
OVERVIEW

Maintaining family contact and regular visitation is a service to children. Visits preserve a child's attachment to his or her parents, siblings, and other family members, and can lessen both the child's and the parent's anxiety about the child being placed in out-of-home care.

A visit and contact plan must be created for each child in out of home care that meets his/her developmental and attachment needs and allows for frequent contact between the child and members of his or her family. This plan must be in the best interest of the child and must develop or enhance attachment with the child's family, including siblings.

One of the best predictors of successful reunification is the frequency and quality of visits between a child and his or her parents. When reunification is the goal, the visit and contact plan should include progressively increased parental responsibility for the daily care of the child.

When reunification no longer is the goal, a visit and contact plan can help family members understand and accept the alternative permanency plan. Whatever the goal, visiting strengthens or maintains family relationships, enhances a child's well-being, and affirms the importance of parents in the child's life.

Parenting time and/or visitation is an interactive face-to-face contact between a child and his or her parents, siblings or other family members. It is separate from counseling, therapy, assessments, case reviews, family team meetings or court hearings. Parenting time/visitation can be supplemented with other types and means of contact such as phone calls, letters, email, pictures, tapes and gifts. This contact should be allowed and encouraged unless the child's or others' safety or well-being may be compromised.

LEGAL AUTHORITY

Federal Law

Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 USC 620 et seq.

Requires that whenever siblings are not placed together, reasonable efforts must be made to provide frequent visitation or other ongoing interaction between the siblings.

State Law**Probate Code, 1939 PA 288, MCL 712A.13a(13)**

If a juvenile is removed from his or her home, the court shall permit the juvenile's parent to have frequent parenting time with the juvenile. If parenting time, even if supervised, may be harmful to the juvenile, the court shall order the child to have a psychological evaluation or counseling, or both, to determine the appropriateness and the conditions of parenting time. The court may suspend parenting time while the psychological evaluation or counseling is conducted.

Probate Code, 1939 PA 288, MCL 712A.18f(e)

Except as otherwise provided in this subdivision, unless parenting time, even if supervised, would be harmful to the child as determined by the court under section 13a of this chapter or otherwise, a schedule for regular and frequent parenting time between the child and his or her parent, which shall not be less than once every 7 days.

Probate Code, 1939 PA 288, MCL 712A.19b(4)

If a petition to terminate the parental rights to a child is filed, the court may enter an order terminating parental rights under subsection (3) at the initial dispositional hearing. If a petition to terminate parental rights to a child is filed, the court may suspend parenting time for a parent who is a subject of the petition.

Probate Code, 1939 PA 288, MCL 712A.19b(5)

If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made.

Probate Code, 1939 PA 288, MCL 710.60 and**Child Custody Act, 1970 PA 91, MCL 722.27b**

Provisions for court ordered grand parenting time.

**PARENTING TIME
REQUIREMENTS**

Children under a court order giving MDHHS responsibility for placement and care, who have a permanency goal of reunification,

must be provided parenting time, unless an approved exception exists.

**Responsible
Agency**

Parenting time between the parent(s) and child is facilitated by the supervising agency.

**General
Supervision
Requirements**

Supervised parenting time ensures the child's safety and allows the caseworker the opportunity to view the parent/child interactions and provide support and guidance.

When parenting time is supervised, case aides, foster parents/caregivers, and others may supervise visits, in addition to the assigned caseworker. Parenting time supervisors must be aware of the expectations of the parent during parenting time and must facilitate and encourage appropriate behaviors.

Caseworkers must reevaluate the supervision requirement with his/her supervisor during monthly supervision (see Supervisor Review in this item) and/or once the parent achieves substantial or partial compliance with the parenting time plan. After reevaluating parenting time compliance, the caseworker must include the assessment in the next case service plan presented to the court; see Expansion of Parenting Time, in this item.

Note: If supervised parenting time is court-ordered, supervision must remain until the court rescinds the supervision.

Required Supervision by the Caseworker

Caseworkers must be able to testify in court regarding the interaction between the parent and child. Caseworkers must observe parenting time at least once per calendar month to assess parenting skills and attachment, even when visits are unsupervised.

Scheduling Parenting Time

Caseworkers must engage the family in scheduling and participating in parenting time. Scheduling parenting time must be done with primary consideration for the parent's time commitments which may include employment and mandated service requirements. The supervising agency must institute a flexible schedule to provide a number of hours, outside of the traditional workday, to accommodate the schedules of the individuals involved.

Identifying Barriers that Affect Parenting Time

Barriers that might affect parenting time; such as the circumstances of parents, the agency, the foster home, relative caregivers, and/or the safety of the child, must be identified, documented, evaluated and when possible; resolved.

The frequency, location, and duration of parenting time, as well as the action steps for achieving the parenting time standard, must be documented in the case service plan.

Frequency

The frequency guidelines detailed below are to be followed **immediately** upon out-of-home placement, unless otherwise ordered by the court. The initial visit should occur within two business days, but no later than seven business days following placement.

Frequency of parenting time is determined by the age of the child when s/he is initially placed out of home. For sibling groups placed out of home on the same date, the number of required visits is determined by the youngest child's age. When a child(ren) is born or enters an out-of-home placement on a later date, the frequency of visits (for that child(ren)) will be based on the child's individual age and does not affect the already established visitation schedule of the other sibling(s). Parenting time above the minimum guidelines **must** always be explored when appropriate; see Expansion of Parenting Time, in this item.

Frequency of parenting time must occur as indicated below:

- **Newborn to age five**, visits occur, at a minimum, two times per week.

- **Six years and older**, visits occur, at a minimum, once per week.

If visits are not occurring as outlined above, the barriers that are contributing to less frequent visits and how those barriers are being addressed must be documented in the case service plan.

Note: The frequency of parenting time is not to be reduced when a child turns a year older.

Duration

Parenting time should be long enough to promote parent-child attachment.

Location

Parenting time should occur in a child and family friendly setting conducive to normal interactions between the child and parent(s). When safety permits, parenting time should be scheduled in settings outside of the agency. Examples include, but are not limited to:

- The parent's home.
- Relative/caregiver homes.
- Parks.
- Malls and shopping centers.
- Restaurants or fast food establishments.
- Early-On appointments, play groups, etc.

If the location of parenting time is other than parental home, caseworkers must document in the visitation plan where the visit is occurring and what conditions must exist for in-home visits to take place.

Supplementing Parenting Time

Parents should continually be involved in activities and planning for their child, unless documented as harmful to the child. These activities may be used as a way to supplement additional visits, above the minimum number of required visits. Examples of acceptable activities include, but are not limited to the following:

- Involvement in medical and dental appointments.
- Attendance at school conferences, sporting events, plays, recitals, etc.

Exceptions

Children in foster care with a goal of reunification must have parenting time with their parents, unless an approved exception exists. Exceptions to this requirement include:

- The court orders less frequent visits.
- One or both parents cannot attend visits due to compelling circumstances such as hospitalization or incarceration.
- The child is above the age of 16 and refuses to participate.
- The parents are not attending the visits despite the caseworker taking adequate steps to ensure the parents' ability to visit.

Note: This exception must only be used when a parent is chronically and habitually missing parenting time. When this exception is used, the caseworker must document (in the case service plan) his or her efforts to assist the parent in resolving the barriers to attending parenting time.

All exceptions must be recorded in MiSACWIS and all reasonable efforts to assure that visits take place must be documented in the case service plan. When an exception is recorded, the caseworker must review the child's permanency goal; see FOM 722-9A, Reunification Assessment.

Exceptions must be reevaluated quarterly **or** anytime circumstances necessitate a change to the parenting time/visitation plan.

Caseworker Discussion with Parents

At the time of a child's initial placement and at least monthly throughout the life of the case, the assigned caseworker must discuss with the parents:

- The critical importance of parenting time with the child.
- The likely positive and negative effects of parenting time on the child.
- The possible consequences for parents if they do not participate in parenting time with their child.

- That parenting time is a good indicator of an early reunification of the family unit.
- That separation of a child from a parent is traumatic. A child may regress behaviorally or act out in anger against the parent and others. Parent(s) may view this as a betrayal by the child and may also express anger towards the system. Caseworkers should assist the parent and child in understanding their grief as a common reaction to the stress of removal.
- The specific behaviors and expectations required by the parents during parenting time.
- The logistics of parenting time; for example, location, duration, frequency, and supervision requirements.
- Additionally, caseworkers and parents must work together to identify the needs of the child that should be met during parenting time, and discuss the changes in parenting necessary for reunification. These changes must be:
 - Behaviorally specific and measurable.
 - Developmentally appropriate.
 - Documented in the visitation plan in MiSACWIS.

**Caseworker
Discussion with
Foster
Parent/Caregiver**

Caseworkers should assist the foster parent/caregivers in understanding the child's reaction to parenting time. It will help them to understand that many times the child's aggressive behavior is not directed at them but is a reflection of the loss that the child is feeling.

**EXPANSION OF
PARENTING TIME**

For children with the goal of reunification, there must be a written plan for the progression of parenting time, which **must** be reassessed monthly (during supervision) and documented quarterly in the parenting time plan. The specific behaviors needed for the expansion of parenting time **must** be documented in the case service plan, so the parent has a clear understanding of the actions and behavior necessary for increasing parenting time.

Parenting time should be expanded as soon as (safely) possible to support and sustain the parent-child bond and attachment.

Expansion of parenting time includes:

- Increasing the frequency and/or duration of visits; or
- Changing the location to support a more family friendly environment to encourage typical parent/child interaction; or
- Moving to unsupervised parenting time.

Reassessment of Parenting Time

Reassessment of parenting time means to reevaluate the plan based on the parent's progress during the case service plan review period. The standard scheduling of parenting time, when the plan is reunification, is to increase the length or frequency of parenting time and/or to allow unsupervised parenting time in the parental home. If the parenting time plan was not expanded, the caseworker must clearly document in the visitation plan, the reason for continuing parenting time as previously outlined.

Supervisor Review

The caseworker must meet with his/her supervisor at least monthly for case consultation on every active case. The supervisor is required to review and approve each case plan, including the parenting time plan. The supervisor must assist the caseworker in evaluating the parent's progress in order to determine if the parenting time plan should be expanded. The supervisor's approval of the case service plan implies approval of the parenting time plan; see FOM 722-6H, Caseworker Contacts.

SUSPENSION OF PARENTING TIME

Parenting time is not to be cancelled, postponed, or denied as a discipline measure for children who have misbehaved or not followed the rules of their out-of-home placement. Similarly, parents must not be prevented from interaction with their children because they are unable to pay for necessary transportation or if they have not complied with the treatment plan; for example, when a parent has a missed or positive drug screen.

The court may order less frequent or no parenting time, if parenting time, even when supervised, may be harmful to the child. The court must order the child to have a psychological evaluation, counseling,

or both, to determine the appropriateness and the conditions of parenting time.

Note: The court may suspend parenting time while the psychological evaluation or counseling is conducted.

If the court orders a psychological evaluation or counseling for the child to assess parenting time, the costs for such assessments are the responsibility of the supervising agency; see FOM 903-09, Mental Health Services.

Termination of Parental Rights

Parenting time is not automatically suspended at the time a petition to terminate parental rights is filed. The court must determine parenting time rights when the termination petition is filed.

Parenting Time Recommendations

At the court hearing involving the termination of parental rights petition, the caseworker must be prepared to offer testimony on what is best for the child regarding the issue of parenting time. Also, if a court hearing regarding the termination petition is a hearing at which a case service plan is required, the caseworker's parenting time recommendation must be in the recommendations to the court section of the case service plan.

INCARCERATED PARENTS

Unless there is documented evidence that parenting time or contact would be harmful to the child or there is a no-contact order in place, the caseworker must arrange for regular visits **or** contact between an incarcerated parent and the child. Alternatives to regular visitation at a jail or prison facility include but are not limited to:

- Letters/pictures sent through the caseworker.
- Phone contact.
- Video visitation via a JPay account. Information can be found at <http://www.jpays.com/PVideoVisit.aspx>

**ENFORCEMENT
INFORMATION
NETWORK (LEIN)
CHECKS**

Law Enforcement Information Network (LEIN) checks must be conducted on all household members when a child will be having parenting time within a parent's home. See FOM 722-06, Non-Parent Adults, for additional requirements and information on living together partners and other non-parent adults within the household. See FOM 722-06A, Adverse Actions, for additional information regarding LEIN checks.

DOCUMENTATION

The frequency, location, duration, specific behavioral expectations, and the visitation requirements described above must be documented in the visitation plan.

Parenting time must also be documented in social work contacts; see FOM 722-06H, Caseworker Contacts.

Note: If parenting time occurs less than weekly, the narrative must give the reasons.

**SIBLING VISITATION
AND ONGOING
INTERACTION**

Siblings in foster care, who are not placed together, must have at least one visit per calendar month that is in addition to parenting time. For the purposes of visitation only, siblings include children related through birth, adoption, or marriage and include siblings as defined by the American Indian or Alaskan Native child's tribal code or custom. A sibling relationship continues after termination of parental rights or when a marriage ends by death or divorce.

Note: The same standard should apply to ongoing contacts (letters, phone calls, etc.) between siblings.

Caseworkers must:

- Coordinate with the caregiver(s) to develop a plan for sibling visitation and ongoing contact.

- Detail the plan for sibling visits and other contacts within the sibling visitation section of the case service plan. The sibling visitation plan must include specific:
 - Dates of visits or contacts.
 - Location of visits or contacts.
 - Duration of visits or contacts.

Exceptions

Monthly visitation is required unless one of the following exceptions exist:

- The visit may be harmful to one or more of the siblings.

Note: Document the reason visitation between siblings is contrary to their safety or well-being in the sibling visitation section of the case service plan.
- The sibling is placed out-of-state in compliance with the Interstate Compact on Placement of Children.
- The distance between the sibling's placements is more than 50 miles and one child is placed with a relative.
- One of the siblings is above the age of 16 and refuses such visits (include reasons for refusal in documentation).

All exceptions must be recorded in MiSACWIS and all reasonable efforts to assure that visits take place must be documented in the case service plan.

Siblings not under MDHHS Care and Supervision or Placed for Adoption

Efforts must be made for visits to occur at least monthly, between children in foster care and their siblings, who are not under MDHHS' care and supervision or who are placed for adoption. Caseworkers must document their efforts to facilitate and encourage visitation and/or the specific sibling visitation plan as outlined above; see FOM 722-02, Placement of Siblings and FOM 722-03, Placement of Sibling Groups.

**GRANDPARENTING
TIME**

MCL 710.60 and MCL 722.27b, allow for grand parenting time orders to be entered under two circumstances:

- A circuit court may enter such an order as a result of a custody dispute unrelated to the reason the child came into foster care.
- A family division of the circuit court may enter a grand parenting time order in stepparent adoptions.

In addition to honoring court-ordered grand parenting time of children in foster care, caseworkers must also carefully consider all requests from grandparents for grand parenting time and honor such if they are considered to be in the best interests of the child.

If the caseworker believes that court-ordered grand parenting time is not in the best interests of the child, the local office should attempt to negotiate the matter with the court. In those instances where resolution is not possible at the local level; see FOM 722-01, Problem Court Orders.