



# Justice for Families

## Technical Assistance Brief

## WHAT TO DO WHEN SUPERVISED VISITATION CENTERS AREN'T AVAILABLE: TIPS AND CONSIDERATIONS FOR JUDGES

Crafting parenting plans is often among the most difficult responsibilities for judges, especially when domestic violence is an issue. Judges know that the most dangerous time for domestic violence victims is after they have separated from the perpetrator, but they struggle to balance safety for the children and victim-parent with parental access for the abusive parent. Visitation can pose a danger to children since many abusers focus on the children as a means of retaliation against the victim. And all too often, meetings to exchange children for visitation provide an opportunity for the abuser to continue harassing, threatening, and physically abusing the victim. Even phone contact to arrange visitation leaves the domestic violence victim open to further abuse under the perpetrator's facade that the call was just about the children. Finally, visitation creates the potential for parental child abduction.

Supervised visitation and exchange centers can help protect domestic violence victims and their children by providing trained staff to monitor the interactions between parents and children and to ensure safety during exchanges where visitation is not supervised. But many communities lack such a center, and others have centers with insufficient capacity to serve all the families in need of such services. When a center is unavailable, judicial officers need creative alternatives to ensure safety during visitation and exchange.

This brief offers practical tips for visitation and exchange arrangements, suggestions for terms to include in the custody order or parenting plan, and overarching principles to keep in mind when tailoring an order to the needs of the individual family and the resources in your community.

## PRACTICAL TIPS

- Explain to everyone, including any visitation supervisor, what the order is, what the expectations are, the reasons for the order, the penalties for non-compliance, and be sure the supervisor knows how to communicate with the court if needed.
- Listen to the parties, including the children: ask the victim why supervision is necessary and what would be a safe place or person to use in the parenting plan, listen to the children's voices, and ask about the perpetrator's concerns.
- Be clear and *specific* in the parenting plan:
  - \* Times and places for visitation and exchanges—no wiggle room.
  - \* Boundaries, conditions, and restrictions on behavior.
  - \* What to do in the event of an emergency, including any alternate supervisor and means of communication between the parties.
  - \* Include provisions to verify that any conditions were met—for example, if meeting at a gas station, have each party purchase a dollar's worth of gas and keep the receipt.
  - \* Provide for victim's safety if the child is exchanged at either party's home, for example, by requiring another person to be present during exchanges or, if the children are old enough to enter and exit the home and vehicle by themselves, by requiring one parent to stay in the home and the other to stay in the vehicle.
  - \* Address explicitly what the parties' responsibilities are if a child resists or refuses a visit.
  - \* Account for the tactics and behaviors of this particular perpetrator—don't rely on stereotypes or assumptions.
  - \* Specify who else may be present during visitation (other than the supervisor).
  - \* List any permitted or forbidden activities, incorporating any concerns expressed by the victim or children based on the history of this particular family.
- Consult with court administration and community stakeholders about possible assistance. Many groups may be willing to help an overburdened system and able to

*Talk to a proposed family or friend supervisor about the purpose of supervision and the responsibilities and expectations of the position. Make sure they understand and agree to the appointment.*

find volunteers to coordinate communication, monitor exchanges or even supervise, or they may have space to offer as a location for visitation or exchanges.

*Exchanges should be in a public place with plenty of people, preferably with security cameras that keep time-stamped recorded footage in a location where you yourself would feel safe at the time of the exchange.*

- Look for exchange locations with time-stamped security camera recordings, particularly if the court can access recordings if needed; locations should have plenty of people at all times of the day.
- Provide for an easy method for the victim to return to court if the arrangement is not working, and be sure the victim understands. Review hearings are an excellent way to adjust the arrangement as needed, e.g., to reduce restrictions over time or address any violations.
- Use a place familiar to the judge for a public exchange location—be able to picture how the exchange will happen and know of any problem areas. If you would be uncomfortable or feel unsafe at the time of the exchange, the children will feel the same.
- Consider and address safety implications beyond the parties and supervisor, e.g., if the visit takes place in a park, account for the safety of other visitors. If an exchange occurs at a gas station, address any safety concerns for other customers.
- Avoid using a police station parking lot as an exchange location – it’s often scary for children and not always monitored, lending a false sense of security.

## GUIDING PRINCIPLES

No list of tips can address every situation or be appropriate for every family. This section describes overarching themes to consider when creating a parenting plan that meets the family’s needs and takes advantage of community resources. The Guiding Principles were originally developed for centers that were part of The Justice for Families: Supervised Visitation and Exchange Grant Program. They offer valuable insights because the same principles that help supervised visitation and exchange centers best serve families who have experienced domestic violence can also inform the crafting of a safe parenting plan in the absence of a center.

**SAFETY OF CHILDREN AND ADULT VICTIM:** When choosing a family member or friend as a supervisor, a location for visitation or exchange, or other elements of a parenting plan, safety of both the children and the adult victim is always the top priority. Ask

*Safety of the children and the adult victim is the primary goal.*

the victim, and children if old enough, what will make them feel physically and emotionally safe. Remember, each family has a different experience, and what is safe for one family may not be safe for another. Tailor the order to the specific family.

**MULTICULTURALISM AND DIVERSITY:** Families are different, and a successful and safe parenting plan will respond to the family's actual needs, which may include culturally specific aspects. Ask the family what will work best for them. Open a dialogue with culturally specific groups and ask how to respond to the needs of their members.

Issues such as holidays, traditions, clothing, coming of age rituals, and religious practices may be fruitful topics. Hold listening sessions to hear people's stories, which can then inform services as well as the court's response.

**UNDERSTANDING OF DOMESTIC VIOLENCE:** To safeguard children and adult victims, an understanding of post-separation battering tactics is crucial. Recognize that visitation and exchange arrangements offer an opportunity for the violence and harassment to continue and include provisions to prevent and mitigate potential harm. As always, make sure the order addresses the needs and experience of the particular family. Do not rely on stereotypes or an idea of what works in a "typical" domestic violence case.

**RESPECT:** Show respect for all parties, the children, and any proposed supervisor. Be sure that the supervisor is able to deal with both parties in a respectful manner. Usually it will be a friend or family member of one party, so ask about the person's relationship with the other party. Not only will supervision be easier, the arrangement will be safer.

**COLLABORATION:** Do not operate in a vacuum. Even if your community lacks a supervised visitation and exchange center, learn what services and resources are available. Your court administration, coordinated community response team, and other stakeholders will have information and resources that will be helpful in devising safe and workable parenting plans when domestic violence is present. Build partnerships with other entities in the community that work with families affected by domestic violence.

**ADVOCACY:** Link the parties to resources and services available in the community: counseling, safety planning, batterer intervention programs, etc. Your court administrator, clerk's office, self-help center, or domestic violence program may already have a resource list to use as a starting point.

*A parenting arrangement that meets the family's individual needs is more likely to foster compliance. Ask the victim what will be safe, and solicit input from both parents, any proposed supervisor, and the children, age permitting.*

## RESOURCES

- [\*A Judicial Guide to Child Safety in Custody Cases \(NCJFCJ\)\*](#)
- [\*Concepts in Creating Culturally Responsive Services for Supervised Visitation Centers \(The Justice for Families: Supervised Visitation and Safe Exchange Grant Program\)\*](#)
- [\*Designing Supervised Visitation and Exchange Centers That Promote Safety\*](#)
- [\*Engage to Protect: Foundations for Supervised Visitation and Exchange – Discussion Paper 4: Informing the Practice of Supervised Visitation \(The Justice for Families: Supervised Visitation and Safe Exchange Grant Program\)\*](#)
- [\*Guiding Principles of the Safe Havens: Supervised Visitation and Safe Exchange Grant Program \(The Justice for Families: Supervised Visitation and Safe Exchange Grant Program\)\*](#)
- [\*National Judicial Institute on Domestic Violence\*](#) (training program, including segment on supervised visitation and exchange; see NJIDV website for upcoming events)
- [\*On Safety's Side: Protecting Those Vulnerable to Violence \(The Justice for Families: Supervised Visitation and Safe Exchange Grant Program\)\*](#)
- [\*Safe Havens: Lessons from a Decade of Change \(The Justice for Families: Supervised Visitation and Safe Exchange Grant Program\)\*](#)
- [\*Safe Passage: Supervised Safe Exchange for Battered Women and Their Children \(The Justice for Families: Supervised Visitation and Safe Exchange Grant Program\)\*](#)
- [\*VOICES of Mothers and Fathers \(The Justice for Families: Supervised Visitation and Safe Exchange Grant Program\)\*](#)



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