters, cards, telephone calls, etc.
- > Sometimes, it is not in the best interest to have siblings visit together in a jail or prison. Accordingly, when appropriate, the court should order separate visits for siblings.
- > If a parent is permitted to leave the jail or prison on work release, the court should order that the visits occur outside of the institution.

### VII. Best Practices

Although Pennsylvania has a long way to go in engagement of incarcerated parents, there are some good models that exist. The following were identified as best practices.

Families Outside Program—Family Services of Western PA provides a unique service to families of incarcerated men and women. The objective is to maintain and strengthen family relationships with a belief that family members, especially children, need continued contact with their parents, even during incarceration. The emphasis is to assist family members to cope with the stressful period when a loved one is incarcerated.

The program provides the following services:

- low-cost transportation to most State and Federal prisons in Pennsylvania;
- individual and family counseling;
- education about the criminal justice system; and
- > virtual visitation, which allows families to visit with inmates at some state prisons, without leaving Pittsburgh, via videoconferencing.

**Mother's Voice**—This program is provided in many jails and prisons. The program allows the parent to read a book to their child on tape. The book and the tape are given to the child and the child can hear the parent read the story.

**Telephone Cards**—Several agencies will provide incarcerated parents with a telephone calling card to enable them to maintain regular telephone contact with their children.

Designated persons within the agency and the correctional facility to coordinate visits.

Designated person within the court to coordinate videoconferencing with the correctional facility.

**Special Visitations Rooms and Waiting Areas**—Some prisons and jails have created special visitation and waiting rooms for children who visit incarcerated parents. SCI Muncy has a special visitation trailer to allow for nurturing, bonding, and interaction in a more family friendly setting. The Allegheny County Jail has a special Children's Waiting Area in the Allegheny County Jail.

We created a "wish list" of items that would make visits in jails and prisons better:

- Appropriate furniture—rocking chairs, high chairs, etc.
- Appropriate privacy
- Appropriate toys and books
- Snacks
- Changing tables, potty chairs, "kiddy-sized" toilets
- > Supplies—diapers formula, hand sanitizer, bags for soiled diapers, wipes, etc.
- Space to eat, box lunches, a microwave
- Photo opportunities

### **FINAL RECOMMENDATIONS & NEXT STEPS**

### I. VISITATION

We respectfully request the State Roundtable to approve these recommendations with respect to visitation.

- 1. Approve the creation of a Visitation Guide for distribution at the Roundtable Summit in September.
- 2. Approve the best practice recommendations around visitation (right to visits, frequency, contact, and supervision).

- 3. Explore the effects of Act 101 on visitation.
- Development of hearing cards and bench cards.
- 5. Representatives from the Workgroup shall work with the PA Child Welfare Training Program to develop training for the following:
  - Visitation Supervisors and transporters for engaging parent and foster parent.
  - Foster care agencies—the role of the foster parent (visitation is a part of foster care).
  - Understanding reactions of children and parents before, during and after visits (agency, attorneys, judges and master, visitation supervisors, and foster parents).
- 6. Approval for creation and distribution of handbooks—child, parent, foster parent, youth.

### **II. INCARCERATED PARENTS**

We respectfully request the State Roundtable to accept these recommendations with respect to incarcerated parents.

- 1. Approval of the recommendations with respect to engaging incarcerated parents in case planning, services and court process set forth in the report.
- 2. Approval of the recommendations with respect to visitation for incarcerated parents.
- 3. Adoption of the protocol for the agency, parent attorneys and the court with respect to engaging incarcerated parents.
- 4. Authorization for a member of the workgroup to join in the discussion with the PA Council of Wardens, the AOPC, the Court and Corrections Committee of the County Commissioner's Association of PA and the PCSTJ about:
  - Compatibility of videoconferencing systems
  - > Developing a protocol for videoconferencing for court appearances and virtual visits
- Encouragement of all Local Children's Roundtables to invite the Warden of the local county jail to sit on the local Roundtable to work on developing better practices for service delivery, visitation, videoconferencing, etc.
- 6. Encouragement of all Local Children's Roundtables to work with the warden of the local county jail and with community partners to create better visitation space and waiting areas in the jails.
- 7. Survey all county jails regarding their practices for visitation for incarcerated parents.

### APPENDIX I—VISIT COACHING SUMMARY

Coaching family visits can be the most significant assistance that a child welfare agency can provide for safe reunification or permanent placement. Unfortunately, in most child welfare systems, visits are less than once a week and usually just an office encounter.

-Dr. Marty Beyer Visit Coaching Manual

### **Traditional Visits**

Traditional visits seem pointless to many workers — families can have "okay" visits for months and be no closer to demonstrating that they can keep their children safe. Parents can be clean and sober, determined to stay out of battering relationships, or graduates of parenting class and still not demonstrate that they can protect their children from the risks that brought them into care.

Throughout the time that the case is open, the family's concepts of their children's needs may remain different from those of the worker, foster parent, teacher, or therapist. A parent's troubles may obscure their child's needs. They may view their children's needs (sometimes including unmet safety needs that brought them into care) as luxuries rather than non-optional needs. As a result, visits may be spoiled when a parent exhibits anger about the child's removal.

### **Parents Require Support**

Other than providing protection in the form of supervision, most visits do not address the abuse or neglect that brought the child into care or help the child's adjustment to separation. Although parenting class or visit supervision could alter what happens when families spend time with their children, visits typically do not consistently build on family strengths or guide improved parenting. For family members who have been removed from the parenting role and feel guilt and anger about the agency's intervention, it is unlikely that being told to play with their children or discipline in a certain way, for example, will make visits productive. Families are required to make significant changes in order to meet their children's needs — they are expected to alleviate their dependence on substances; to stop their involvement in domestic violence; and to overcome poverty, emotional problems, and cognitive limitations. To make these major life alterations in a short timeframe necessitates intensive visit support beginning soon after the child is removed.

### Improving the Quality of Visits

The recently published manual, entitled *Visit Coaching*, describes how to help families take charge of visits, how to involve foster families and kin in visits, how to build attachment between infants and their families, how to involve teenagers in visits, and how to improve visits as parents return from prison or treatment. The manual also includes a visit module for parenting classes.

### **Planning their Family Time**

Coaching begins with supporting the family to plan their family time. Their plan should specify the unique needs of each of the children to be met during the visit. These include attachment needs. developmental needs. trauma-related needs, and needs usually connected to the risks that brought the child into care. Before each visit, families should be prepared to give their children their attention which includes meeting the competing needs of siblings and the different reactions of each child. During the visit, the coach actively appreciates the family's strengths in responding to their children and guides them in meeting each child's needs. Angry or depressed family members are encouraged to leave their emotions outside of the visit and to organize play, snacks, crafts, and other activities to make the visit as happy for the children as possible. After the visit, the family and coach evaluate how the next visit could be improved. The coach helps the family cope with their feelings to ensure that they return for the following visit.

### **Trained Coach Tailors Visits**

The four integral principles of Visit Coaching empowerment, responsiveness, empathy, active parenting-are summarized in the sidebar. The Visit Coaching manual describes how a visit coach, provided with supervision to adhere to these principles, carefully tailors culturally-competent interventions uniquely to each family and child. Visit Coaching can be provided in a variety of ways and settings by case workers, foster parents, case aides, parent advocates, therapists, and others. With trained visit coaches, agencies

# Visit Coaching Principles

### 1. EMPOWERMENT:

### Visit Coaching builds on the family's strengths

- Families are supported to take charge of visits, making them as homelike as possible.
- As soon as possible, coached visits occur outside of the office in parks, school, libraries, the family's home, or the foster home.
- The coach guides while appreciating the unique ways the family shows love for their children.
- Siblings, whom the child does not live with, are important and families are assisted with sibling visits.
- Visits become a celebration of the family by taking pictures, making a family scrapbook, and telling family stories.

### 2. EMPATHY:

# Visit Coaching supports families to meet the unique needs of their children

- Standing in the child's shoes, the family and coach agree on the child's specific needs to be met in the visit. When more than one child is visiting, the parent is coached to recognize each child's different needs.
- At least one need must be met during the visit to recognize the reasons why the child was removed from the home.
- The effect of adult lifestyle choices versus meeting the child's needs is an ongoing topic of discussion between the coach and the family.
- The coach makes it possible for each child to have "just you, just me" time with the parent in every visit.

### 3. RESPONSIVENESS:

# Visit Coaching helps families manage the conflict between adult and child needs

- Visits are an anger-free, depression-free zone: families learn how feeling victimized, how their anger, or how their sadness get in the way of meeting their child's needs.
- Families are coached to understand their child's need for stimulation and expectations that fit his/her age.
- Separate time is made available for discussions with the worker, so the parent can concentrate on the child/children during visits.
- Play led by the child, such as singing, dancing, reading, and crafts are opportunities to give 100% attention to the child during visits.

### 4. ACTIVE PARENTING:

### Visit Coaching helps families learn how their child's behavior is shaped by the adult's words, action, and attitudes

- Families are helped to improve the fit between their limit-setting and the child's temperament and behavior. They are coached to see the effect on a child when the adult is too controlling or too passive.
- Families are helped to stop viewing the child's behavior as "bad" or hyper."
- Families are involved in the child's school, activities, and medical appointments.
- Through redirection and play, parents practice skills to prevent escalating and confrontational behavior.

find that coached visits are an exciting innovation, and are much more effective than supervised visits.

### Visit Coaching Relies on Pre-Visit Preparation and Debriefing after Visits

Visit coaches help parents not get discouraged—change takes time, and time is what parents feel they don't have when they believe they are losing their children. They get frustrated that "the system" is so slow. Many parents have been debilitated themselves by trauma, learning disabilities, and poverty, and they are fragile as they "start their lives over" in alcohol and drug treatment, domestic violence programs, and employment. Many have their own histories of abuse. neglect, and foster care placement and are still grieving the deaths of family members and other losses which affect them during visits. Separating from their child in visit after visit is so painful that it is remarkable families do not give up. Parents whose children have been removed are often in shock for a long time. The loss of their child and the resulting instability and sense of guilt take a toll. When they come for visits, parents may be overwhelmed by their mixed feelings of pleasure. sadness, awkwardness, defensiveness, and competitiveness with the foster parent. Parents often feel more inadequate after visits. Visits do not make most parents feel better. Coaching parents to prepare for visits, and learn from them afterwards, can help make the pain of visits tolerable for parents so they will return. If planning and debriefing start immediately after removal and parents are helped to visit consistently for several months, safe reunification may be able to occur. But progress may not be that rapid, and in subsequent months the parent may require continuing encouragement not to give up. By confirming that meeting their children's needs (especially in the agency visiting environment) can be frustrating and exhausting, the visit coach gives the parent valuable support. This helps parents plan to put their reactions aside in order to spend the entire visit focusing on their child.

### Implementing Visit Coaching

To ensure the success of Visit Coaching, agencies may make special transportation and other logistical arrangements. Agencies encourage strong communication between visit coaches and caseworkers (when the family's coach is not the caseworker) and permit caseworkers and coaches to make innovations in location and timing of each family's visit. The agency may provide special visit training for foster parents and relatives recognizing the importance of their support for children who often have distressing behaviors associated with visits, even when they have fun with their families in visits.

<u>Visit Coaching:</u> A manual published by the Administration for Children's Services, New York City, 2004.

"Visit Coaching: Building on Family Strengths to Meet Children's Needs," <u>Juvenile and Family Court Journal</u>, 59, 1,

2008, 47-60. http://www3.interscience.wiley.com/journal/119399753/issue.

# APPENDIX II-- LEVELS OF SUPERVISION CHART DEVELOPED BY THE VISITATION WORKGROUP MAY 2011

| Least Restrictive | Most Preferred |
|-------------------|----------------|
|                   |                |

\$

Most Restrictive Least Preferred

| Unsupervised            | Structured or Therapeutic               | Observed/Monitored                               | Strict Supervision                 |
|-------------------------|---|--|------------------------------------|
|                         |   | Definitions                                      |                                    |
| Parents can visit with  | 0                                       | There are no major safety concerns, but          | Someone supervises the entire      |
| children without        | visit (or part of the visit) to help    | someone is present for the visit or for part of  | visit by sight and sound due to    |
| supervision in the      | parents develop parenting skills or     | the visit.                                       | specific risks of safety to the    |
| home or in the          | improve or repair the parent-child      |  | child.                             |
| community.              | relationsnip                            |  |                                    |
|                         |   | Examples of Usage                                |                                    |
| Unsupervised visits are | Structured or therapeutic visits are    | Observed or monitored visits are appropriate     | Strictly supervised are            |
| appropriate when there  | appropriate when the relationship       | when it might be necessary to assess safety      | necessary to protect the safety    |
| are no safety concerns, | between the child and parent is         | before a visit begins, or to assist, instruct or | of the child.                      |
| or after the parents    | damaged or when the parent has          | coach a parent, or to provide a report to the    |                                    |
| have made progress      | _                                       | court on bonding, parenting, etc.                | Ex. 1—Child was sexually           |
| and when the            | into the needs of the child or has      |  | abused by father. Father was       |
| permanency goal is      | difficulty in managing the child.       | Ex. 1—Mother and father are intellectually       | arrested and is in jail pending    |
| reunification.          |   | limited. Monitoring is needed to assist with     | the trail. Mother has said that    |
|                         | Ex. 1—Severe parent child conflict.     | and to prompt the parents with meeting the       | she does not believe the child     |
| <b>Ex. 1—</b> Child was | Mother says inappropriate and hurtful   | child's basic needs.                             | and is hoping that the child will  |
| removed due to          | things to the child ("You're stupid,    |  | recant.                            |
| deplorable and unsafe   | you're no good like your father, etc.") | Ex. 2—Father is a heroin addict. He has          |                                    |
| housing. Unsupervised   | Therapeutic intervention is needed to   | been "clean for 1 month". It is appropriate to   | Ex. 2—Mother has severe            |
| visits outside of the   | repair the harm and to assist mother    | have someone observe father for the              | mental health issues. At a prior   |
| family home are         | in understanding the nature of her      | beginning of the visit to ensure that he is not  | visit, during a psychotic episode, |
| appropriate.            | conduct.                                | under the influence.                             | she absconded with the child.      |
| Ex 2.—Child was         | Ex. 2—Mother has 5 children under       | Ex. 3—Mother 15 years old. She is having         |                                    |
| removed from the        | the age of 7. She has difficulty in     | difficulty nurturing and bonding with her baby.  |                                    |
| parent's care due to    | attending to the needs of the children, | Instructing or coaching could assist mother      |                                    |
| drug addiction. The     | providing structure for them, and       | with learning to nurture and develop a bond.     |                                    |
| sober for 3 months and  | managing their behaviors.               | the court the progress mother is making          |                                    |
| compliant with          | Ex. 3—Father physically assaulted       |  |                                    |
| treatment.              | mother, while the child was present.    |  |                                    |
|                         | Although father has never abused the    |  |                                    |
|                         | child, the child is fearful of father.  |  |                                    |

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