

OVERVIEW

Maintaining family contact and regular visitation is essential to 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.

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 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.

PARENTING TIME

Children under MDHHS care and supervision who have a permanency goal of reunification must be provided parenting time unless an approved exception exists see *Parenting Time Exceptions* in this item. Parenting time between the parent(s) and child(ren) is facilitated by the supervising agency.

One of the best predictors of successful reunification is the frequency and quality of visits between a child and his or her parents. It is important for children and parents to have contact as soon as possible after removal; see *Parenting Time Plan* in this item. When reunification is the goal, the visit and contact plan should include progressively increased parental responsibility for the daily care of the child.

Parenting time visits must never be used as a reward or withheld as punishment for either the child(ren) or parent(s); see *Suspension of Parenting Time* in this item.

Expansion of Parenting Time

For children with the goal of reunification, there must be a written plan for the expansion of parenting time, which **must** be reassessed monthly during supervision and documented quarterly in the visitation plan within the case service plan. Ongoing assessment of the parent's ability to safely care for and interact with the child must be used to guide expansion of parenting time.

Parameters for 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.
- Changing the location to support a more family friendly environment to encourage typical parent/child interaction.
- Moving to unsupervised parenting time.

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.

Case aides, foster parents/caregivers, relatives, and others may supervise visits in addition to the assigned caseworker. The caseworker must communicate the expectations of the parent during parenting time to the individual(s) supervising the visits, and the individual supervising the visit must provide support and guidance as needed. The caseworker must obtain updates on the quality of the parent/child interactions during the visit(s) from the individual(s) who supervised the parenting time(s).

Caseworkers must reevaluate the need for supervision of parenting time during monthly supervision with his/her supervisor; see *Supervisor Review* 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

If parenting time is supervised by individuals other than the assigned caseworker, the assigned caseworker must observe parenting time at least once during the first 30 days after removal and once per quarter thereafter to assess parenting skills and attachment.

Review and Reassessment of Parenting Time Plan

The caseworker and supervisor must review the parenting time plan during monthly supervision to discuss expansion opportunities and barriers to expansion of and compliance with the parenting time plan.

The caseworker must reassess the parenting time plan, and the parent's compliance with the plan, quarterly in the case service plan; see [FOM 722-09, Foster Care - Updated Service Plan](#) and [FOM 722-09A, Foster Care - Reunification Assessment](#).

If the parenting time plan was not expanded during the report period, or if barriers exist that prevent the parent from complying with the parenting time plan the caseworker must document the reason(s) and/or barriers in the case service plan, as well as the agency's efforts to rectify those barriers.

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 indicates approval of the parenting time plan; see [FOM 722-6H, Case Contacts](#).

Parenting Time Plan

Caseworkers must engage the family in creation of the parenting time plan, including:

- The frequency, duration, and location of parenting time.
- Opportunities for supplementation of parenting time.
- Specific behaviors expected of the parent(s) during parenting time.

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

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 hours outside of the traditional workday to accommodate the schedules of the individuals involved.

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 must occur as soon as possible but no later than seven calendar 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 an existing parenting time plan is not reduced when a child reaches age 6.

Duration

Parenting time should be long enough to promote parent-child attachment. At a minimum, a parenting time visit should last for at least one hour.

Note: Parenting time visits that last overnight or for multiple days, such as over a weekend, are not considered a temporary break placement; see [FOM 722-03D, Placement Change](#).

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, such as:

- 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 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.

Parenting Time 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**

Prior to completion of the initial DHS-441, Case Service Plan, 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.
- 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 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**

Children may demonstrate challenging behaviors before and after parenting time. These behaviors are often due to the child's

difficulty processing and expressing their emotions surrounding the loss experienced during out-of-home placement. Caseworkers should assist the foster parent(s)/caregiver(s) in understanding the child's reaction to parenting time so that the foster parent(s)/caregiver(s) can support the child.

SUSPENSION OF PARENTING TIME

The caseworker must not cancel, postpone, or deny parenting time as a disciplinary measure for children or punishment of parents. 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 may order the child to have a psychological evaluation, counseling, or both, to determine the appropriateness and the conditions of parenting time. Parenting time must continue to the extent allowed by the court during this time.

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, Case Service Payments](#).

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; see the [JPay Video Visitation website](#) for more information.

LAW 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 [SRM 700, Law Enforcement Information Network](#).

DOCUMENTATION

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

Parenting time and sibling visits must be documented in social work contacts; see [FOM 722-06H, Caseworker Contacts](#).

Note: If parenting time occurs less than weekly, the reasons must be documented in the visitation plan.

SIBLING VISITATION AND ONGOING INTERACTION

Under MCL 722.952, siblings are children who are related through birth or adoption by at least one common parent. For American Indian or Alaskan native children, siblings are defined by the American Indian or Alaskan native child's tribal code or custom. A sibling relationship continues after termination of parental rights.

Siblings in foster care who are not placed together must have regular visitation. Siblings placed apart must have one visit within the first 30 days of the placement that results in separation and one visit per calendar month thereafter.

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.

Sibling Visitation Exceptions

Monthly visitation is required unless:

- 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 (ICPC).
- 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.

Note: The caseworker must document the reasons for refusal in the case service plan.

All exceptions must be recorded in MiSACWIS. The caseworker must document reasonable efforts to assure that visits take place in the case service plan.

GRANDPARENTING TIME

MCL 710.60 and MCL 722.27b, allow for grandparenting 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 grandparenting time order in stepparent adoptions.

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

If the caseworker believes that court-ordered grandparenting time is not in the best interests of the child, the local office should attempt to negotiate the matter with the court. When resolution is not possible at the local level, the local office may request assistance from MDHHS Children's Services Legal Division (CSLD); see [FOM 722-10, Court Review](#).

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 the parent's custody at any time, the court shall permit the juvenile's parent to have regular and frequent parenting time with the juvenile. Parenting time between the juvenile and his or her parent shall not be less than 1 time every 7 days unless the court determines either that exigent circumstances require less frequent parenting time or that parenting time, even if supervised, may be harmful to the juvenile's life, physical health, or mental well-being. If the court determines that parenting time, even

if supervised, may be harmful to the juvenile's life, physical health, or mental well-being, the court may suspend parenting time until the risk of harm no longer exists. The court may order the juvenile to have a psychological evaluation or counseling, or both, to determine the appropriateness and the conditions of parenting time.

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.

Foster Care and Adoption Services Act, 1994 PA 203, MCL 722.952(l)

"Sibling" means a child who is related through birth or adoption by at least 1 common parent. Sibling includes that term as defined by the American Indian or Alaskan native child's tribal code or custom.

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

Provisions for court ordered grandparenting time.

***Modified Implementation, Sustainability, and Exit Plan,
Dwayne B. vs. Whitmer, No. 2:06-cv-13548, 6.23 Visits, Parent-
Child (Commitment 77)***

DHHS shall ensure that children in foster care with a goal of reunification shall have at least twice-monthly visitation with their parents unless an exception exists.

***Modified Implementation, Sustainability, and Exit Plan,
Dwayne B. vs. Whitmer, No. 2:06-cv-13548, 6.24 Visits,
Between Siblings (Commitment 78)***

DHHS shall ensure that children in foster care who have siblings in custody with whom they are not placed shall have at least monthly visits with their siblings who are placed elsewhere in DHHS foster care custody unless an exception exists.

Licensing

Mich Admin Code R 400.12421(c)

An agency shall have a policy regarding visitation and parenting time that contains provisions for visits between parents and children except where parental rights have been terminated or when there is a court determination that visits are detrimental to the child.

Mich Admin Code R 400.12421(d)

An agency shall have a policy regarding visitation and parenting time that contains provisions for visits between siblings who are not placed together except when there is a court determination that visits are detrimental to either child