

CHAPTER 16 – SUPERVISED VISITATION & ACCESS SERVICES

INTRODUCTION

Supervised visitation and access services are offered in some areas of New Hampshire. Although there is a wide variety of services, not all visitation centers provide the same services, and not all geographic areas of the state are served by a local center. Prior to making orders for supervised visitation or access services, judges are encouraged to become familiar with the specific services available in their areas.

A. GOAL OF SERVICES

The goal of supervised visitation and access services is to facilitate safe contact and visitation between children and their parents. Visitation centers may be able to provide monitored exchanges, semi-supervised on-site visits, and fully supervised visits for families that have experienced domestic violence. Not all centers are able to provide for all types of visits judges must determine what type of service is available prior to making an order for specific services.

B. TYPES OF VISITATION SERVICES

1. Monitored Exchanges

Monitored exchanges allow children to be transferred from one parent to the other without any contact between the parents. After the exchange, the visit is unsupervised and occurs off-site.

PROTOCOL 16-1

Monitored exchanges are appropriate when there are continued concerns of domestic violence between the parents where contact between them is unsafe or unwise.

NOTE: Monitored exchanges are not appropriately done by family members.

PROTOCOL 16-2

In the limited circumstances where a court may order exchanges to occur at a police station, such orders should not be made without the court obtaining prior approval of the affected police department. All orders should state specifically where at the police department the exchange will take place and at what time of day. A copy of such an order shall be sent to the police department.

NOTE: The court should make it clear to the parties that even though the exchange is ordered to take place at a police department, there may not necessarily be law enforcement available on site.

2. Semi-Supervised Visits On-Site

Semi-supervised visits are those which take place in a supervised setting and are monitored on a regular, periodic basis by trained staff.

PROTOCOL 16-3

Semi-supervised visits should be ordered when there is concern about who the children may come into contact with outside of a supervised visit, or when there is concern of substance abuse in the children's presence.

3. Fully Supervised On-Site Visits

Fully supervised visits are closely monitored by staff at all times. Such visits may be appropriate if there are any concerns for the safety or well-being of the children of either of the parties.

PROTOCOL 16-4

Fully supervised visits should be ordered when there is a threat of abduction, concern of physical or emotional abuse of the children, or if the non-custodial parent is actively abusing alcohol or drugs.

C. COURT ORDERS

Visitation centers provide services to accommodate the parties. The court and all parties should be aware that the visitation center has the right to discontinue a visit or terminate a party's use of the visitation center if either party: (1) violates any of the visitation center policies or if staff become aware that any court order has been violated; (2) threatens the child(ren) or other parent; or (3) threatens the safety of any client or staff member.

PROTOCOL 16-5

When preparing court orders for families to use visitation centers, judges are encouraged to make referral orders as specific as possible. The following is useful:

- a. List the exact service to be provided;
- b. List the number of hours and frequency of service requested to be provided each week or month. Court orders should not specify actual times and days of visitation;
- c. Direct clients to call the individual center to obtain an appointment for an intake interview; and
- d. If an individual center has satellite sites, the parties should be referred to the main center to schedule an intake interview.

COMMENT

Although the judge may authorize these services, a visitation center may not be able to provide all of the authorized services. Scheduling is at the discretion of the visitation center.

PROTOCOL 16-6

Court staff shall forward to the visitation center copies of custody and visitation orders, restraining orders, and any other legal document pertaining to visitation. The parties should ensure that all documents are submitted to the visitation center before services begin.

PROTOCOL 16-7

The court will notify the visitation center as to any changes in court orders pertaining to visitation and exchanges.

NOTE: It is the responsibility of the parties to notify the visitation center of any changes in relevant court orders and to provide the visitation center with copies of any new court orders.

PROTOCOL 16-8

Any violation of the court order or visitation center rules may result in an Incident Report to the court.

COMMENT

Since the visitation center is not a party to the action, any motion for contempt should be initiated by the parties.

NOTE: The visitation center has the right to refuse to provide services. If services are refused in a court referred case, the center should provide the parties and the court with written notification.

PROTOCOL 16-9

If the court receives notice that the visitation center has declined to provide services, the court should schedule a hearing on the issue of visitation.

D. SETTING AND COLLECTING FEES

PROTOCOL 16-10

The court shall determine who is responsible for payment of visitation center services.

NOTE: Courts should be aware that visitation centers offer sliding fee scales, and that they may decline to provide services if fees are not paid.

E. RESOURCES

Several resources both within New Hampshire and across the country may be helpful in the development and operation of visitation centers. These resources include:

1. Family Visitation and Access Cooperative is a group of visitation centers providing services in New Hampshire. The Cooperative is dedicated to working together to provide supervised visitation and exchange services and to help build safe and healthy relationships between children and their parents. Website: <http://nhvisitationcoop.org/home.html>
2. Supervised Visitation Network publishes a bimonthly newsletter, sponsors annual conferences, offers technical assistance and encourages networking among visitation centers nation-wide. Their address is:
Supervised Visitation Network
1101 North Fourth Avenue
Tucson, AZ 85705
3. The Family Violence Department of the National Council of Juvenile and Family Court Judges has published an information packet entitled: Family Violence: Supervised Visitation Centers. Their address is:
National Council of Juvenile & Family Court Judges
The Family Violence Department
PO Box 8970
Reno, NV 89507
800-527-3223

