



Practice Tips for Legal Practitioners in Creating Meaningful Visiting Plans

When you speak with your (caseworker) Client:

--ask about the case-specific need for supervision and the type of supervision that is necessary;
--ask whether there are particular activities that can be identified to be the focal point of visits, i.e. doctor's appointments, early intervention appointments, school activities, etc.;

--ask whether the agency has any ability to facilitate visits after working hours or on weekends;

--if the child is having a particular reaction to a visit, ask the caseworker to fully discuss her/his interpretation of the behavior and what if any action s/he feels needs to be taken and why; *resist the urge to assume that a "negative" reaction means that visits should be reduced instead of expanded;*

--each time the case comes to court, ask about whether the visiting plan has progressed or can progress; help prepare caseworkers for reporting to the court on this issue;

--if a caseworker believes that visiting can progress in between court appearances, be sure that any visiting order allows the caseworker discretion in modifying the visits;

--if there is a written visiting plan, be sure that the caseworker brings it to each court date; if state regulation or agency policy require visiting plans to be generated with a parent, be sure to bring the plan to each court date every time it is updated; be sure the caseworker is prepared to discuss visiting at the next court date.

When you speak with your (parent or child) Client:

--ask about activities or events that they would like to see integrated into visits, i.e. birthdays, graduations, community outings;

--ask whether there is anyone they can identify to assist in visiting, either in terms of transportation or to host/monitor a visit, such as a guidance counselor, a pastor, a family friend;

--ask parent clients to keep a log of their visits and of missed visits and the reasons they understand visits were postponed or missed;

--if face to face visits are not always possible, inquire about whether your client would like phone contact or to be able to write regularly;

--be sure to talk about placement options that will support frequent and meaningful visits;

--advise parents and older child clients to put specific visiting requests in writing and keep copies of their correspondence;

Making the most of Court Appearances:

--*always* argue that meaningful visits are a “reasonable effort” in support of reunification;

--at the first appearance or as soon as possible thereafter, request that a visit take place within 72 hours; ask about visiting at every court appearance;

--request that a parent or child be able to attend the visit with someone from whom they feel emotional support who might help the visit go more smoothly;

--request that the court direct foster care providers to investigate potential visiting hosts as well as possible activities that could be integrated into visits; be sure that placement options are explored that maximize the child and the family’s ability to spend time together, i.e. kinship placements or those with someone with a significant prior relationship to the family, i.e. godparents;

--ask that court orders clearly outline an agency’s responsibility for visiting, i.e., to provide reimbursements for transportation costs, AND that orders are clear regarding the need to update parties and the court on the reasons for supervision, whether the visiting plan can progress and/or whether and to what extent an agency will have discretion to modify visiting plans;

--ask to be provided with updated visiting plans generated at conferences or reviews that are required by law and/or agency policy;

--reference applicable regulations in oral argument and in motion practice and keep copies of pertinent regulations handy, i.e., 18 NYCRR 430.12 which states that visits should be conducted in a manner that assures the ‘privacy, safety and comfort’ of the family; obtain copies of any pertinent social service policy memos or guidelines and reference them as well;

--if the family identifies someone who can assist with visiting, ask that person to come to court to address the judge on his/her ability to assist with the visit and assure the well-being of the child.

For more information or assistance on developing and advocating for meaningful visiting plans , please contact CFR at the above number.

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