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# FAMILY VISITATION

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## A. Court Duties

Per [Tex. Fam. Code § 263.107](#), not later than the 30th day after the date DFPS is named TMC of a child for whom the goal of DFPS is reunification with the parent, DFPS must develop a visitation plan in collaboration with each parent. In determining the frequency and circumstances of visitation, DFPS is to consider the safety and best interest of the child, the child's age, the desires of each parent regarding visitation with the child, the location of each parent and the child, and the resources available to DFPS, including resources to ensure visitation is properly supervised and providing transportation to the visit.

DFPS must file the visitation plan with the court 10 days before the Status Hearing, and the court must review the plan, taking into consideration the factors specified in [Tex. Fam. Code § 263.107](#).

Per [Tex. Fam. Code § 263.108](#), after reviewing an original or amended visitation plan, the court must render an order regarding the parent's visitation with a child that the court determines is appropriate. Parents may petition the court to request review and modification of an original or amended plan. [Tex. Fam. Code § 263.108\(c\)](#).

[Tex. Fam. Code § 263.109](#) states that if the court finds that visitation between a child and a parent is not in the child's best interest, the court shall render an order that states the reasons that visitation is not in the best interest of the child, and that outlines specific steps the parent must take to have visitation. DFPS has developed a "No Contact Visitation Plan" that requires documentation of why visitation is not in the child's best interest and what needs to occur in order for contact or visitation to begin. [Tex. Fam. Code § 263.109\(b\)](#). Please see the [DFPS No Contact Visitation Plan Form](#) for more information.<sup>178</sup>

Also, if the order requires supervised visitation, it must outline specific steps the parent must take to have the level of supervision reduced. [Tex. Fam. Code § 263.109\(c\)](#).

## B. DFPS Best Practice Guide

DFPS issued a Child and Family [Visitation Best Practice Guide](#) for the field in 2015.<sup>179</sup> This guide provides Department employees with policy, guidance, and tools to assess the appropriateness of visitation, how to develop the visitation plan, how to engage fathers and other family members in the visitation process, the role of the foster parents, and how to move from one level of supervision to another.

### 1. Basic Principles Promoted by the Best Practice Guide

#### a. Visitation is essential for a child's well-being

The primary purpose of visitation is to maintain the parent-child attachment, reduce a child's sense of abandonment, and preserve their sense of belonging as part of a family and community. A child needs to see and have regular contact with their parent(s) and siblings, as these relationships are the foundation of child development.

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**b. Visitation is fundamental to permanency**

Visitation facilitates permanency planning, promotes timely reunification, and helps in the decision-making process to establish alternative permanency plans. Visitation maintains and supports the parent-child relationship necessary for successful reunification.

**c. Visitation is vital to a child maintaining family relationships and cultural connections**

Maintaining family connections has life-long significance for a child. Regular visitation maintains their relationships with siblings and others who have a significant role in a child's life. When a child loses family connections, they also lose family history, medical history, and cultural history and information. Visitation is considered to be the heart of reunification, but even when reunification is not likely, parents, siblings and extended family continue to be important in a child's life.

**d. Visitation and family contact should never be used as a reward or punishment but should always be considered a right of families and children**

The absence of regular and frequent parent-child visitation or contact may have serious consequences for both a child and parent(s). Without visitation, the relationship can deteriorate, and both can become emotionally detached. When parent-child attachment suffers, reunification becomes more difficult.

**2. Benefits of Parent-Child Visitation**

- Supports parent-child attachment
- Eases the pain of separation for all
- Maintains and strengthens family relationships
- Reassures a child that their parents/primary caregivers are all right and helps the child to not blame themselves for placement in foster care
- Supports the family in dealing with changing relationships
- Motivates parents to make positive changes in their life by providing reassurance that the parent-child relationship is important for a child's well-being
- Provides opportunities for parent(s) to learn and try new skills
- Supports a child's adjustment to the foster home
- Enables the parent(s) to be active and stay current with their child's development, educational and medical needs, church and community activities
- Provides opportunities for parent(s) to assess how their child is doing, and share information about how to meet their child's needs

- Assists in the assessment and decision-making process regarding parenting capacities and permanency goals
- Reduces the time in out-of-home care
- Increases the likelihood of reunification

### 3. Supervision

If DFPS recommends to the court that visits be supervised, the visitation plan should include a summary statement of the assessed safety reasons supervision is necessary. In addition, parent(s) should clearly understand the specific safety factors preventing less restrictive contact with their child and what demonstrated changes will assist the caseworker in being able to make recommendations lifting supervision requirements.

## C. Stages of Supervision

The following Stages of Supervision guide was adapted by DFPS and provides descriptions of the levels of supervision. Caseworkers can use this tool for assessment and planning to help determine and clearly communicate the structure of a supervised visitation plan. Additional guidance related to this assessment tool can be found in the DFPS [Child and Family Visitation Best Practice Guide](#).<sup>180</sup>

	<b>Unsupervised</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
	Parent(s) can be alone with child.  No monitor is present during the visit.	Visitation where the monitor may be present for a portion of the visit. Parent(s) would have some time alone with their child.	Visitation where the monitor is close enough to observe the visit but is not required to hear everything that is said in the visit between the parent(s) and child. Parent(s) may have some time alone with their child if the monitor ensures certain conditions are satisfied.	Child may not be removed from the presence of the monitor. Parent(s) cannot be alone with their child.
<b>Stage of Supervision</b>	<i>Example: Day and Overnight visits; visits at the kinship placement.</i>	<i>Example: Visits at the park or the parents' home where the caseworker or monitor may supervise the visit for 15 minutes then leave the child with the parent(s) for 30 minutes and then return to observe the last 15 minutes.</i>	<i>Example: Parent(s) can take the child to the bathroom alone. Parent(s) can play with the child at the playground while the monitor observes from a distance.</i>	<i>Example: Parent(s) must be within hearing distance and intervention distance of the monitor and cannot be alone with the child under any circumstance.</i>

	<b>Unsupervised</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
<b>Safety Assessment</b>	Unsupervised visitation would be used when the caseworker determines no safety concerns exist that prohibit the parent(s) and child from being alone during the visit. This stage may be used while the child is in care and immediately prior to reunification.	Low supervision would primarily be used when the caseworker determines that there is a low level of concern for the child's safety but still a need for parental education, coaching, and skill-building.	Medium supervision would be used when the caseworker determines there is a moderate level of concern for the child's safety and coaching, education, and skill-building are necessary. Visitation assessment determines safety factors that must be addressed in visitation plan.	Highly structured visitation would most likely be used if there is a high level of concern assessed for a child's physical or emotional safety during a visit.
<b>Visitation Location</b>	Parent(s) and Caseworker determine visitation location.	Visitation location is a community based or "home-like" setting and offers parent(s) the opportunity to develop parenting skills or improve parent-child interactions. Visits may occur in more than one place, including appointments with therapists or other professionals, and continue at the parents' home, relative's home, or other community setting.	Visitation location is a home-like setting to offer parent(s) the opportunity to develop parenting skills and improve parent-child interactions, as well as manage safety concerns. Locations may include parents' home, relative's home, professional's office, park, or other community setting.	Visitation location would ensure a highly structured visit. Locations may include the CPS visiting room, professional's office, or other secure location.

	<b>Unsupervised</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
<b>Monitor's Role</b>	No monitor. Parent(s) provides feedback about the visit.	Monitor's role is primarily to aid the parent(s) in problem solving if issues arise. The monitor may also offer the parent(s) education, coaching, skills building and support to achieve permanency goals. Monitor may drop in the visit to ensure that the visit is going well and that the parent(s) or child does not have any concerns.	Monitor's role is to observe interactions between the parent(s) and child; ensure that the child is safe; and offer the parent(s) education, coaching, and skill-building. Monitor and parent(s) would know the conditions required to maintain safe visits and under what conditions the monitor may intervene.	Monitor's role is to listen to and closely observe all interactions between the parent(s) and child and intervene if needed. Parental coaching could be offered, but the primary concern would be the child's safety. Monitor and parent(s) would know the conditions required to maintain safe visits.

## **D. Parent Information and Observation Form**<sup>181</sup>

**This information is provided to parents to assist with pleasant and meaningful visits with their child. It was developed in partnership with parents and parent advocates.**

- It is very important for you to attend every visit on time. If you do not do this, your child will be disappointed when they are at the visit and you are not. If you have a problem getting to the visit or know that you are likely to be late, contact your caseworker as soon as you can to inform the caseworker you will be late or are having a problem getting to the visit.
- It is best not to make promises to your child during visitation, but if you do make a promise, such as “next time I see you I will bring your favorite book from home,” make sure you fulfill that promise.
- You can bring toys, clothes, and pictures from home to the visit. If you have questions about the appropriateness of an item, contact your caseworker prior to the visit.
- Show your child affection (i.e., hugs and handholding) during the visit unless you have specifically been ordered not to by the court or your caseworker.
- The visit will be observed and there are two reasons for this: to ensure the safety and well-being of your child, and to gather information that will help improve future visits.
- Your child may ask difficult questions such as “when can I come home?” You should not respond with a specific date because that can change along the way and you don’t want to disappoint your child. A good response could be “I hope it is soon, but I’m so glad I get to see you now.” Your child will probably ask this several times and possibly every time they talk to you.

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- Your child may also not behave in a way you expect. If your child is fussy or upset, it may be because so much change is happening in your child's life or your child is tired or had a bad day. Take this opportunity to positively comfort, support, and talk to your child about what is going on in their life.
  - If your child talks to you about their foster parent or family, you should listen and respond in a positive way. Although it may be difficult that your child cannot be with you right now, you should be as supportive as possible of the foster parent or family because they are taking care of your child and it is important that your child not feel bad about that. If you do have a concern about the foster parent or family, do not discuss it with your child or in front of your child. Inform the caseworker of your concerns after the visit, and if you have a lawyer, you may want to discuss with him/her as well.
  - If you have questions about the visit or what was observed during the visit, you should feel free to ask the person observing you. If the person observing your visit uses a visitation observation form to document what happens at the visit, you should be given a copy of that form.
  - If you have questions about your case or future visits, ask your caseworker after the visit.
  - Don't talk to your child about your CPS case or caseworker during the visit. Use this opportunity to spend time with your child and enjoy your child's company. If your child asks questions about your case, suggest that the child ask the caseworker. If your child has an attorney ad litem or a CASA volunteer, you might also suggest that your child ask them any case-related questions.
  - You may have a difficult time after and between visits. Talk to people in your life about how you are feeling. It might even be a good idea to tell them about the visit ahead of time, so you can have support ready for you. At the end of your visit, goodbyes can be difficult for you and your child. During the last 5 minutes, plan what you will do on your next visit together. Try putting it on paper and letting the child take it home with them. During the visit you can give your child something from home or draw a picture with them, so they have something to hold onto in between visits. Do not prolong the goodbye as it will make it harder for you and your child.
  - If the visit didn't go as you had hoped or planned, don't be hard on yourself! Learn about what you need to improve and remember that there are no perfect parents. You just need to keep trying to be the best parent you can be for your child!

## **1. Observation**

DFPS has also implemented a visitation observation form that is intended to document what occurs at supervised visits. The observer is asked to fill out responses to certain questions.

After the visitation session, the observer is required to provide the parent or adult with the form, and the parent/adult is asked to sign it. Parents can make notes on the observation form regarding how the visit went, whether the parent has any questions or concerns about the recorded information, and if the parent has anything he/she would like to add about the visit. Please see the [Parent/Supportive Adult Visitation Record and Observation Form](#) for more information.<sup>182</sup>

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## **2. DFPS Review and Revision of Visitation Plan**

Per DFPS, the visitation plan should be reviewed by DFPS monthly to determine progress, update goals, and determine if it is appropriate to consider changes in supervision, location, and setting. If there has been little or no progress towards developing protective actions and meeting case goals found during two consecutive monthly reviews, the caseworker is directed to initiate a formal or informal family meeting to determine how to modify the visitation plan to include a more intensive level of parent coaching/guidance around visitation.