

# SUPERVISED VISITATION IN DEPENDENCY CASES

## JUDICIAL BENCHCARD

Chapter 39 of the Florida Statutes governs visitation and restrictions on parent-child contact in dependency cases where abuse, abandonment or neglect has occurred.

### WHAT IS SUPERVISED VISITATION?

- Supervised visitation allows continued contact between a parent and child in a neutral environment in the presence of a trained third party, when there are safety concerns that would prevent unsupervised contact between the child and the parent. See list of programs at <https://itrs.csw.fsu.edu/clearinghouse-supervised-visitation>.
- The visit monitor can help facilitate the parent-child relationship and the development of parenting skills by providing age specific activities, modeling appropriate child interaction, and deterring inappropriate parental behavior.
- Programs offer a variety of services, including in-person and virtual visits, monitored exchange, parent education and coaching, and therapeutic visitation. For a list of programs see: <https://itrs.csw.fsu.edu/supervised-visitation/list-florida-supervised-visitation-programs>.

### WHEN IS SUPERVISED VISITATION ORDERED IN DEPENDENCY CASES?

Parent-child visitation should be promoted unless the court determines that the child's life, health, or safety would be at risk. Chapter 39 includes visitation considerations:

- Sections 39.402(9) and 39.506(6) provide that the **court shall determine visitation rights** absent a clear and convincing showing that visitation is not in the child's best interest.
- Best practice is to have the first visit within 48 hours of removal. If visitation is ordered but will not commence within 72 hours of the shelter hearing, DCF must immediately justify and inform court of decision.

**Special Considerations for Sexual Abuse:** At shelter hearings, the court should determine whether any person before the court who seeks to begin or resume contact with the child victim has fit the criteria in section 39.0139 (Keeping Children Safe Act), which protects children from sexual abuse/exploitation. That person has the right to an evidentiary hearing, and the burden is on the parent to rebut the presumption of detriment. **Supervised Visitation Programs which accept these cases MUST have training in child sexual abuse issues.**

**Safety and individualized needs:** When determining visitation, the child's safety and well-being should always be the primary concern. Courts can arrange visits so that a service provider can provide positive coaching and mentoring for the parent when needed, and evaluate whether the parent's protective capacities are improving.

**Planning for the Transition from Supervised to Unsupervised Timesharing:** It is the court's role to determine when less restrictive access between the parent and children is appropriate.

### ARE THERE ALTERNATIVES TO SUPERVISED VISITATION PROGRAMS?

In some cases, parent-child contact may be monitored by an entity other than a Supervised Visitation Program. However, all visit monitors should review the free *Training Manual for Florida's Supervised Visitation Programs* available on the Clearinghouse website (above).

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### Use of Supervision to Address Safety Concerns

According to the Florida Courts Dependency Benchbook (2020), since children in some cases may incur further harm from having contact with a parent, it is crucial that judges consider all potential safety concerns before ordering supervised visitation. The Benchbook (2020) includes the following list of concerns that should be considered when determining if visitation should be supervised:

- Potential dangers and the volatility of threats
  - Parental impulsiveness; Mental health issues and treatment compliance
  - Unpredictable home environment
- Substantial emotional needs of the parent or child that may require a therapeutic setting
- Reduced functioning of either the parent or child during visitation
- Lack of information about the parent due to unwillingness or other factors

### Considerations for Visitation in Cases Involving Domestic Violence

- Inquire if the child welfare agency conducted a domestic violence assessment.
- Gather and review case information pertaining to domestic violence, such as current and previous injunctions, police reports, and stalking behavior. This information will help decision making for supervised, unsupervised and therapeutic visitation.
- Assess the risk posed by perpetrators to lessen perpetrator safety threats to children and ensure that appropriate interventions for the perpetrator are established in cases where supervised visitation is granted.

Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence: <https://www.ncjfcj.org/publications/checklist-to-promote-perpetrator-accountability-in-dependency-cases-involving-domestic-violence/>

### Considerations for Visitation in Cases Involving Substance Abuse

- Parent/child engagement can be a primary motivator for parents who are struggling with substance abuse.
- Require that a parent **not arrive at visitation under the influence of drugs** or alcohol or smell like drugs or alcohol or be impaired by prescriptions drugs. Authorize the visitation supervisor to prohibit a visit or stop the visit if the parent is noticeably impaired.

For more information, contact [koehme@fsu.edu](mailto:koehme@fsu.edu)



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