

JUDICIAL BENCHCARD

SUPERVISED VISITATION IN FAMILY COURT (Non-dependency) CASES

WHAT IS SUPERVISED VISITATION?

- Supervised visitation allows continued contact between a parent and child in a neutral environment in the presence of a trained third party, when there are safety concerns that would prevent unsupervised contact between the child and the parent.
- A supervised visitation program provides supervised visitation services as its primary function in accordance with court orders. Visit monitors can help facilitate parent-child relationships and the development of parenting skills by providing age specific activities, modeling appropriate child interaction, and deterring inappropriate parental behavior.

What Types of Services Are Offered by Supervised Visitation Programs?

According to the Supervised Visitation Standards Committee (2008), Supervised Visitation Programs *may* offer a range of services. These include:

- One-on-One Supervision: one supervisor is assigned to each family
- Monitored Exchanges: supervision of a child's transfer between parents
- Group Supervision: simultaneous supervision of multiple families
- Telephone Monitoring: monitoring phone calls between parent and child
- Ancillary Services: additional services like parenting & co-parenting education, parenting plan assistance, mediation and parent coordination, etc.
- Therapeutic Supervision: counseling services provided to family by a mental health professional during visitation

ARE THERE ALTERNATIVES TO SUPERVISED VISITATION PROGRAMS?

- In some cases, parent-child contact may be monitored by an entity other than a Supervised Visitation Program.
- However, all visit monitors should review the [Training Manual for Florida's Supervised Visitation Programs](#) on the Supervised Visitation Clearinghouse website.
- Although judges are not *prohibited* from allowing relatives or friends to supervise parent-child contact, they should be aware that *substantial* safety issues may arise from supervision by individuals who have not been adequately trained.

SUPERVISED TIMESHARING CASELAW IN FAMILY LAW (DISSOLUTION, PATERNITY, DOMESTIC VIOLENCE)

- Trial courts have broad discretion to restrict time-sharing when necessary to protect the children's welfare, but courts should provide findings of fact relating to any restrictions imposed and explain how those restrictions are in the children's best interests. Verrier v. Oaks, 235 So. 3d 1050 (Fla. 2d DCA 2018).
- Safety concerns are pertinent in cases involving physical, emotional or sexual abuse, domestic violence, substance abuse, mental illness, concerns about parental abduction, and when multiple issues are present at once.
- Whenever the court orders supervision, the court order should include specific visitation guidelines, such as a visitation schedule, and any other conditions necessary to ensure safe contact with the child. Ryan v. Ryan, 257 So.3d 1168 (Fla 3d. DCA 2018).
- These conditions may include batterers' intervention programs, parenting classes, substance abuse evaluation and treatment, and professional psychological and parenting evaluations. Ryan v. Ryan, 257 So.3d 1168 (Fla 3d. DCA 2018),

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- When ordering restrictions on timesharing, it is necessary that courts set forth **specific benchmarks or identify the steps that parties must to take** satisfy the terms in order, in order for courts to terminate supervised timesharing and reestablish unsupervised timesharing in the future. Lightsey v. Davis, 267 So.3d 12 (Fla 4th DCA 2019); Pierre v. Bueven, 276 So.3d 917 (Fla. 3d DCA 2019).
- A case management hearing may be necessary to determine compliance with any ordered timesharing restrictions, including supervised timesharing, batterers' intervention programs, parenting classes, etc. Ryan v. Ryan, 257 So.3d 1168 (Fla 3d. DCA 2018). *It is the court's role* to determine whether the timesharing restrictions have been satisfied and decide if less restrictive access between the parent and children is now appropriate.

Checklist for Judges:

1. Be familiar with the supervised visitation programs in your area. For a list, see: <https://familyvio.csw.fsu.edu/supervised-visitatio/list-florida-supervised-visitatio-programs>
2. Verify that the program you select has a Program Agreement with the Court. This is required by the Supreme Court Standards. https://familyvio.csw.fsu.edu/sites/g/files/upcbnu1886/files/documents/Supreme_Court_Standards_for_SV_from_1998.pdf
3. Verify that the court order for supervised visitation is consistent with the services of the program. For example, only order visits during the times that the program is open. Ensure that the program has adequate security measures for the case.
4. Ensure that referrals are appropriate for the level of service available in a program.
5. Be aware that program directors have the discretion to decline court ordered cases under specific circumstances.
6. Be aware that each circuit is responsible for developing an agreement with local providers which sets forth procedures for providing reports to the court.
7. Identify benchmarks or specific steps the parties must take to terminate supervision.
8. Be specific in the court order as to who is entitled to be present during the supervised visit.

Clearinghouse on Supervised Visitation Florida State University Institute for Family Violence Studies



<https://familyvio.csw.fsu.edu/clearinghouse-supervised-visitatio>