

From: [Leone, Leah](#)
To: [Hayes, Michael \(ACF\)](#)
Subject: RE: Checking In
Date: Thursday, March 19, 2020 8:04:31 AM
Attachments: [image001.png](#)

Greetings Michael,

I hope this email finds you and your family well. Over the last couple of days I have been in constant contact with the grantees. In the sharing I have asked that they please update me on what service modifications they've implemented during this health crisis. I was waiting on each to respond before sending you an update, but I will share what I know now from at least two grantees. I will continue to share as more answers arrive.

NewDay Services usually hosts an in-person FOCUS class, but has decided to host online classes for the participants. The AV Hotline parenting time agents along with POLL Legal have been working from home and haven't missed a beat – nor a call.

Also, the Supreme Court in Texas issued an emergency order to assist courts.
<https://protect2.fireeye.com/url?k=e21773c6-be427ad5-e21742f9-0cc47adb5650-d15e7704d0de647c&u=https://www.txcourts.gov/media/1446106/209043.pdf?fbclid=IwAR3IW0yGc3IbcCSLiBuU1h9QywhV0BnwpuJsRRz39p2M7bqJTBJud5trVc>

All in all I couldn't be more proud of the dedication, flexibility and creative efforts of the grantees to continue offering quality AV services during this unprecedented time we are experiencing. I will continue my efforts to encourage and assist them in any way possible.

Be well.

Kind regards,

Leah

Leah Leone, J.D.
Director of Access & Visitation
Office of the Attorney General
Family Initiatives-Child Support Division
P.O. Box 12017-MC-039
Austin, Texas 78711
Office: (512) 460-6437



From: [Leone, Leah](#)
To: [Hayes, Michael \(ACF\)](#)
Subject: RE: Checking In
Date: Thursday, March 19, 2020 8:28:56 AM
Attachments: [image001.png](#)

Thank you Michael. I appreciate your encouragement!

I will keep you posted on the class from NewDay... This just in from Bexar County.

In our Shared Parenting program we were most concerned about the orientation meeting. This is where a group of applicants are seeking services and we'd have anywhere from 8 to 15 persons in our office common area. With our local courts going into a very limited entry mode, we knew we'd have to modify that. So, rather than sign up applicants for the orientation we are now contacting them by phone individually and screening them for eligibility. We can e-mail and mail them the documents needed to fill out. It's been tiring because where we'd have a one-time speech about the program, we now have to deliver that to as many applicants as we receive. But, we're dedicated to keep the program throughput going. Second, our Shared Parenting Coordinator would hold a meeting between the non-custodial parent and the custodial parent in her office. She's had to change that to over the phone.

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From: Hayes, Michael (ACF) <Michael.Hayes@acf.hhs.gov>
Sent: Thursday, March 19, 2020 9:18 AM
To: Leone, Leah <Leah.Leone@oag.texas.gov>
Subject: RE: Checking In

Thanks so much for sending all this information and kudos to you all – you are the best! And, put my request low on your list... responding to your grantees and families in Texas gets top spot!

If NewDay puts their class online – can you send me a link? I'd love to drop in and observe and learn so I can share this with others.

Michael

Michael Hayes
OCSE
Mobile: 512-589-8033

From: Leone, Leah <Leah.Leone@oag.texas.gov>
Sent: Thursday, March 19, 2020 8:03 AM
To: Hayes, Michael (ACF) <Michael.Hayes@acf.hhs.gov>
Subject: RE: Checking In

Greetings Michael,

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Script for Parent Child Contact

Part 1: (Call parent and caregiver individually)

Hi,
My name is _____ and I work for _____ as a
_____.

I have been asked by DCF to contact you regarding next steps for Family Time. Can we set a time today to have call with you and the (parent or foster parent/ kin caregiver?)

Set up time give call in number

Part 2:

Over the past few days, DCF has been working to figure out what contact between families will look like amidst the COVID-19 pandemic. As you know DCF has a responsibility to ensure that contact occur in a manner that is safe and appropriate, in alignment with the latest guidance from the Department of Health, and in compliance with the expectations of the court. Vermont is currently in a state of emergency and current recommendations from the CDC strongly encourage social distancing. In response to that, daycares, schools and many public establishments have shut down to slow the spread of the virus.

We know that you are concerned for the safety and wellbeing of your child and we would like to know if you are willing to move to virtual/ remote contact as recommended by the Vermont Department of Health. These plans will be developed to cover the period in which Vermont is in a state of emergency. Currently that is for the time period of 3/19/20 until 4/15/20.

This contact could be in the form of video chats and/or phone contact based upon all parties' technological capabilities.

(Should parents agree with making this change, create plan with parties on the phone, with specific dates/ times and platform for contact)

Please also know that you can speak to your attorney before making the decision to move to remote/virtual contact.

I (facilitator) will follow-up via email or phone with everyone regarding the written plan for remote contact.

(Should caregiver disagree – “these are hard times, during a pandemic we need to use out of the box thinking to support parent child contact, and are times that call on all of us to use an electronic medium to figure out what’s best for the

child. We are asking foster parents and parents to come together to put together a remote contact plan)

(If there's disagreement: ask these three screening questions to both parents and caregivers)

1. Have you been in close contact with a person who has COVID-19?
2. Have you felt unwell with respiratory symptoms in the last few days? *Cough, high temperature, shortness of breath, difficulty breathing?*
3. Is there anybody in your home who is high risk with serious health issues were they to contract COVID-19?

(If yes to any question, plan for virtual/ remote contact will proceed)

Because you are responding yes to one or more of the screening questions we will proceed with virtual/ remote contact.

(If agreement with virtual/remote plan)

Thank you for your patience and understanding during these uncertain times. We are all working to ensure as much consistency as possible for your family

This guidance is effective 3/19/20 and to remain in effect during state of emergency due to COVID-19 pandemic

COVID – 19: Protect Yourself, Protect Others!

From: DCF Family Services Management Team

To: DCF Family Services Staff, CFS Partners, Judicial Partners

Re: Internal Guidance for DCF Family Services Division Staff regarding parent-child contact

Date: Revised 3/18/2020

It is important to remember that here in Vermont, we are actively engaged in efforts to *prevent the spread of COVID-19*. Based on enhanced risk to older and vulnerable Vermonters and the fast rate of spread, we are instituting the following preventive actions.

Priority # 1 Establish Family Time Plans:

Chief Administrative Judge Grearson, the Office of the Defender General and a representative State's Attorneys agreed to a request from DCF-FSD to a 48 hour suspension of Parent Child Contact (this covered Tuesday, 3/17 and Wednesday, 3/18) so that DCF-FSD could work with VDH to create a screening protocol for everyone involved in Parent Child Contact—parents, children, foster parents, visit supervisors. We are actively working with VDH to determine how parent child contact can occur in a safe and appropriate manner. Judge Grearson let Juvenile Court judges know that all PCC orders remained in effect (none are considered vacated) but that PCC would be suspended on these days.

When a child has been removed from a parent's care and placed in DCF custody, that parent and child contact is ordered by the court, and DCF, as the custodian, has a responsibility to ensure that this contact occur. At the same time, during the COVID-19 pandemic, DCF has a responsibility to ensure that contact occur in a manner that is safe and appropriate, in alignment with the latest guidance from the Department of Health, and in compliance with the expectations of the court.

To accomplish this goal, a small workgroup will immediately form that will meet by phone regularly to discuss parent-child contact made up of the following individuals or their designees: Chief Administrative Judge, Defender General, State's Attorney, FSD AAG Director, FSD Director of Operations, Parent Attorney, Child Attorney and GAL.



Effective immediately, support staff (such as case aides and CFS providers) will be actively engaged in systematically facilitating phone calls with all parents and foster parents (or staff caretakers) of children/youth in DCF custody to develop safe, appropriate parent-child contact. This will mean remote/virtual contact in most situations.

A script will be developed by FSD and provided to our staff and contractors to facilitate phone calls. The script will include the specific question whether the parent would like to continue with the plan as ordered or is amenable to a different schedule based on COVID.

Parents will be given the options of how parent-child contact could occur (e.g. in person, telephonically, Skype, etc...), including the amount of contact that is to be part of the plan.

Detailed, regular virtual/remote plans will be developed and documented, and facilitators will follow-up via electronic communication with the parents regarding the written plan for remote contact. These electronic communications will include the instructions to parents that they should speak to their attorneys about these options, and a final, agreed-to plan will be in writing and distributed to all parties.

These plans will be developed to cover the period in which Vermont is in a state of emergency. Currently that is for the time period of 3/19/20 until 4/15/20.

Facilitators will share general guidance from the Health Department regarding COVID as needed on these calls, and facilitators will encourage remote/virtual contact plans during these calls.

In cases of disagreement with virtual/remote contact:

If the parent disagrees with the plan for virtual/remote contact, facilitators will ask the two screening questions (see below) of all individuals directly involved in the parent-child contact (parent, caregiver, child).

1. Have you been in close contact with a person who has COVID-19?
2. Have you felt unwell with respiratory symptoms in the last few days? *Cough, high temperature, shortness of breath, difficulty breathing?*

If any of these individuals answer yes to the 2 screening questions, the plan for **virtual/remote contact** will immediately proceed, and the FSW will request of the State's Attorney that an emergency motion to suspend in-person parent-child contact be filed.

Facilitators will also ask if any of the individuals directly involved in the parent-child contact (parent, child, or caregiver) or if any individuals in those persons' households feel they are a member of the population that is considered to be high-risk of serious health issues were they to contract COVID-19, and the parent disagrees with remote contact, Dr. James Metz will be consulted to verify this individual is in the high risk category. If the individual is verified as in the high-risk category, this statement by Dr. Metz will be included in the emergency motion to the court regarding the disagreement. DCF will immediately implement remote contact until the matter can be reviewed by the court.

Given the nature of the issue before the court (that some involved individuals may have or may be exposed to COVID-19), these hearings will allow for remote participation.

Conditions under which in-person contact will occur:

If, after review by the court, DCF is ordered to provide in-person parent-child contact, DCF will provide parent-child contact as guided by our Family Time Policy and grid. Please remember that staff are encouraged to involve kin, natural supports and foster parents in supporting family time per the guidance in the grid to the extent possible.

If an emergency motion for parent child contact is reviewed by the court, and in-person contact is ordered, staff involved in supporting the contact, parents, children and foster parents will be asked the two screening questions below prior to all parent-child contact:

1. Have you been in close contact with a person who has COVID-19?
2. Have you felt unwell with respiratory symptoms in the last few days? *Cough, high temperature, shortness of breath, difficulty breathing?*

If there is a new “yes” repeat the steps above. Significant care must be taken to ensure individuals in the high-risk category are not involved in situations where in-person parent-child contact is occurring. If such a situation is court ordered and districts are feeling stuck regarding how to address this issue consultation with operations is required.

If the following conditions exist:

- none of the individuals directly involved in parent-child contact (parent, child, or caregiver) have been in close contact with a person with COVID-19,
- none of the involved persons have felt unwell with respiratory symptoms in the past few days,
- none of the individuals directly involved in the parent-child contact (parent, child, or caregiver) or any individuals in those persons’ households feel they are a member of the population that is considered to be high-risk of serious health issues were they to contract COVID-19
- and the parents disagrees with remote contact

Then DCF will provide parent-child contact as guided by our Family Time Policy and grid. Please remember that staff are encouraged to involve kin, natural supports and foster parents in supporting family time per the guidance in the grid to the extent possible.

Priority #2 Return home cases in which reunification can safely occur:

All custody cases where the Family Services Supervisor has assessed that we are on-track to reunify within the next 3 months will be immediately reunified if it is safe to do so. Supervisors will bear in mind all community supports would likely be remote in making this determination. If in-person services are necessary for child safety, we will not reunify until it is safe to do so. If any party, including the juvenile through counsel, objects to immediate reunification in these cases, immediate reunification will not occur.

From: [La Botte, Shelly](#)
Cc: [Tanaka, Gregory](#); [La Botte, Shelly](#); [Truong-Nguyen, Donna](#); [Hayes, Michael \(ACF\)](#); [Chung, Sharon](#)
Subject: Access to Visitation Grant Program Services in the Midst of the Coronavirus (COVID-19)
Date: Thursday, March 19, 2020 3:55:17 PM

Hello Grant Recipient Courts and Subcontractors:

We have received numerous requests regarding the above. In particular, as it relates to AV funded supervised visitation and exchange services for families and parents. Please note that for those that are providing parent education services, the below is applicable as well.

We are sending this email to let you know that many providers are in similar situations across the state and have temporarily suspended services. Because every local jurisdiction and court response to COVID-19 varies, we are unable to provide specific guidance or advice for every situation. Accordingly, each agency needs to make their own decision on the provision of services pursuant to their own local city and county directives as well as the state and CDC guidelines or orders on COVID-19.

Regarding supervised visitation and exchange services, providers should be reminded of their ability to temporarily suspend or terminate supervised visitation under Standard 5.20 (below) and Family Code section 3200.5, if a safe visit for the child and noncustodial parent cannot reasonably be provided. If your court is still allowing emergency custody and visitation orders to be filed and reviewed, parties can be directed to request a modification of the current orders for supervised visitation and if self represented, seek help that may still be available from your local court Self Help Center.

Under [Standard 5.20](#) providers may suspend or terminate as follows:

(p) Temporary suspension or termination of supervised visitation

- (1) All providers must make every reasonable effort to provide a safe visit for the child and the noncustodial party.
- (2) However, if a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date, or terminated.
- (3) All interruptions or terminations of visits must be recorded in the case file.
- (4) All providers must advise both parties of the reasons for interruption of a visit or termination.

In addition, under Standard 5.20 (terms and conditions and safety and security procedures) providers must monitor conditions of the visit to assure the safety and welfare of the child; as well as all providers must make every reasonable effort to assure the safety and welfare of the child and adults during the visit.

Please let us know if you have any other questions and be well!

From: [sturges_sharon](#)
To: [Hayes, Michael \(ACF\)](#)
Subject: FW: AV List Serv message - Modifications to AV grant services
Date: Thursday, March 19, 2020 3:12:46 PM
Attachments: [April_Features_-_ADR_\(002\)_SAS_edits.pdf](#)
[March_Features-ADR.pdf](#)
[Feb_Features-ADR.pdf](#)

Hello you! Hope you are hunkered down and staying healthy. Thank you for your heartwarming message, it's connection, connectivity, and creativity right now!

I attach our little pamphlet and of course, AV contract mediators have gone online using remote service delivery through Zoom, Webex, Skype, GTM, and yes, the telephone. Legaler <https://protect2.fireeye.com/url?k=48aa6d0b-14ff64db-48aa5c34-0cc47a6a52de-5e6d71bb04e6840f&u=https://legaler.com/> has offered free subscriptions for a year for small firms and it's a fully encrypted tool with unlimited minutes for teleconferencing.

On another note, I attach a three part article my buddy and I wrote, timely.

Here is the link to the current AV brochure, horribly out of date:

https://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Court%20Programs/ODR/Brochures/Access%20%20Visitation%20Mediation%20Brochure%202_1_17.pdf

And of course, there is the pilot we ran and link to the evaluation (I sent the file to you in annual report):

<https://protect2.fireeye.com/url?k=1c4b6707-401e6ed7-1c4b5638-0cc47a6a52de-ae1f6423e72f05b7&u=https://centerforpolicyresearch.org/publications/colorado-technology-and-parenting-time-services-evaluation/technology-and-av-final-report/>

Be well my friend,

Sharon Sturges

Director, Office of Dispute Resolution
Colorado State Court Administrator's Office
1300 Broadway, Suite 1200
Denver, CO 80203
(720) 625-5955

From: Hayes, Michael (ACF) <Michael.Hayes@acf.hhs.gov>

Sent: Thursday, March 19, 2020 7:31 AM

To: Bob Maddox <bob.maddox@alacourt.gov>; jsato@akcourts.us; Jennifer Taylor <Jennifer.Taylor@arcourts.gov>; Stephanie H. Smith <Stephanie.Smith@arcourts.gov>; Julie Whitley <jwhitley@azdes.gov>; La Botte, Shelly <shelly.labotte@jud.ca.gov> <shelly.labotte@jud.ca.gov>; sturges, sharon <sharon.sturges@judicial.state.co.us>; Judkins, Anthony J. <Anthony.Judkins@ct.gov>; Charlap, Emily (OAG) <emily.charlap@dc.gov>; Mason, Diana (DHSS) <Diana.Mason@delaware.gov>; Hough, Erin <Erin.Hough@myffamilies.com>; Miller, Cierra <cierra.miller@dhs.ga.gov>; Elizabeth S. Cevallos <Elizabeth.Cevallos@guamcse.net>; Dayna.A.Miyasaki@courts.hawaii.gov; hcolema@dhs.state.ia.us; jlagerstrom@idcourts.net; Irene.curran@illinois.gov; eric.durnil@dcs.in.gov; lori.jensen@ks.gov; Mary.Sparrow@Ky.gov; patricia.cason.dcs@ia.gov; melkonian@dor.state.ma.us; arlette.thomasfletcher@maryland.gov; Joanna Davis <joanna.davis@courts.maine.gov>; hillikerm@courts.mi.gov; linda.koskela@state.mn.us; susan.k.neeley@dss.mo.gov; lyndsy.irwin@mdhs.ms.gov; nelene.ledford@mdhs.ms.gov; abeattie@mt.gov; kristen.sigmon@dhhs.nc.gov; mrobinson@nd.gov; karen.swenson@nebraska.gov; laura.bartlett@dhhs.nh.gov; kimberly.ward@njcourts.gov; Yeates, Ann-Marie (OTDA) <Ann-Marie.Yeates@otda.ny.gov>; susanne.dolin@otda.ny.gov; amy.rice@jfs.ohio.gov; Leslie.K.Owens (Leslie.K.Owens@jfs.ohio.gov) <Leslie.K.Owens@jfs.ohio.gov>; Davenport, Bettite <Bettite.Davenport@okdhs.org>; dawn.marquardt@doj.state.or.us; Schintz, Kathleen <kschintz@pa.gov>; sragosta@courts.ri.gov; lcaraballo@asume.pr.gov; stephen.yarborough@dss.sc.gov; cora.olson@state.sd.us; krista.gray@tn.gov; leah.leone@oag.texas.gov; kathlerb@email.utcourts.gov; Matthew.Gomez@dss.virginia.gov; kathryn.jensen-delugo@vi.gov; nancy.williams@vermont.gov; smithtx@dshs.wa.gov; Phyllis.fuller@wisconsin.gov; pepper.arrowood@courts.wv.gov; denise.dunn@wyo.gov

Cc: Hayes, Michael (ACF) <Michael.Hayes@acf.hhs.gov>; Henderson, Sharon (ACF) <Sharon.Henderson@acf.hhs.gov>

Subject: AV List Serv message - Modifications to AV grant services

Hi AV Coordinators,

I sent the below message out via listserv, but it might have gotten caught in your spam filter, so wanted to send directly via email as well.

Hello AV Grant Coordinators -

First off, I hope you and those dear to you are okay. I imagine many of you are teleworking and others may be limiting office time. The physical, social, and emotional disruptions are undoubtedly taking their toll and I hope you have some self-care practice that provides some relief.

I've heard from several of you with questions and concerns about AV grant service disruption and I encourage any and all of you who have specific questions to reach out to me directly via email or phone. While we don't yet have official guidance on grant flexibility and/or extensions - there's a flurry of activity within ACF to develop that and disseminate it as soon as possible.

Several of your states already deliver AV services using technology - phone, video-conference, web-based... if you've got an approach that seems to still be working well during this world change, please share it with me so I can pass it on to the entire group. If your current delivery of AV services is based on in person attendance at classes, dispute resolution, mediation, etc. Please reach out to discuss options for bridging services for the next few months (at least).

Finally - if you'd just like a friendly ear or sounding board - feel free to call or text me - my mobile is 512-589-8033 (if I don't answer, please leave a message so I'll know you weren't a robo call offering me lower rates on my health insurance!) - or email me: michael.hayes@acf.hhs.gov

Warmly,

Michael

Michael Hayes

Division of Program Innovation
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Michael.hayes@acf.hhs.gov
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