

Appendix A: Supervised Visitation Centers

SUPERVISED VISITATION CENTERS

Supervised visitation at a visitation center is a useful and concrete safety mechanism that can easily be included in a court order. While supervised visitation programs have been common in child abuse and neglect cases for some time, they have not been as routinely used in custody and divorce proceedings. The recent literature, however, suggests an increase in use of these centers for domestic relations cases, particularly for those involving findings or allegations of domestic violence.¹ It is important for judges to remain cognizant of visitation centers as a viable option in domestic relations cases and to actively work with the centers to try to meet the needs of all parties involved.

One of the major problems judges face, however, is the absence of visitation centers as a result of limited resources, largely due to a lack of state and federal funding.² Currently only a handful of states either provide specific funding for supervised visitation centers or have initiated a legislative or budgetary scheme towards this end.³ Because of the paucity of structured visitation centers, courts are often left to come up with imaginative alternatives. Some judges have turned to ordering third-party or informal supervision.⁴ Often, these alternative arrangements mean that the parents are asked to come up with names of supervisors. While the aim of trying to provide some

¹ See Barbara E. Flory et al., Note: *Supervised Access and Exchange Services: The Parental Experience*, 39 FAM. CT. REV. 469 (2001).

² See Robert B. Straus, *Supervised Visitation and Family Violence*, 29 FAM. L.Q. 229, 235 (1995); see also Amy B. Levin, Comment, *Child Witnesses of Domestic Violence: How Should Judges Apply the Best Interests of the Child Standard in Custody and Visitation Cases Involving Domestic Violence?*, 47 UCLA L. REV. 813, 856 (2000).

³ Straus, *supra* note 2, at 235.

⁴ See *id.* at 249.

measure of supervision is commendable, there are some significant problems with this practice. Left on their own, the parties will most likely come up with names of family members. Although family members are probably the most likely to provide the least expensive supervision, they are often inappropriate.⁵ A family member may not feel comfortable confronting the visiting parent about problem behavior during the visit or may think that the parent is harmless and thus not closely supervise the visit at all. Overall, any potential bias a relative may harbor could prove to be problematic when that person is faced with a supervisory role during visitation. “At a minimum, a supervisor should be independent enough from the parent being supervised to properly monitor the parent’s behavior.”⁶

Because of these problems inherent in third-party supervision and because of the dearth of visitation centers, it is imperative that courts explore the possibility of creating supervised visitation centers in their respective communities. Courts need to take leadership in bringing various stakeholders in the community together to investigate funding possibilities and resources. To this end, the National Council of Juvenile and Family Court Judges has taken the stance that judges must provide leadership in the courts and the larger communities to make sure that domestic violence cases are effectively managed and that the needed resources are available to do so.⁷ Hence, judges ought to play a key role in the development of visitation centers within the community.

Through research, advocates have found that:

⁵ *See id*; see also Maureen Sheeran & Scott Hampton, *Supervised Visitation in Cases of Domestic Violence*, 50 JUV. & FAM. CT. J. 13, 22 app.

⁶ Straus, *supra* note 2, at 249.

⁷ Sheeran & Hampton, *supra* note 5, at 25 n.8 (citing S. HERRELL & M. HOFFORD, FAMILY VIOLENCE: IMPROVING COURT PRACTICE (1990)).

Not only can judges provide an important voice in articulating the need for formal visitation services in their communities, but also they can assist tremendously in the development of services. Because judges are important stakeholders in visitation services, their input at the development stage helps foster clear expectations among courts, visitation providers, and others, and contributes to the collective understanding of how services can best assist families in court.⁸

Once a visitation center is formed, however, the court must continue to play a role. Courts must give guidance to all parties involved, including the visitation center itself. As one commentator stated:

The court must play an aggressive oversight role In making orders referring cases to supervised visitation centers, the order must provide sufficient information so that the center can do its job, the parents can know what to expect, and the court can be informed of problems that may arise. Most essentially, the order must contain the referral, the services to be provided (e.g., supervised visitation or supervised exchange), identify the duration and frequency of contact, who may have contact with the children, who will pay for the services, and the type and frequency of reporting back to the court the progress of the visitation.⁹

Thus, a court must be specific in identifying what it is asking from all parties involved, particularly the visitation center. Centers may offer a range of services including on-site supervision, off-site supervision, exchange monitoring, therapeutic supervision, telephone monitoring, transportation to and from visits, recording observations of visits, factual reports, and referrals to other services.¹⁰ The court is

⁸ *Id.* at 23 app.

⁹ Julie Kunce Field, *Visits in Cases Marked by Violence: Judicial Actions That Can Help Keep Children and Victims Safe*, 35 CT. REV. 23, 25 (1998).

¹⁰ *Id.* at 10.

responsible for specifying in the order exactly what service the center is to provide.¹¹

Because it is the court that establishes which services the center is to provide and when, it is the court's responsibility to monitor and oversee the actualization of the order.

One way for courts to ease the burden of such aggressive oversight is to develop or adopt already existing standards and guidelines for the implementation and execution of supervised visitation.¹² Centers should only offer and courts should only order those services that are outlined in the standards and for which the center staff is trained. The standards will thus provide clarity about the services the center will provide, as well as spell out the expectations that are placed on the courts, parents, and staff. For example, the parents should know and the guidelines should specify whether it is the parents or the center staff that carries the responsibility of ensuring that the essentials for the visit, such as any needed medication or food, are provided. In the same way, center staff should know if they are required to provide factual reports of the visit (e.g., whether either party was late, compliance of the parties with program rules, etc.), to whom they are to be provided (e.g., to the court or to the parents), and in what format they are to be provided (e.g., verbal or written, summary or incident reports, etc.).¹³

¹¹ If and when a court asks for visitation reports, it should be cognizant of the fact that although a center may provide limited factual reports, it is generally not within the purview of the visitation center staff to perform evaluations or make recommendations to the court. Ideally, in order to preserve objectivity in the visitation setting, specialists should conduct evaluations, and they should take place somewhere other than the visitation facility. If a supervised visitation provider does perform evaluations, she should make statements of opinion only if she is specifically requested to do so by the court, she is specially trained to provide the type of evaluation that is requested, both parents are informed about the evaluation, and the provider follows procedures that are generally accepted as adequate for an evaluation. *Id.* at 11.

¹² See, e.g., Supervised Visitation Network, *Standards and Guidelines for Supervised Visitation Practice*, available at <http://www.svnetwork.net/301Guidelines.html> (last edited May 2000); Office of the Kansas Attorney General Child Exchange and Visitation Center Guidelines, available at <http://www.ink.org/public/ksag/contents/children/cevc-6.htm> (last revised March 1999).

¹³ See Supervised Visitation Network, *supra* note 12.

Guidelines are also useful in developing appropriate security measures. It is essential that every measure possible is taken to make the center as safe as it can be. Particularly because centers are utilized more and more by families with histories of violence, it is important that they develop written rules and security procedures and distribute them to staff and clients in an effort to protect all parties. Some recommendations for safety measures include:

- Having a person trained in security and the avoidance of domestic and family violence on the premises at all times
- Establishing a protocol for cooperating with and receiving assistance from law enforcement
- Establishing emergency and security procedures and reviewing them with all clients and staff
- Establishing written procedures for arrivals and departures of parents and distributing them to all parents¹⁴
- Requiring all parents to have photo identification
- Using security devices such as metal detectors and video surveillance cameras¹⁵

Visitation staff should not only be made aware of all pertinent protocols and rules but they should also have annual updates and trainings on security measures, center policies, and emergency procedures.¹⁶ Courts can assist centers to stay safe by educating staff on protection from abuse laws and procedures and by using their own experience and knowledge to provide guidance in establishing security protocols.

It is not enough for visitation centers to be only safe spaces for families to

¹⁴ Custodial and non-custodial parents should not have any contact during the visit. One way to avoid contact between parents is to have separate waiting areas and a 15-minute time period between the individual parents' arrivals and departures.

¹⁵ See generally *Office of the Kansas Attorney General*, *supra* note 12, at 17-18 (outlining safety policies and procedures).

¹⁶ *Id.*

visit. Visitation center employees need to have a strong base of knowledge and skills in working with families, particularly families affected by domestic violence. Thus, it is important for courts to assist visitation centers to incorporate appropriate training opportunities and to help to provide skilled consultants to the centers. The Supervised Visitation Network suggests that programs utilize consultants trained in mental health (child and adult), domestic violence, child abuse, substance abuse, foster care, and domestic relations to provide program support and to assist with staff education and training.¹⁷ Hiring trained staff, appointing experts to an advisory board, or establishing affiliations and coalitions with outside agencies are some other ways for visitation centers to meet their needs for specialized knowledge and skills.

While the court may not be involved in training the staff on psychological and relational issues, it will need to educate the staff on domestic relations laws and procedures and on understanding supervised visitation from a legal standpoint. In addition, the court should also implement an open and continuous line of communication between itself and the visitation center staff. In doing so, the court will maintain an awareness of the center's capabilities and resources as well as the problem areas. By remaining aware of the center's strengths and weaknesses, the court will better serve the needs of the individuals and their children before it by making appropriate referrals and by incorporating the appropriate degree of specificity in its orders.

¹⁷ Supervised Visitation Network, *supra* note 12, at 17-18.