



Report to the Legislature

Family Visitation for Dependent Children

Chapter 146, Laws of 2004

December 30, 2004

Department of Social & Health Services
Children's Administration
Division of Program and Policy
PO Box 45710
Olympia, WA 98504-5710
(360) 902-8400
Fax: (360) 902-7903

Family Visitation for Dependent Children
Chapter 146, Laws of 2004
SB 6643a
An Act Relating to Family Visitation for Dependent Children
Report due January 1, 2005

Executive Summary

The 2004 legislature passed SB6643a stating visitation is a right of the family. The Children's Administration (CA) was required to develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. CA was to work with researchers, stakeholders, union representatives and staff to develop appropriate protocols for visitation consistent with the Act.

The bill specified that:

- visitation and parent/child/sibling contact must be in the best interest of the child.
- visitation cannot be limited as a sanction for the parent's failure to comply with court orders or services when the health, safety or welfare of the child is not at risk as the result of visitation.
- CA is expected to rely on various resources such as community resources, relatives, and foster parents to provide transportation and supervision for visitations.
- reliance on specified resources to provide transportation and supervision for visitation is limited to the extent resources are available and appropriate and the child's safety would not be compromised.

Per the legislation, CA convened a stakeholder workgroup to develop protocols. The group defined best practice for parent, child and sibling visitation. Their recommendations included:

- what the purpose of visits should be.
- considerations for social workers when developing visitation plans.
- required elements of visitation plans.
- the frequency of visitation.

Implementation of these "best practices" is not possible without funding for new costs associated with increased visits. However, the department is developing visitation protocols under current fiscal constraints that will bring consistent statewide practice regarding visitation.

Introduction

The 2004 legislature passed 6643a stating visitation is a right of the family. The bill specified that visitation and parent/child/sibling contact must be in the best interest of the child. Visitation cannot be limited as a sanction for the parent's failure to comply with court orders or services when the health, safety or welfare of the child is not at risk as the result of visitation. Children's Administration (CA) is expected to rely on various resources such as community resources, relatives, and foster parents to provide transportation and supervision for visitations. Reliance on specified resources to provide transportation and supervision for visitation is limited to the extent resources are available and appropriate and the child's safety would not be compromised.

CA was required to develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. CA was directed to develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols were to include, but were not limited to: the structure and quality of visitations; and training for social workers, visitation supervisors, and foster parents related to visitation. The policies and protocols are to be consistent with RCW 13.34 and implementation of the policies and protocols consistent with relevant court orders.

Visitation Workgroup

A workgroup formed from key stakeholders identified by the legislature developed consistent policy and protocol recommendations. Stakeholder representatives included court representatives, Office of the Attorney General, parent's representatives, contracted providers, foster parent, CASA, Catalyst for Kids and Tribes. Children's Administration (CA) staff participation included union representation, line, supervisory and program management staff.

The workgroup met between July and November, 2004. Research was reviewed and provided to all workgroup members. The workgroup reviewed existing statewide policy, practices and procedures in addition to policies and protocols in all six CA regions.

Additional consultation regarding cultural connections was sought in meetings with CA Office of African American Children's Services (OAACS). This input was vital in looking at issues related to utilizing extended family and community resources in providing frequent and consistent visitation.

Workgroup Recommendations

Purposes of visitation:

- To maintain the child-parent connection and to preserve the continuity of the relationship.
- To develop appropriate connections between parents and children.

- To foster emotional and behavioral well-being in children.
- To develop appropriate connections between parents and children.
- To provide reassurance to a child that he or she has not been abandoned.
- To provide opportunities for parents to strengthen their parenting skills as well as to provide opportunities to heal damaged relationships.
- To maintain connections to his or her cultural heritage, tribe, and communities.

Considerations in visitation:

- Visitation should be a planned intervention which values the involvement of parents and the resource family/caregiver, whether foster parent, relative or kin in the development of the plan. In cases where the child has an assigned CASA and/or GAL or attorney, his/her representative should likewise be involved in the development of a visitation plan. Purposeful visitation includes learning and healing and contributes to successful placement, reunification, and reduced length of time to reunification.
- Conflicts may arise in balancing the parent's right to frequent and increasingly unrestricted contact and the concern for the child's physical and emotional safety.
- Decisions regarding visitation should be made based on the best interest of the child, including the protection of the child's health, safety and welfare.
- Parents and children need to be supported before, during and after visits.
- Development of adequate attachment relationships between children and their resource family/caregiver and biological parents should be supported.
- It is critical for continued social, cognitive and communicative development that the child be given the opportunity to form attachment relationships with the resource family/caregiver.
- Parents should be educated regarding the significance of the attachment and permanency needs of their child.
- The relationships and connections between siblings should be maintained when in the best interest of the child or sibling.
- Every consideration should be given to the child's tribal connections and community connections in determining visitation.

All visits should include the following:

- Parents and children should be prepared for visits.
- Visits should be structured in accordance with parent's parenting capabilities and children's ages and interest.
- Visits should be used for teaching parenting and communication skills.
- Issues of grief and separation which affect both parents and children during visits should be addressed.
- Foster parent mentoring should be used when appropriate.
- Ongoing review and modification of visits should be done as part of the collaborative service planning process.

Decisions regarding visitation are determined by:

- The best interest of the child.

- Safety issues, (e.g. verbal abuse, physical abuse, sexual abuse, and neglect) regarding the child's during visitation.
- Health and welfare of the child.
- Not by the parents' compliance with services

Required elements in visitation policy and procedures:

- A written plan developed with the participation of parents, caregivers, CASA/GAL, other representative for the child and the Tribe.
- Who may participate in visits.
- Whether or not visits are supervised.
- Frequency of visits.
- Location, schedule and duration of visits.
- Responsibilities regarding visits, such as social worker responsibilities, parent responsibilities and resource family responsibilities.
- Visitation activities and expectations.
- Rescheduling procedures.

Additional workgroup recommendations include:

- the right to contact, protections and limitations.
- specific circumstances in which visits may be limited or terminated. Specific situations addressed are incarcerated parents, sexual abuse cases, and domestic violence.
- incorporating visitation protocols into the Academy training, resource family training, and on-going training opportunities.

Current Status

The workgroup draft recommendations have been presented to the CA management team. Recommendations are being utilized to frame proposed protocols and policies to be presented to the management team in January. Not all workgroup recommendations can be utilized as to do so would create a fiscal impact.

Community resources, relatives, foster parents and other appropriate persons will be utilized. However, greater demands would be placed on social workers for coordination of visitation, oversight and documentation, as well as on foster parents to provide transportation and time.

The general current standard for visitation is once or twice a week. Currently, the department contracts with approximately 55 providers of visitation who provide supervision and transportation. In the last fiscal year, expenditures for this service alone were \$3,316,110.00. The FY 04 allotment is \$3,569,308.00. While it is not known how many children this served, the usual number of visits offered by contracted providers does not generally exceed one or two visits a week. Additional visitation-related transportation payments made to foster parents for child's visits with parents and siblings totaled \$436,549.00. More time and transportation costs are added when sibling

visitation is done outside a parent – child visit. In October, 2003, there were 3541 children in placement who were part of a sibling group placed in different homes.

The department currently does not pay contracted providers of visitation for any time spent on coordinating visits. However, with greater frequency of visits recommended by the workgroup, it is anticipated there would be more coordination involved. This coordination role would likely fall on the social worker. More visits would likely take place outside usual business office hours. Safe locations for quality visits may be more difficult to find. Private agencies providing BRS services are providing transportation for those children they serve; however, there are limits as to the frequency of these services due to funding. Some areas have provided innovative solutions, such as using case aides, college student interns, volunteers and visitation centers.

Implementation of a statewide visitation protocol will address a finding of the federal Child and Family Services Review (CSFR) that Children's Administration is not consistent in its efforts to promote frequent visitation between children and their parents and siblings in foster care, to preserve children's connections to their families and heritage, and to support or promote the parent-child relationship.

Conclusion

The workgroup established by SB 6643a has defined best visitation practice. The costs associated with providing the recommended level of service could be significant. The department is developing visitation protocols using the workgroup recommendations as a guide. The developed protocols will be cost neutral.