

## Department of Public Health and Human Services – Procedure



**Category:**

*Child and Family Services Division*

**Procedure:**

*3.2.5.1 (PRO) Visitation Between Child and Parents, Siblings and Other Significant Persons (PRO)*

**Procedure Number**

### 1. PURPOSE

The purpose of this procedure is to outline the expectations of Child and Family Services Division (CFSD) in arranging, facilitating, and documenting visits between the child and their parents, siblings or other significant persons in the child's life.

It is the right of the child who has been removed from their parent or sibling, and the parent or sibling, to maintain and develop connections and have ongoing visitation. Strong and stable connections are necessary for all children to develop a sense of self and the ability to form secure attachments. CFSD utilizes visitation as "family time" which suggests the critical importance of the length and quality of time that children spend with their parents, separated siblings, and other significant people to the child.

Visitation provides an opportunity for children to heal and cope with the trauma of being separated from their parents while in foster care by reducing the sense of abandonment that children experience due to placement. Safety and well-being of the child are the primary reason to have visits supervised; however, the needs of the child must be at the forefront of the visitation as well. A determination may also be made that supervision of some visits are warranted to:

- a. Facilitate interactions between the parent and child;
- b. Model positive parenting; to include parent coaching
- c. Mediate conflict between the parent and child; or
- d. Assess and evaluate the parent/child interaction.

B. The intended outcome of this procedure is achieved when:

- a. Parents have an opportunity to learn new parenting skills, practice new skills, and demonstrate safe parenting skills;
- b. The parent and child relationship is repaired and strengthened.
- c. Opportunities for CFSD to assess the parent child interaction.
- d. Weekly contact with siblings is occurring.
- e. The opportunity for contact with other people significant to the child has been assessed and contact is occurring when it is safe to do so and, in the child's, best interest.

### 2. SCOPE

This procedure applies to all cases where CFSD places a child outside of the parent's home. It begins at the time of removal with an initial visitation plan located within the protection plan. Visitation then continues throughout the life of the case until the child achieves permanency, or parent's rights have been terminated.

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**3. RESPONSIBILITY**

The Child Protection Specialist (CPS) is responsible for ensuring that the requirements contained in this procedure are met. There are multiple Montana Code

Annotated (MCA) statutes and Federal regulations listed throughout the procedure, and it is the CPS responsibility to read and understand the guidance.

The Child Protection Specialist (CPS) and the Social Service Technician (SST) are responsible for meeting the expectations contained in this procedure.

The Child Protection Specialist Supervisor (CPSS) supervises the work of the CPS and SSTs and sometimes conducts visits. If the CPSS conducts a visit, they are responsible for meeting the expectations of this procedure.

**4. DEFINITIONS**

Montana Definitions and Acronyms

**5. PROCEDURE**

- A. When an “Out of Home Protection Plan” has been implemented, the CPS will ensure that the initial visit between a parent and child is supervised and occurs as soon as possible and prior to the visitation plan development with the parent.
  - a. While there may be a need for exceptions, the CPS should supervise the initial visit to determine whether subsequent visits need to be supervised for the safety of the child.
  - b. If the initial visit is supervised by anyone other than the CPS, the determination on whether subsequent visits need to be supervised for the safety of the child must be made by the CPS.
  
- B. Within 7 calendar days of entering into the “Out-of-Home Protection Plan” the CPS will meet with the parents to develop the visitation plan. This plan is utilized to ensure safety is maintained while encompassing visitation between the child and their parent, any siblings they are separated from, and other identified significant people the child has a relationship with. The CPS will document in the case record the visitation plan

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created, and provide a copy to the parent, resource family and child when applicable. The CPS will consider the following factors when justifying the need for supervised visits:

- a. Whenever possible, and safe to do so, natural supports should be used first and foremost for supervising visitation. In efforts to identify natural supports CPS will follow the diligent search steps outlined in the “Concurrent Planning - Preserving relationship while defining permanency options” procedure. The more visitation a child and parent can have means more opportunities for that relationship to be maintained and strengthened. By utilizing natural supports in a manner that ensures child safety, the amount of visitation between a child and parent can be maximized outside of the resource constraints of CFSD. Visits may be supervised by any of the following who have been approved by CFSD to do so:
  - i. Identified natural support.
  - ii. Relatives of the child.
  - iii. Resource families:
    - 1. When utilizing a resource family, the following should be considered:
      - a. What is the parents’ attitudes and feelings toward the resource family and what is their ability/willingness to handle contact with the resource family?
      - b. What are the resource family’s attitudes and feelings toward the parent and how does this impact the resource family’s willingness and capacity to work with the child’s parent?
- b. If the above resources are not yet identified or not available, the CPS may use the following resources for the supervision of visits:
  - i. CFSD staff.
  - ii. Child Welfare Contracted Providers.
- c. When determining the type and level of supervision CFSD staff should consider the following:
  - i. Severity and chronicity of the abuse/neglect;
  - ii. Age of the child; to include an explanation of child vulnerability;
  - iii. Potential for abduction of the child;
  - iv. Emotional reactions of the child;
  - v. Risk of inappropriate or unpredictable behavior by the parent; and,

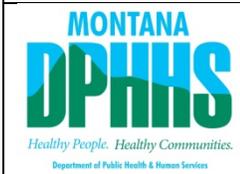
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- vi. Progress of the parent’s learning new parenting skills.
- d. The frequency and quality of visitation in which it facilitates and supports frequent and quality time between child and their parent promoting the parent child relationship. CPS will prioritize scheduling visits around routine parenting activities such as preparing meals, feeding, and diapering, attending school functions and medical appointments, helping children with homework or school projects, etc.
- e. The location of visits, with emphasis on a location that ensures the safety of all parties and produces the most interaction between the parent and child. When choosing the site for visitation the CPS will consider the following:
  - i. What is the goal of the visit and where can this goal best be met?
  - ii. What site provides the greatest opportunity for positive interaction conducive to the child’s development?
  - iii. What site is most familiar to both the child and parent?
  - iv. What sites will protect the child’s physical safety and emotional stability?
- f. When children are not placed in the same home, it is the CPS responsibility to ensure that visits and other communication among siblings take place. Sibling visitation is vital to the well-being and permanency of children. Sibling relationships can provide positive support and improved outcomes for children involved with child welfare. These visits may be combined with the parent’s visits, visits with relatives or with other significant people as determined appropriate by the CPS. Absent any immediate safety concerns, resource families and agencies, are not permitted to restrict connections for siblings. The parent, the child, and resource family will be included when determining the visitation plan. The CPS will ensure the following occur:
  - i. Face to face contact to occur on a weekly basis in person when demographically permits, or through a virtual platform.
    - 1. When children are resistant to face to face sibling contact, the CPS will refer for therapeutic supervised visitation to assess and support connection.
      - a. If in the case, a therapist supports visitation not occurring between siblings, the CPS will document this in the case record. The CPS will work with the therapist to establish a plan for the therapist to continue to work with the siblings on

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a weekly basis to reassess every thirty days if the sibling visitation can be reinstated.

- ii. The visitation will occur in the most natural setting possible for the children.
  - iii. Determine the level of supervision needed, if at all. If the visit is supervised, using step B-1 to determine what is in the best interest of the children involved.
  - iv. Document in the case record the sibling visitation plan.
- g. Separate visits for persons significant to the child may be arranged if there is a determination that visits would contribute to the child’s well-being. Factors that may be considered when determining the appropriateness of visits include the person’s agreement to not discuss the CFSD’s case plan and the attitudes and feelings toward the child’s parents, including reunification with the parents. The CPS will:
- i. Provide notification to the parent regarding the significant person visit.
  - ii. Utilize the steps B 1-5 listed above, as applicable, to determine the visitation plan with the significant person.
  - iii. Document in the case record the visitation plan with the significant person.
- C. The CPS, or CFSD assigned staff, will ensure documentation in the case record when supervising parent and child visitation, sibling visitation, and or any other child visitation. A summary of each visitation must be completed, and it minimally will include:
- i. Date
  - ii. Type (face to face, phone call, virtual platform)
  - iii. Location
  - iv. Participants
  - v. Length
  - vi. Level of participation by all parties involved.
  - vii. Progress and strengths of parents.
  - viii. Important observations or interactions that impact both negatively and positively the parties involved regarding safety and well-being.
- b. When it applies, the summary should also include the following:

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- i. Any developmental needs the child has, and how the parent was able to identify, address and assist the child.
- ii. Description of what services, or models, were utilized during the visit.
- iii. Models or interventions utilized to increase the parent’s skills.
- iv. Goals to enhance the protective capacity of the parents.
- v. Professional recommendations made regarding the parent child interaction.

D. Above and beyond face to face visitation, and when safe to do so, the CPS will:

- a. Support additional communication between the child, parent, siblings, and significant people to the child by supporting them in staying connected via phone, letter, virtual platforms, etc.
  - i. Sibling relationships can provide positive support and improved outcomes for children involved with child welfare. Therefore, above and beyond the face to face contact weekly, siblings should have phone or social media contact occurring at least once a week, and more frequently as possible.
- b. Document in case record the known communication efforts made throughout the course of the case to maintains connection.

E. The visitation goal should always be to either increase visitation or move to unsupervised visitation when safe to do so. For these reasons the CPS will:

- a. Meet with the parents after the initial 3 visits, and every thirty days thereafter to discuss the visitation plan. This discussion should include:
  - i. A review of the visitation summary's;
  - ii. Reconsideration of steps B 1-8 above;
  - iii. Assessment of the parent’s circumstances at the current time; and
  - iv. Obtaining feedback from the parent regarding what they believe should be included in the plan.
- b. Document in the case record the assessments made to determine any changes made, or not made, and provide a copy of the visitation plan to the parent, resource family and child when applicable.

F. The CPS will discuss visit plans at court hearings when applicable, Family Engagement Meetings (FEM), Youth Centered Meetings (YCM), Treatment Team Meetings (TTM) for either the child or parent and the Foster Care Review Committee (FCRC).

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G. When developing and revising visitation plans, the CPS will consider the parent’s circumstances, including the resources to which they may, or may not, have access. When a parent cannot attend visitation, the CPS will not assume it is because of a parent’s lack of interest. Reducing or denying visits can cause negative effects on a parent and a child, and furthermore can cause the parents to have challenges and setbacks in their treatment and recovery. CPS will not reduce or deny visitation based on the parent’s noncompliance of their treatment plan. If there are circumstances, in which the CPS believes that the child’s health, safety, and well-being cannot be protected during visits, justification of the concerns must be reviewed with the CPSS, as well as the parent. If the CPS worker determines visits should be reduced or denied, the CPS worker will:

- a. Obtain CPSS approval and document the reasons in the case record. CPS will outline a plan to resume visits with CPSS.
- b. CPSS will review any case where visitation has been suspended with Regional Administrator (RA) within two weeks of visits stopping. RA will document approval in the case record, or if appropriate for visits to resume RA will document the decision and plan for visits in the case record.

**6. RELATED DOCUMENTATION**

- Concurrent Planning - Preserving Relationship While Defining Permanency Options Procedure
- Out of Home Protection Plan
- The Child and Family Services Improvement and Innovation Act (P.L. 112-34)
- Child and Youth Connection: Results from CFSR Round 3 (2015-2018)
- Richardson, S. M., & Yates, T. M. (2014). Siblings in foster care: A relational path to resilience for emancipated foster youth. *Children and Youth Services Review*, 47, 378–388. doi: 10.1016/j.childyouth.2014.10.015
- Sibling Issues in Foster Care and Adoption. (childwelfare.gov)
- The North American Council on Adoptable Children — Every child deserves a permanent, loving, and culturally competent family. (nacac.org)

**7. RELATED FEDERAL OR STATE GUIDANCE**

Mont. Code Ann. § 41-1-402  
Mont. Admin. R. 37.50.310

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Mont. Admin. R. 37.50.315  
Mont. Admin. R. 37.50.316  
Mont. Admin. R. 37.50.320  
Montana Constitution, Article II