

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> September 1, 2020
	<b>Section 12:</b> Developing the Visitation Plan	<b>Version:</b> 9

<b>STATEMENTS OF PURPOSE</b>
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The Indiana Department of Child Services (DCS) will develop a [Visitation Plan](#) for every child in out-of-home care within five (5) calendar days of removal. The Visitation Plan will be developed with input from the child and the child’s parent, guardian, or custodian unless an order for no visitation has been issued by the court and/or parental rights have been terminated. The [Visitation Plan](#) will be reviewed and adjusted at Child and Family Team (CFT) Meetings or Case Plan Conferences and will be included in the child’s [Case Plan \(SF 2956\)](#). See policies [5.7 Child and Family Team Meetings](#) and [5.8 Developing the Case Plan](#) for further guidance.

DCS will determine if there is a pre-existing visitation order for the noncustodial parent and, if an order exists, obtain a copy for presentation to the court. DCS will provide the court with a recommendation for visitation of the noncustodial parent, including incarcerated parents, if there is no preexisting visitation order or if the preexisting visitation order is not in the best interest of the child.

DCS will ensure the initial face-to-face contact is made between the child and each parent, guardian, or custodian within 48 hours of removal.

**Exception:** Electronic communication with the parent, guardian, or custodian is acceptable if extenuating circumstances exist.

DCS will ensure face-to-face contact is made between the child and all siblings within five (5) calendar days of removal. See [Practice Guidance](#) for additional information and possible exceptions for face-to-face contact.

The [Visitation Plan](#) provides parameters for visitation between the child and each parent, guardian, or custodian; any siblings; other family members; and other individuals with whom the child has formed a significant relationship. All [Visitation Plans](#) will include:

1. A goal of reestablishing, maintaining, and/or strengthening the bond that exists between the child and the family;
2. Face-to-face contact between the child and each parent, guardian, or custodian at least once per week unless otherwise ordered by the court This contact should be at least twice per week if the child is an infant or toddler (between age zero [0] and two [2] years of age);
3. Face-to-face contact between the child and siblings at least once per week; and
4. Face-to-face contact between the child and other individuals with whom the child has a positive, significant relationship that is deemed appropriate and does not negatively affect the child. These visits should not interfere with or disrupt the regular visitation of the parent, guardian, or custodian.

**Note:** All [Visitation Plans](#) must include alternative forms of contact (e.g., electronic communication, cards, letters, photographs, or recordings) if face-to-face visits are not possible. If the court has ordered no face-to-face contact between the child and any parent, guardian, or custodian, alternative forms of contact may be requested to maintain and develop the parent-child bond. See policies [8.11 Parental Interaction and Involvement](#) and [8.13 Implementing the Visitation Plan](#) for additional information.

#### Code References

[31-34-15-4: Form; contents](#)

### **PROCEDURE**

The FCM will:

1. Make diligent efforts to schedule initial face-to-face contact between the child and each parent, guardian, or custodian and sibling as required;
2. Document all requests for visitation in the case management system contacts within three (3) business days;
3. Develop a Visitation Plan within five (5) calendar days of removal, with input from CFT members. See policies [5.7 Child and Family Team Meetings](#) and [5.8 Developing the Case Plan](#) for further guidance;

**Note:** Ensure the written [Visitation Plan](#) includes the following components:

- a. A visitation goal,
  - b. Parameters of contact (e.g., who, what, where, and how often),
  - c. Level of supervision (i.e., the degree of supervision necessary for each person who will visit and who may provide supervision). See [8.C Tool - Supervision of Visits](#) for additional information,
  - d. Visit logistics (e.g., location, time and length of visits, and transportation). For out-of-state or out of the country visitation, see policy [8.24 Travel and Overnight Stays While in Out-of-Home Care](#);
  - e. Appropriate activities during visitation, in particular, developmental activities, parenting activities, and any special considerations and/or accommodations regarding visitation,
  - f. Alternative forms of contact (e.g., phone calls, virtual contact, cards, letters, photographs, or recordings) to supplement face-to-face visits,
  - g. Provisions for contact with the noncustodial parent and incarcerated parent, if appropriate (see information regarding [Noncustodial Parent Visitation](#) below), and
  - h. Provisions for face-to-face contact and/or other alternate forms of contact with persons whom the child has a positive, significant relationship that is appropriate and does not interfere with case plan goals or have a negative impact on the child;
4. Discuss case specifics and any concerns regarding the [Visitation Plan](#) with the FCM Supervisor. See [Practice Guidance](#) for additional information regarding background checks for the purpose of visitation;
  5. Engage the CFT in problem-solving regarding any barriers to visitation (e.g., transportation). See policy [8.13 Implementing the Visitation Plan](#) for additional information;

6. Utilize alternative forms of contact when circumstances prevent face-to-face visitation or make it an extreme hardship (e.g., phone contact, virtual contact, email and electronic communication, drawings, cards, and/or letters). Circumstances which may necessitate occasional or consistent use of alternative forms of contact include a parent or sibling who:
  - a. Is incarcerated,
  - b. Resides in another state,
  - c. Refuses face-to-face contact, and
  - d. Is placed in a residential treatment center with restricted or no visitation.
7. Ensure all parties fully understand the [Visitation Plan](#);
8. Review with all parties how the [Visitation Plan](#) will be implemented, monitored, and adjusted throughout the life of the case. See policy [8.13 Implementing the Visitation Plan](#) for further guidance;
9. Facilitate the convening of the CFT and/or Case Plan Conference within 30 calendar days of removal or of a decision to begin concurrent planning. See policy [5.15 Concurrent Planning](#) for further guidance;
10. Submit any pre-existing court ordered visitation plans along with the proposed [Visitation Plan](#) to the court for approval; and

**Note:** If the court has suspended face-to-face contact, DCS should seek guidance from the court on whether virtual face-to-face contact should be allowed.

11. Ensure the approved [Visitation Plan](#) is documented in the case management system, included in the [Case Plan \(SF 2956\)](#), and updated as needed.

The FCM Supervisor will:

1. Provide guidance to the FCM to ensure all duties are completed timely and appropriately;
2. Discuss case specifics and concerns regarding the [Visitation Plan](#) with the FCM and make a determination regarding whether background checks need to be completed. Discuss the results of any background checks completed and any impact on the [Visitation Plan](#). See [Practice Guidance](#) for additional information regarding background checks;
3. Ensure the [Visitation Plan](#) is documented in the case management system, included in the [Case Plan \(SF 2956\)](#), and updated as needed; and
4. Ensure any deviations from best practice are documented in the case management system.

### **Noncustodial Parent Visitation**

The FCM will:

1. Determine whether a visitation order for the noncustodial parent exists and, if so, obtain a copy for presentation to the court;
2. Provide the court with a recommendation for visitation with the noncustodial parent, including incarcerated parents, if there is not an existing order or if the order is not in the best interest of the child; and
3. Document the approved [Visitation Plan](#) in the case management system.

### **Visitation For Families Where Domestic Violence Has Been Identified**

When domestic violence has been identified, the FCM will:

1. Work with the CFT to develop a [Visitation Plan](#) for the family;

2. Offer separate visitation times for the non-offending parent and the alleged domestic violence offender;
3. Consider recommending supervised visitation if the child is afraid of the alleged domestic violence offender or either parent has physically abused the child;
4. Ensure the time and location of the non-offending parent's visitation is not provided to the alleged domestic violence offender; and
5. Ensure there is no overlap of parental visitation time.

**Note:** Ample time should be included for the non-offending parent to pick up or drop off the child or to arrive or leave the premises without being forced to interact with the alleged domestic violence offender. The non-offending parent should not be expected to transport the child to or from visits with the alleged domestic violence offender.

## **PRACTICE GUIDANCE**

### **Sibling Visitation**

Sibling visitation should be promoted for every child who is placed in out-of-home care, including visitation with siblings who are not in out-of-home care. However, face-to-face contact between the child and siblings within five (5) days of removal may not be possible or appropriate for a child:

1. Placed in one (1) of the following:
  - a. Residential placement;
  - b. Hospital; or
  - c. Juvenile Detention Center.
2. Who has entered out-of-home placement due to a serious safety risk posed to that child by a sibling, and a court has not yet ruled on the appropriateness of the sibling visitation; or
3. When a court has ordered that the siblings shall not have contact with each other.

The child, resource parent, Guardian ad Litem (GAL)/Court Appointed Special Advocate (CASA), or agency responsible for the care, treatment, or supervision of the child may request sibling visitation. **When face-to-face contact does not occur between the child and siblings, alternate forms of contact should be considered and the reasons for delay or lack of contact must be documented in the case management system.**

### **Visitation with Incarcerated Parent, Guardian, or Custodian**

Children benefit from maintaining contact with their parent, guardian, or custodian, especially when reunification is the goal. The Indiana Department of Corrections (DOC) may permit children to visit with their incarcerated parent, guardian, or custodian unless a sex offense was a basis for the commitment. The FCM should contact DOC to determine whether the incarcerated parent may or may not have visitation with children.

The FCM should also contact the county jail and/or federal prison facility, when applicable, to determine whether the incarcerated parent, guardian, or custodian may or may not have visitation or other contact with the child.

### **Background Checks for the Purpose of Visitation**

DCS may request individuals who participate in visitation with the child to complete background checks. These checks may include the following:

1. Child Protection Services (CPS) Check for Indiana or any other state in which the applicant has resided in the last five (5) years;
2. National Sex Offender Registry Check;
3. Local Criminal Court Record Checks for Indiana or any other state in which the applicant has resided in the last five (5) years; and/or
4. Indiana State Police (ISP) Local Criminal History Check.

**Note:** DCS does not have the statutory authority to complete a national or state Fingerprint-based Background Check.

Any results returned are to be used in the overall determination to evaluate the safety of the child. There is no CPS and/or criminal waiver process involving the DCS Central Office Background Check Unit (COBCU) regarding background checks for the purpose of visitation. See [Chapter 13 Background Checks](#) for more information regarding background checks for other purposes.

## FORMS AND TOOLS

1. [Visitation Plan](#) – Available in the case management system
2. [8.C Tool – Supervision of Visits](#)
3. [Case Plan \(SF 2956\)](#) – Available in the case management system

## RELATED INFORMATION

### **Importance of Maintaining Parent, Guardian, or Custodian Contact**

A child has the fundamental right to visit with each parent, guardian, or custodian. Ideally, the relationship developed between a parent and child consists of bonding, healthy dependency, and nurturing. Each of these elements of the parent-child relationship is important for the emotional well-being of the child. Regular visits and contact may help the child to not feel abandoned by the parent, guardian, or custodian.

### **Importance of Maintaining Sibling Contact**

The longest lasting relationship a child shares is often with siblings. This bond helps a child develop a unique identity. When siblings cannot be placed together, the ability to maintain contact with each other may help alleviate the emotional impact of removal for each child.

### **Visitation Goal**

The visitation goal should be consistent with the permanency goal outlined in the child's [Case Plan \(SF 2956\)](#).

### **Visitation Rights**

The child and each parent, guardian, or custodian retain the right of reasonable contact with each other unless a petition for Termination of Parental Rights (TPR) has been filed, parental rights have been terminated, or the court has restricted contact.