








Area	Statute	Description	Legal Standards	Inquiries & Decisions	Findings & Orders <i>(based on decisions)</i>	Process or Practice Change	Other Questions, Considerations, & Needs	Data & Evaluation
First Visit After Child in DCYF Custody	13.34.065(9)(d)	The first visit must take place within 72 hours of the child being delivered into the custody of the department, unless the court finds that extraordinary circumstances require delay.	“extraordinary circumstances” to delay 72-hour visit	In some circumstances, the court will be asked to decide whether extraordinary circumstances require delay of the 72-hour visit	When extraordinary circumstances require delay of the 72-hour visit, the court needs to make this finding	DCYF provides first visit within 72-hours unless extraordinary circumstances require delay	<p>Need guidance for extraordinary circumstance</p> <p>Consider unique circumstances and needs of the child and family to include ability to ensure safety of the child during family time, availability/ accessibility to the parent, etc....</p> <p>If there are extraordinary circumstances, would be helpful to include in the petition. There is a place for a court to make a finding regarding extraordinary circumstances in the Order to take Child Into Custody and Place in Shelter Care</p> <p>Jail system is not set up to make a 72-hour visit happen.</p>	OIAA within DCYF is in the process of building a report which will monitor if a visit occurred within the first 72 hours.



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First Visit After Child in DCYF Custody	13.34.065(9)(e)	If the first visit under (d) of this subsection occurs in an in-person format, this first visit must be supervised unless the department determines that visit supervision is not necessary.		If first is in-person, then the visit must be supervised unless DCYF determines supervision is not necessary (DCYF)		DCYF providing/arranging supervision for the 72-hour visit		





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<p>Following a Continued Shelter Care Order: Presumption of Unsupervised Visits</p>	<p>13.34.065(7)(a)(ii)</p>	<p>If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary following a continued shelter care order under (a)(i) of this subsection. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue.</p>	<p>Presumption of unsupervised visitation</p> 	<p>Is the visitation the court previously ordered supervised or monitored?</p> <p>YES</p>  <p>Has a party provided a report to the court with evidence to rebut the presumption?</p> <p>YES</p>  <p>Does the evidence establish that removing supervision or monitoring would create a risk to the child's safety?</p> <p>YES</p> 	<p>NO</p>  <p>Not applicable</p> <p>NO</p>  <p>Unsupervised visitation</p> <p>NO</p>  <p>Unsupervised visitation</p> <p>The court shall determine if supervision or monitoring must continue.</p>	<p>Parties who recommend visit supervision or monitoring continue need to provide a report to the court with evidence establishing that removing the visit supervision or monitoring would create a risk to the child's safety.</p> <p>The timing or best practices of when or how to submit this information to the court is not necessarily a practice change.</p>	<p>-Timing and method of providing report to the court.</p> <p>-Current safety assessments, in context of visit.</p> <p>- Safety Assessment includes safety beyond just physical; no definition of safety for the purposes of the statute changes.</p> <p>-parents often don't understand "safety" or "current". Is there going to be a way this can be communicated to parents?</p> <p>-What is "current"?</p> <p>What would be a realistic time frame for visit notes? Incident report?</p> <p>-DCYF further input needed</p>	<p>Considerations about local rules or agreements on timelines for providing information</p> <p>-Best practices around when info. should be submitted</p>

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Shelter Care Hearing Order: Visitation (i.e., Family Time)	13.34.065(9)(a)	<p>If a child is placed out of the home of a parent, guardian, or legal custodian following a shelter care hearing, the court shall order the petitioner to provide regular visitation with the parent, guardian, or legal custodian, and siblings. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and allowing family reunification. The court shall order a visitation plan individualized to the needs of the family with a goal of providing the maximum parent, child, and sibling contact possible.</p>		<p>Is the child placed out-of-home?</p> <p>NO YES</p> <p>↓ ↘</p> <p>Not Applicable</p>	<p>The court shall order the petitioner to provide regular visitation with the parent, guardian, or legal custodian, and siblings.</p> <p>↓</p> <p>The court shall order a visitation plan individualized to the needs of the family with a goal of providing the maximum parent, child, and sibling contact possible.</p>		<p><u>Consideration of whether the court has jurisdiction over siblings</u></p> <p>Reminder that if the child is placed in the home with one parent, where other parent does not reside, court needs to order visitation for that parent.</p> <p><u>Consider age and stage of development of child;</u> individualized includes child-specific</p> <p>What kind of support does the parent need for visits?</p>	

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Shelter Care Hearing Order: Visitation (i.e., Family Time)	13.34.065(9)(b)	Visitation under this subsection shall not be limited as a sanction for a parent's failure to comply with recommended services during shelter care.					<p>Clarifying what is already in the law</p> <p>Training Consideration: Case Planning vs. Safety Planning</p> <p>Applies to both in-person and virtual; needs for visits are different</p>	
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Shelter Care Hearing Order: Visitation (i.e., Family Time)	13.34.065(9)(c)	Visitation under this subsection may only be limited where necessary to ensure the health, safety, or welfare of the child.	Visits only limited to ensure health, safety, or welfare of the child	<p>Is limiting visitation necessary to ensure the health, safety, or welfare of the child?</p> <p>NO YES</p>	<p>Visitation may be limited</p> <p>Visitation may not be limited</p>		Are courts limiting because of a lack of resources?	

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<p>Permanency Plan of Care: Visitation</p>	<p>13.34.136(2)(b)(ii)(C)</p>	<p>Visitation must occur in the least restrictive setting and be unsupervised unless the presence of threats or danger to the child requires the constant presence of an adult to ensure the safety of the child.</p>	<p>Least restrictive setting AND unsupervised visitation unless the presence of threats or danger to the child requires the constant presence of an adult to ensure the child's safety</p>	<p>Do the threats of danger to the child require the constant presence of an adult to ensure safety of the child?</p>	<p>YES  (1) Visit must occur in least restrictive setting, and (2) be supervised or monitored as the court determines necessary (the court must determine if visitation will be supervised or monitored)</p> <p>NO  Visit must occur in least restrictive setting and be unsupervised</p>		<p>What does "constant" mean? - Especially creates issues for monitored visits.</p> <p>Guidance on supervised vs. monitored. -what does "monitoring" actual mean?</p> <p>Guidance on what "least restrictive" looks like.</p>	<p>Level of supervision</p> <p>When level of supervision changes</p> <p>Elements of family time plans (location, Frequency, duration, supervision, activities, transportation, etc.)</p> <p>How to track "expansion based on agreement" changes?</p>

<p>Permanency Plan of Care: Presumption of Unsupervised Visits</p>	<p>13.34.136(2)(b)(ii)(E)</p>	<p>If the court previously ordered that visitation between a parent and child be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary when the permanency plan is entered. To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue.</p>	<p>Presumption of unsupervised visitation</p> 	<p>Is the visitation the court previously ordered supervised or monitored?</p> <p>YES</p>  <p>Has a party provided a report to the court with evidence to rebut the presumption?</p> <p>YES</p>  <p>Does the evidence establish that removing supervision or monitoring would create a risk to the child's safety?</p> <p>YES</p> 	<p>NO</p> <p>Not applicable</p> <p>NO</p> <p>Unsupervised visitation</p> <p>NO</p> <p>Unsupervised visitation</p> <p>YES</p> <p>The court shall determine if supervision or monitoring must continue.</p>		<p>-Timing and method of providing report to the court (does not specify oral or written, but courts may have local rules around expectations for reporting).</p> <p>How do we get pertinent information about visits out ASAP?</p> <p>Reminder that conversations about family time should be occurring throughout the case while child is out of home.</p>	
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Permanency Plan of Care: Reasonable Efforts	13.34.136(2)(b)(ii)(F)	The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan. The lack of sufficient contracted visitation providers will not excuse the failure to provide court-ordered visitation.			The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan	Lack of contracted providers will not excuse failure to provide court-ordered visits	<p>What has the state does relative to that child for visitation during that time?</p> <p>How have visits been occurring since the last court order?</p> <p>Has the plan change or been adjusted?</p> <p>Were there any changes made outside of court?</p> <p>The court order already contains this advisement to DCYF</p>	
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Review Hearing: Presumption of Unsupervised Visits	13.34.138(2)(c)(xii)	If the court previously ordered that visitation between a parent and child must be supervised or monitored, there shall be a presumption that such supervision or monitoring will no longer be necessary after the review hearing.	<p>Presumption of unsupervised visitation</p> 	<p>Is the visitation the court previously ordered supervised or monitored?</p> <p>YES</p>			-Timing and method of providing report to the court (does not specify oral or written, but	

		To overcome this presumption, a party must provide a report to the court including evidence establishing that removing visit supervision or monitoring would create a risk to the child's safety, and the court shall make a determination as to whether visit supervision or monitoring must continue		<p>↓</p> <p>Has a party provided a report to the court with evidence to rebut the presumption?</p> <p>NO</p> <p>↓</p> <p>Not applicable</p> <p>YES</p> <p>↓</p> <p>Does the evidence establish that removing supervision or monitoring would create a risk to the child's safety?</p> <p>NO</p> <p>↓</p> <p>Unsupervised visitation</p> <p>NO</p> <p>↓</p> <p>Unsupervised visitation</p> <p>YES</p> <p>→</p> <p>The court shall determine if supervision or monitoring must continue.</p>			<p>courts may have local rules around expectations for reporting).</p> <p>How do we get pertinent information about visits out ASAP?</p> <p>Reminder that conversations about family time should be occurring throughout the case while child is out of home.</p>	
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Review Hearing: Reasonable Efforts	13.34.138(6)	<p>The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan. The lack of sufficient contracted visitation providers will not excuse the failure to provide court-ordered visitation.</p>			The court shall advise the petitioner that the failure to provide court-ordered visitation may result in a finding that the petitioner failed to make reasonable efforts to finalize the permanency plan	Lack of contracted providers will not excuse failure to provide court-ordered visits		
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