



Clearinghouse on Supervised Visitation Phone Conference Agenda



March 18, 2020

12PM/11CT

Discussion

1. Welcome and Announcements – Everyone is invited! COV19-update
2. Check the listings on the website to ensure your program information is up to date and correct for the quarterly report. If you need to add or change anything email Lyndi Bradley at lbradley2@fsu.edu
3. **NEW REQUIREMENT** for A&V Report: “Do you have a child support case with the State of FL Child Support Services?”
4. Questions from Directors – Preparing for Unsupervised visits?
5. Guest Speaker: Chris Lolley, Executive Director, Prevent Child Abuse FL
6. Tragedies outside of Supervised Visitation



New Supervised Visitation Database Question!

Please note that a new **mandatory** question has been added to Florida's Supervised Visitation Database. This question:

Do you have a child support case with the Florida Child Support Program?

is being included to help determine how many supervised visitation clients also have Florida Child Support Program agreements. Please choose either YES / NO / Don't Know to answer the question. It is not mandatory that clients answer YES, only that they do answer the question.

The new question will appear on the Client Information page for a Visitor and Custodian as seen in the picture below.

Client Update for Case '2004-1-JonesMarion'

[<< Back to Clients Listing](#) [<< Back to Cases Listing](#)

Client Type:

Last Name: First Name: MI:

Date of Birth (YYYY-MM-DD):

SSN Last 4:

Gender:

Race/ethnicity of this Client

(Check all that apply)

- American Indian or Alaska Native
- Black/African American
- White
- Hispanic
- Other Races - If you are A and V funded, you can not choose this category.
- Asian
- Pacific Islander
- Two or More Races

Relationship to Child(ren)

If relationship is different for different children, please indicate separately for each child.

Last	MI	Date of Birth	Relationship to Child	
Jones	Jason	M	2000-03-02	Mother (Biological or adoptive)

Do you have a child support case with the Florida Child Support Program? Yes No Don't know

Client lives Out of state In state (indicate county and city)

County of Residence:

City of Residence:

Annual income - all sources (to be recorded separately for each custodian & visitor)

If you have any questions regarding the new variable, please contact Kelly O'Rourke, Database Manager at kes2523@my.fsu.edu

We received a few questions regarding the expectations for completing the new data and wanted to share the below updates to assist with implementing this new requirement.

- SAV programs do not need to re-submit quarterly reports to DCF for the Oct – Dec 2019 service period.
- Guidance received from the federal program about the new requirement was that the existing child support data element for the SAV grant has changed from “optional” to “mandatory.” A simple yes or no to the child support question is all they are asking for at this time.
- SAV programs will need to be sure that any cases with services from Oct 1, 2019 through September 30, 2020 have the new question answered in the database for Visitors and Custodians.
- For all existing cases, during the reporting year it is acceptable for programs to make changes in the database about the child support question even though the case was accepted earlier. This may include updating older or even closed cases in the database.
- The goal is to have a complete report by September 30, 2020 to indicate whether or not there is child support involvement in every case entered that year.
- FSU is working on revising the database report and expects to have it reconfigured for the next reporting cycle (January – March 2020). Once they have the new report configured, the report will show red errors where this question is missing which should help the SAV programs identify cases that need to be updated, if any.
- SAV programs may want to consider adding the child support question to their intake form to obtain the information.
- FSU staff are available to the SAV programs for any questions and/or technical assistance with the new data reporting. In addition, the FSU Clearinghouse reviewed this topic on their last statewide monthly conference call for SAV programs and plan to include this topic again on their call next month. FSU contacts are Kelly O’Rourke at kes2523@my.fsu.edu or (850) 222-3845 and Karen Oehme at koehme@fsu.edu or (850) 644-6303.

Thank you for your assistance with this new requirement.

A Message on COVID-19 from the Children's Bureau

Given the Coronavirus Disease 2019 (COVID-19) outbreak, we are aware of the impact that it may have on the populations you serve. As our partners at the Department of Health and Human Services (HHS) continue to work closely with state, local, tribal, and territorial partners, as well as public health partners across the globe to respond to contain COVID-19, we want to inform you that the Centers for Disease Control and Prevention (CDC) at HHS continues to provide updates and guidance from medical professionals about how to protect you and those you serve from COVID-19. We urge you to stay informed and vigilant, and share information with your staff, subrecipients, and community partners and stakeholders. For regularly updated information from the CDC, please visit:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Everyday preventative actions can include the following:

- Cover your nose and mouth with a tissue when you cough or sneeze; throw the tissue away immediately after you use it.
- Wash your hands often with soap and water for at least 20 seconds, especially after you cough or sneeze.
- Avoid close contact with people who are sick. When you are sick, keep your distance from others to protect them from getting sick, as well.
- Try not to touch your eyes, nose, or mouth. While it may seem simple, germs often spread this way.
- At the workplace, wash your hands frequently and practice caution when coming into contact with commonly touched surfaces like door handles, handrails, and elevator buttons. Additionally, the CDC recently issued a series of guidance documents on how to prepare and take action for COVID-19.

Some of these guidance documents may be relevant to your work and the populations you serve. <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html> Employees planning domestic travel should routinely check CDC's website for information about COVID-19 for travelers and travel-related industries and take into consideration the location and purpose of their travel. <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>

Children Involved in the Child Welfare System The CDC provides guidance and FAQs specifically on COVID-19 and children: <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html>

Foster care providers and agency case managers can make use of the CDC's guidelines for how to prevent the disease in educating children about the disease:

<https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html>

Foster Care

The CDC provides specific guidance for households that will be helpful to foster family home providers: <https://www.cdc.gov/coronavirus/2019-ncov/community/home/index.html>

While the CDC does not provide guidance specifically targeted to the types of child care institutions in which some children in foster care reside, it does provide guidance for long-term care facilities that is of relevance to such placement types:

<https://www.cdc.gov/coronavirus/2019-ncov/community/home/index.html> Child Welfare

Workforce In addition to the guidance mentioned above for individuals regarding prevention, the Department of Labor's, Occupational Safety and Health Administration provides information concerning coronavirus:

https://www.osha.gov/SLTC/novel_coronavirus/ It is critically important that child welfare agencies develop a process to remain informed of the ongoing updates and instructions from the CDC and state and local public health officials in order to make informed, fact-based decisions about meeting the needs of children in foster care during this time. We encourage you to maintain contact with your local health department if you or your client exhibits symptoms that may be related to COVID-19.



Planning for Unsupervised Visits

Issue: A director who supervises visitation/timesharing in South Florida, has been asked by local court administration for a draft “form” that would help guide families from the restrictions of supervised visitation or timesharing to unsupervised timesharing.

Response: This issue is actually an important **statewide issue** that relates to the specific benchmarks or next steps that would lead to the termination of supervised visitation/timesharing. I would like to have significant stakeholders, such as attorneys in the Office of the State Courts Administrator (and forms committee) and the Department of Children and Families, as well the Florida Bar Family Law Section Forms Committee and program directors and trial court administrators, weigh in on this issue to help resolve it in a consistent manner.

It may be (as in *Ryan v Ryan*) that simply ordering the parties to schedule another hearing (“case management”) for the court to review the case again in a period specified is enough to meet the standard.

Such judicial review is common in cases under FL Statute 39 – dependency cases. However, it is not currently common practice in family court (dissolution related) cases. In fact, it is my considered opinion that many judges are not inclined to schedule judicial review in cases in which the parties are ordered to supervised visitation.

Directing supervised visitation programs to create such steps is inconsistent with the nature of supervised visitation programs. These programs do not see the entirety of the case. They often only have short term exposure to the parties, and see them on their “best” behavior. They also do not have access to all of the records, experts, and information in the case. **Requiring program staff to create such parenting plans** may open the program staff to liability that *others* involved in high conflict cases – such as child welfare investigators, guardians ad litem, and the judges themselves– do not have. These experts often have immunity in actions against them for the decisions they make. (For a discussion of the need for limited quasi-judicial immunity for supervised visitation providers, see *Toward a Coherent Approach to Tort Immunity in Judicially Mandated Family Court Services* https://heinonline.org/HOL/Page?handle=hein.journals/kentlj92&div=18&g_sent=1&collection=journals)

Thus, it is the court's role to mandate next steps, because supervision is not a substitute for addressing the underlying problems that resulted in the need for supervised visitation in the first place. Specifically, in the majority of cases, supervision does not "cure" the deficiency:

Under optimum conditions, the courts should be seeking to address the underlying problems in the family to plan toward facilitating less restrictive access between parents and children. This means that batterers' intervention programs, parenting classes, substance abuse evaluation, counseling, and treatment, and professional psychological and parenting evaluations should begin immediately after the restrictive visitation is ordered.

<https://www.floridabar.org/the-florida-bar-journal/supervised-visitation-programs-in-florida-a-cause-for-optimism-a-call-for-caution/> 1997

Other compliance steps might include directives such as a party obtaining adequate housing, complying with medical advice, providing proof of daycare/babysitters, increasing cooperation and information sharing regarding the child, surrendering passport if parental abduction is an issue, resolving investigations by child welfare or criminal complaints, evidence of compliance with domestic violence injunctions, and clean drug screening results. Because every case is different, this is by no means an exhaustive list of possibilities.

Judicial review could become highly structured: such as three or six month reviews any time the court ordered supervision. The court could also order the supervised visitation/timesharing program to submit reports of the visits, specifying what kind of information the court wants to review. The standard template for supervised visitation could have a provision that offers:

Reports to the Court: The Supervised Visitation Program shall submit Reports to the Court as follows

- a. every three months
- b. every six months
- c. as follows _____.

Reports to the Court shall contain:

- a. summary information (visit log, intervention summaries, and critical incident reports only)
- b. detailed visit information (summaries and specific descriptions of parent-child interaction)
- c. other information specific to these parties: _____.

_____.

Case Review:

The case will be reviewed by the court _____.

The above approach ensures that it is the court that makes the ultimate determination in the case as to timesharing.

I look forward to receiving feedback from OSCA, DCF, and supervised visitation programs, and will send this Memo to them for their responses.

Relevant Case law draft summary:

Pierre v. Bueven, 276 So.3d 917 (Fla. 3d DCA 2019)

The father filed a paternity petition and The Circuit Court, 11th Judicial Circuit, Miami-Dade County, Valerie R. Manno Schurr, J., established parental responsibility and time-sharing. Mera Pierre, the petitioner/counter-respondent below, appealed the final judgment establishing paternity, parental responsibility, time-sharing and child support for the parties' minor child. Pierre challenges only those portions of the trial court's final judgment determining parental responsibility and time-sharing.

Because, however, the final judgment failed to provide Pierre with the specific steps he must undertake in order to obtain unsupervised time-sharing with the minor child, the Court reversed that portion of the final judgment and remanded to allow the trial court to identify those specific steps Pierre must undertake to obtain unsupervised time-sharing.

The Court cited Solomon v. Solomon¹, which stood for the principle that where a final judgment fails to set forth what steps a parent must take in order to establish unsupervised timesharing, the final judgment must be reversed and remanded for the trial court to identify such steps. This case involved a wife who obtained a temporary injunction, upon dissolution of their marriage, for protection against domestic violence, which prevented the husband from having contact with the wife and the children.

The trial court entered an agreed order appointing Jerome H. Poliacoff, Ph.D. ("Poliacoff"), to examine the parties and the children and make recommendations pursuant to section 61.13, Florida Statutes (2016). Poliacoff recommended supervised visitation between the husband and the children, which "should begin with a goal of ending in a short time frame." Under a section entitled "Review and Revision," Poliacoff recommended that the plan be reviewed every three months by a guardian ad litem with the stated goal of increasing access time for the husband with the children.

In Solomon, the trial court adopted the Poliacoff Report and the Guardian's Status Report as the parenting plan in the Final Judgment. The Poliacoff Report recommended that the supervised visitation between the husband and his children "begin with a goal of ending in a short time frame" and that the plan be reviewed every three months by a guardian ad litem with the stated goal of increasing access time for the husband with the children. The Guardian's Status Report, issued one month before the final judgment, recommended that "[u]nsupervised visits between [the husband and the children] should be considered as the next step in this family's healing process." Each report, therefore, stated that the supervised nature of the timesharing should not be permanent, but neither identified the steps necessary for the father to terminate supervised timesharing. In adopting the reports as the parenting plan, the trial court therefore failed to set forth specific benchmarks or identify for the husband the steps necessary to terminate the supervised timesharing. Although a trial court is not required to set forth "every minute detail of the steps to reestablish unsupervised timesharing[,] ... [t]he requirement is for the [husband] to walk out of the courtroom knowing that if [he] satisfactorily

¹ 251 So.3d 244 (Fla. 3d DCA 2018)

accomplishes relatively specific tasks, [he] will be able to reestablish unsupervised timesharing.”
Witt–Bahls v. Bahls².

Ryan v Ryan, 257 So.3d 1168 (Fla. 3d DCA 2018)

Jade Nicole Ryan sought review of a post-judgment order in a dissolution of marriage case. The order suspended her unsupervised timesharing with her minor child and ordered her to pay for substance abuse evaluation and treatment. The Jade Nicole Ryan appealed inter alia the modification of her timesharing rights with her child. She argued that the order under review should be reversed because it does not specify the conditions that must now be met in order to lift the limitations on visitation. In this case, however, **the order expressly directed the parties to schedule a case management conference within thirty days** to address her compliance with the SCRAM bracelet, alcohol and drug testing, and treatment program requirements imposed by the order. The trial court stated that, at the conference, the court would “determine the [her] time-sharing status with the minor child.” No error was found in this procedure, as it provided a clear path toward reconsideration of the timesharing limitations if enumerated conditions are met. Thus, the Court affirmed the non-final order and denied the petition for certiorari.

This case emphasizes a court will not review an order for abuse of discretion where a path towards normalized timesharing is established subsequent to a supervised or restricted timesharing ordered.

Lightsey v. Davis, 267 So.3d 12 (Fla. 4th DCA 2019)

The father appeals a final judgment of paternity and challenges the court's rulings on parental responsibility and timesharing. He contends that the court erred: (1) in awarding the mother sole parental responsibility without a finding of detriment to the child in shared responsibility; (2) in awarding him only supervised timesharing with the child without setting forth the steps that he must take to obtain unsupervised timesharing; and (3) in providing time sharing at the sole discretion of the mother.

The final judgment of the trial court did not set forth a timesharing schedule, but it authorized supervised time sharing within the sole discretion of the mother until such time the father has demonstrated that he is able to properly parent. Yet the court did not provide what steps the father should complete to demonstrate that ability. In relying on Whissell v. Whissell³, which held that even if the trial court's decision not to award unsupervised timesharing is supported by competent substantial evidence, the court must provide the parent who is denied timesharing **“with specific steps to obtain unsupervised timesharing.”** and Bahls⁴, the Court held that a trial court's failure to set forth any specific requirements or standards with which the parent must comply in order to reduce the timesharing restrictions — whether those restrictions constitute a total prevention of timesharing altogether or are only a limitation of timesharing—is error. The court reversed as to the failure to provide steps to secure unsupervised timesharing and the grant of supervised timesharing at the sole

² 193 So.3d at 39.

³ 222 So.3d 594, 595 (Fla. 4th DCA 2017)

⁴ Supra, note 2

discretion of the mother, as the court must provide a means for the father to obtain unsupervised visitation and cannot delegate to a third party the determination of timesharing.

Parent death: The Effect on Staff

We have discussed how devastating it is for children to lose their parent. In fact, the death of a parent is considered an adverse childhood experience that can have lifelong consequences.

But what about the staff of a visitation program? How do they feel when a client dies? At one program in Florida, two different sets of children lost a parent during a short period of time. The staff of the program were also devastated.

Consider:

1. When a parent who was using supervised visitation suddenly dies (in uniform, due to a health crisis, by natural causes, or by accident or violence), the children stop coming to the visitation program.
2. The staff are left to cope with the death on their own.
3. Staff members need help with this tragedy.
4. Consider a “sub-clinical” (not therapeutic) opportunity for staff to discuss their feelings with a local counselor (in a group or individually)
5. Make referrals to counseling (clinical)
6. Acknowledge the tragedy
7. Offer time off; emphasize self-care and wellness.

Contact the Clearinghouse

850-644-1715

