

## Supervised Visitation More Than Just Being There...

By Aaron Robb, M.Ed., NCC, LPC-S; [www.texascounseling.org](http://www.texascounseling.org).

Recently I've received a number of orders for supervised visitation where the court has gone into great detail about what "supervised" means, including that the supervisor will be continuously present within line of sight and earshot of the parent and children in question. As I have always advocated for this as the basic definition of supervised visitation, it was odd but somewhat refreshing to see this specificity showing up in orders. That is, it was until I started hearing from my attorney colleagues about cases where the "supervisor" had been in another room, asleep, or otherwise not actually supervising a visit. It seems rather than a growing understanding of best practices in supervised visitation, it is the failures on the part of supervisors (professionals and lay persons alike) that are driving these improved orders. With that in mind I wanted to touch on a few tips, guidelines, and best practices for attorneys who are dealing with supervised visitation issues.

To start with, the paramount issue for any family assigned to supervised visitation is safety.<sup>1</sup> While this axiom might be self-evident, the implications are often lost in practice. Whether concerns over possible child abuse, family violence, substance abuse, or other problems have resulted in the court ordering supervised visitation, it is important for supervisors to be aware of why supervision has been ordered. Once alerted to these issues, supervisors can be more attentive to areas of greatest concern. For some

professionals this may also allow them to decline cases that might be outside their ability to provide services.<sup>2</sup> For non-professional supervisors (usually a relative or family friend), making sure they understand the court's concerns is the first step in assessing their ability to supervise. The non-professional who cannot at least acknowledge the concerns regarding a parent's behavior may be less likely to recognize if that parent is exhibiting those behaviors with the children. Worse, The supervisor who takes the "the parent would never..." approach may be blinded by bias and legitimately be unaware of transgressive behaviors even when they occur in the supervisor's presence.

Safety is more than just a physical consideration. Indeed, physical safety is often the easiest part of a supervised visit—it is unusual for a parent to be so impaired that they act out in such an obvious manner in front of a supervisor. Emotional safety is the more subtle, and often the more common, consideration at issue in supervised visits. Many parents do not understand how discussions regarding the court or ongoing litigation are inherently not child-friendly topics.

Discussion of parenting time arrangements with the children in question may inadvertently place them in the middle of their parents' conflict. When such communication is intentional, the goal is often to sway the children, placing an even greater

emotional burden on them. The parent who bemoans to the children how unfair it is that the other parent has "made this happen" or how it is the other parent's "fault" that they cannot take the children to Six Flags or other interesting destinations is clearly behaving inappropriately. Supervisors have to be able to recognize this behavior and intervene to protect the children involved. Recognition begins with observation, being able to hear what is being said and see what is being done during the course of interactions.

### Additional Resources

- For non-professional supervisors the Tarrant County Domestic Relations Office has developed a Statement of Responsibility which they've kindly allowed me to repost: <http://bit.ly/OdGXNq>.
- For a quick review of expectations of professional supervisors see the Supervised Visitation Network's standards for supervision practice: <http://bit.ly/OdHoXV>.

More on expectations and outcomes next time....

1. *"...the safety of all participants is a precondition of providing services. After safety, the well-being of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided." (from the Supervised Visitation Network Standards of Practice)*
2. *I was once asked to supervise a visit for a CPS case where the parents had assaulted two uniformed police officers during their first visit at a metro-area CPS office. I declined.*

## Supervised Visitation— Expectations and Outcomes...

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Stephen Covey, in his oft-quoted book, *Seven Habits of Highly Effective People*, wrote that the first two habits to cultivate are “Be Proactive” and “Begin With The End In Mind.” Both of these habits are seen in well-run supervised visitation programs, where parents, children, and providers benefit from clearly articulated expectations in order to achieve good outcomes. While no one can guarantee they will be able to prevent an impaired parent from acting inappropriately, by proactively providing parents information on how to successfully navigate supervised visits, we can end up with a visit that goes as smoothly as possible (for both parent and child) for parents willing to put forth the effort.

Being proactive starts well before a provider accepts a case. A supervised visitation provider should have clearly defined policies and procedures that parents can be advised of prior to ever initiating services. This is not just a professional standard of care, but also a tool to clarify at the outset the limitations imposed by supervised visitation. Clearly supervised visitation, like any type of security-oriented intervention, will result in some limitations for parents, and these limitations have real-world impacts on what can be arranged for visitation sessions. Is the supervisor insured to transport children and/or parents, or will the family have to meet at a prescribed location? Is the

supervisor even willing to do “off site” visits, or are visits limited to a specific office? Will other adults or children be permitted to participate in the visits, and if so, under what circumstances? Is payment handled on a session-by-session basis, or is a retainer required (and just what are the fees for service)?

The list goes on and on, but particularly important for attorneys at the onset of services is the question of how does the provider view their role? Will the supervisor simply report back after the fact if one parent is badmouthing the other to the children, or will they intervene directly during the visit? Does the supervisor even consider issues beyond physical safety as part of their role?

Being proactive does not end at good paperwork, however. My experience has been that many parents either do not attentively read guidelines for services, or, if they do, they may not fully understand how such guidelines apply to them. Additionally, there is often significant information relevant to properly supervising parent-child contact (such as each parent’s understanding of why supervision has been ordered) that the provider will need to know prior to starting to supervise. This is solved through an orientation session, also known as an intake interview.

“An intake interview is the basis of

service excellence and safety. The intake interview sets the tone for all future interaction. It is an opportunity to give and receive information about the family and the circumstances leading to supervised visitation. It is also a time to learn about the service provider such as their policies and procedures, their experience and qualifications for meeting the needs of your particular case.”

As parents are provided concrete examples of how service guidelines apply to them and their particular situation (certainly a parent meeting with a single child at the mall and a parent visiting with several children at their home will involve different logistics), they are better able to prepare themselves for maintaining expected behavior during the visits.

There are also issues universal to all cases. The generic ideal of positive interaction between parents and children is all well and good, but many parents lack a basic understanding of the boundaries of what constitutes inappropriate adult information. A classic example I use with parents is that any time conversation starts with “the court...” or “my attorney...” whatever follows is inherently not a child-friendly conversation. Unfortunately, the instinct for many parents is to use supervised visitation as a time to re-try their case to their children, rather than trying to make the sessions about demonstrating empathy

and support for the children (which is what the kids involved usually need). Likewise for the custodial parent, sending the child off with “I miss you” (which focuses on the parent’s sense of loss when the child is away from them) instead of “I love you” (focusing on the parent’s support of the child) may start the visit off on a negative tone for the child, as they worry about what is going on with that parent. Refocusing parents at the beginning, prior to the first visit, sets them on the path of helping the children involved have the best experience possible during an unfortunately difficult time for them. When we begin with this end in mind, and proactively work to achieve it, we can be much more effective at minimizing the emotional hardship that children frequently have to endure as a result of custody litigation, while allowing them to maintain safe and positive contact with parents and other significant relatives.

## Quick resources:

In addition to the Supervised Visitation Network, Florida State University’s Clearinghouse on Supervised Visitation provides a number of resources for attorneys and providers, including training manuals and tool kits: <http://dev.familyvio.csw.fsu.edu/clearinghouse>.

A review of one conceptual typology of supervised visits: [http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5525099/k.305/Supervised\\_Visits\\_When\\_Are\\_They\\_Needed.htm](http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5525099/k.305/Supervised_Visits_When_Are_They_Needed.htm).

## E-filing for Attorneys and Litigants Began August 6, 2012

The Court of Appeals for the Second District of Texas began accepting electronically-filed documents in appeals and original proceedings through the [texas.gov](http://www.texas.gov) portal, on a voluntary basis, beginning at 8:00 a.m. on Monday, August 6, 2012.

The Court previously amended its local rules, effective June 1, 2012, to accommodate e-filing and has been accepting e-filed clerk’s and reporter’s records in some appeals since that date on a voluntary basis.

The amended local rules and more information about e-filing can be found on the Court’s website at [www.2ndcoa.courts.state.tx.us](http://www.2ndcoa.courts.state.tx.us). You can also find them on the DCBA website at [http://dentonbar.com/local\\_rules.shtml](http://dentonbar.com/local_rules.shtml).

## Denton County Law Library Serves All

The Denton County Law Library is available to help fellow civil servants along with attorneys and the public. Be sure to check out the library and take advantage of their services

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- \$0.25/pg B/W copies
- \$0.25/pg printing from computers
- \$0.25/pg incoming faxes to 940-349-2131
- \$1.00/pg color copies & printing
- \$2.00/8 pgs for local faxes (\$0.25/pg thereafter)
- \$2.50/8 pgs for long distance faxes (\$0.25/pg thereafter)
- FREE scan to email in pdf format

### Research Online Services

- 2 computers with Lexis/Nexis
- 3 computers with Westlaw
- A list of resources and the library catalog online at [www.dentoncounty.com/lawlib](http://www.dentoncounty.com/lawlib)