



## JUDICIAL COUNCIL OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION  
CENTER FOR FAMILIES, CHILDREN & THE COURTS

### ACCESS TO VISITATION GRANT PROGRAM

This document includes information for California Access to Visitation Grant recipients and providers of supervised visitation who are considering expanding their written policies and procedures to include the use of remote technology during the COVID-19 emergency period. The use of mobile, remote, tech-based services is being referred to as virtual visitation.

**The information in this document is not legal advice.** Providers are strongly encouraged to review the [worksheet](#) from the National Network to End Domestic Violence called, *Assessing Readiness for Digital Services* as a resource for helping to ensure safety and technology safety, for parents and children and resources at the Florida Clearinghouse on Supervised Visitation, click [here](#).

#### Using Remote Technology and Electronic Communication

Virtual visitation is the use of electronic communication tools to provide contact between a parent and his or her children as part of a parenting plan or custody order. Virtual visitation includes many forms of communication, such as e-mail, instant messaging, and videoconferencing. Virtual visitation, also called Internet visitation or computer visitation, is one way for parents to have “face time” with their children through electronic means.

Electronic communication means any communication facilitated by the use of any wired or wireless technology via the Internet or any other electronic media. The term includes communication assisted by the use of a telephone, electronic mail, instant messaging, videoconferencing, or webcam. Electronic communication is defined as “time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or some other wired or wireless technologies via the Internet, or another method of communication.”

QUESTIONS TO CONSIDER	CHECKLIST
Are you qualified to provide services?	<ul style="list-style-type: none"><li>Completed existing and new training requirements under Family Code section 3200.5, effective January 1, 2020.</li><li>Meet qualifications under Family Code section 3200.5 and Standard 5.20.</li><li>Signed FL-324 declaration, prior to the visit.</li></ul>

	<ul style="list-style-type: none"> <li>▪ Completed a Live Scan for criminal background check, prior to the visit.</li> </ul>
Did you obtain informed consent?	<ul style="list-style-type: none"> <li>▪ Discussed with each parent the reason for the changes in practice.</li> <li>▪ Discussed with each parent the transition from in-person to virtual /digital visit.</li> <li>▪ Informed each parent this is voluntary and not a requirement.</li> </ul>
Does your policies include Standards 5.20 requirements?	<ul style="list-style-type: none"> <li>▪ Incorporated applicable provisions of Standard 5.20 for the visit.</li> </ul>
Do you have a new program service agreement?	<ul style="list-style-type: none"> <li>▪ Agreement signed by each parent, prior to the visit.</li> <li>▪ Included terms and conditions for the visit including grounds for ending or stopping the visit early.</li> <li>▪ Included duties and obligations of the provider for the visit.</li> <li>▪ Discussed visits will be recorded and the visitation report.</li> </ul>
Did the parties attend orientation?	<ul style="list-style-type: none"> <li>▪ Conducted separate orientation with both parents, prior to the visit.</li> <li>▪ Conducted separate orientation with the child, prior to the visit, based on the age and developmental capacity of the child.</li> <li>▪ Discussed how the virtual visit will operate and addressed safety concerns of the parent and child. As with on-site visitation, you may think about the use of code words, or hand signals, special toy, etc., that identify when the child may feel unsafe or distressed.</li> <li>▪ Discussed the Information Sheet on SV and COVID-19, with each parent.</li> <li>▪ Discussed custodial parent responsibility to prepare the child for the virtual visit and the child's right to privacy with the other parent (e.g., consider children using ear buds or headphones, set-up in a quiet location, no eavesdropping, etc.). Another resource is, <i>How Children wish to be Treated by their Parents</i> developed by the Children's Right Council, click <a href="#">here</a>.</li> <li>▪ Reviewed policies and procedures and terms and conditions.</li> <li>▪ Discussed re-orientation with each parent when issues arise, such as when rules of the visit violated, or safety issues.</li> </ul>

<p>Have you developed written instructions on digital application selected and fees?</p>	<ul style="list-style-type: none"> <li>▪ Provided parents with written instructions on how to use and access the technological application or digital communication. For instance, what will each parent need regarding equipment (e.g., computer, tablet, smartphone, web-cam, high speed internet with DSL or cable connectors, adobe flash, etc.).</li> <li>▪ Discussed rationale for why the particular application was selected (e.g., Zoom vs. Skype; GoToMeetings vs. Web Ex). What are the risks vs. the benefits of the selected application?</li> <li>▪ Discussed fees and costs for any equipment, if applicable.</li> </ul>
<p>Are you qualified to run the technology application?</p>	<ul style="list-style-type: none"> <li>▪ Reviewed the National Network to End Violence Assessing Readiness for Digital Services.</li> <li>▪ Pre-tested the application or software.</li> <li>▪ Staff completed training.</li> <li>▪ Consulted technology expert to address malfunction issues and possible resolution.</li> <li>▪ Confirmed software equipment and electronic communication installed and working properly for each parent.</li> <li>▪ Security and firewall issues addressed with expert, prior to visit.</li> </ul>
<p>Have you developed and/or disseminated an Information Sheet on COIVD-19 and virtual visitation?</p>	<ul style="list-style-type: none"> <li>▪ Discussed and provided parent with new Information Sheet –supervised visitation and COIVD-19 for parents. The information sheet is intended to prepare the parent for the visit.</li> </ul>
<p>Do you have written safety and security policies?</p>	<ul style="list-style-type: none"> <li>▪ Reviewed applicable Standard 5.20 provisions.</li> <li>▪ Discussed rules regarding communication (e.g., acceptable and not acceptable).</li> <li>▪ Discussed restrictions regarding physical movement limitations (e.g., NCP must remain in XX room, be within sight at all times, no phone calls, etc.). <u>Note:</u> It’s important for the provider to understand and have an awareness regarding how to not re-traumatize parents and children (e.g., children that may have witnessed violence in the room location and triggers that may occur resulting from abuse or violence per the visit location).</li> <li>▪ No one else is permitted in the visit unless ordered by the court.</li> </ul>

	<p><b>Special considerations for domestic violence cases</b></p> <ul style="list-style-type: none"> <li>▪ Include specific restrictions that ensure victim safety.</li> <li>▪ Ensure guidelines protect the victim’s location before, during, and after the virtual visit including address and phone number.</li> <li>▪ Discussed how the platform retains information and how information will be protected by the provider</li> <li>▪ Addressed confidentiality issues and any exceptions.</li> <li>▪ Discussed no sending or receiving picture, photographs, or notes.</li> <li>▪ Provider has structured the virtual visit based on age and developmental capacity of the child (e.g., less time but more frequent visits; NCP has developed pre-visit worksheet).</li> <li>▪ Reviewed the National Network to End Violence on COVID-19—Coalition Guidance for Programs, click <a href="#">here</a> and Technology Safety in context of intimate partner violence, sexual assault, and violence against women, click <a href="#">here</a>.</li> <li>▪ Reviewed the Futures without Violence information resource, click <a href="#">here</a>.</li> <li>▪ Reviewed the Florida Clearinghouse on Supervised Visitation and COVID-19 information, click <a href="#">here</a></li> </ul>
<p>Do you have a policy that addresses confidentiality and privacy issues?</p>	<ul style="list-style-type: none"> <li>▪ Identified privacy and safety risks for victims that may arise from using digital services.</li> <li>▪ Discussed no confidentiality for supervised visitation</li> <li>▪ Discussed how provider will protect the non-disclosure of private information (e.g., parent medical condition).</li> <li>▪ Addressed issues related to monitored recordings, release of information to others, and information released through the Internet</li> <li>▪ Discussed how communications with and about parents will be kept confidential (e.g., using encryption codes, firewalls to prevent unauthorized access, and strong passwords or double authentication methods).</li> </ul>
<p>Do you have a policy about the duration and frequency of visitation sessions?</p>	<ul style="list-style-type: none"> <li>▪ Established reasonable hours per duration and frequency of the virtual visit. For example, young children typically cannot maintain focus or hold long conversations on the phone so they may require the visit to be shortened and more structured.</li> <li>▪ Consider limiting the virtual visit for NCP (spread frequency of visits) to less than an hour, especially for younger children.</li> </ul>

Do you have enough Insurance?	▪ Reviewed policy to ensure have adequate insurance coverage based on the nature of the work.
Do you have access to legal advice/legal consultation?	▪ Discussed legal and liability issues with a licensed attorney.