

16.43 Supervised and Unsupervised Visitation Between Child/Youth, Family and Siblings	
Application: DCS Family Service Workers, Juvenile Service Workers, Supervisory Staff and Contract Agency Staff.	
Authority: TCA 37-5-106, TCA 37-4-201; P.L. 109-239 (Safe and Timely Interstate Placement of Children in Foster Care); TCA 37-4-201-207.	Standards: COA: PA-CFS 16
Commissioner:	Date:
Original Effective Date: 09/15/01 Current Effective Date: 05/30/24	Supersedes: DCS 16.43 10/31/23 Last Review Date: 05/30/24
Glossary: <ul style="list-style-type: none"> ◆ Family: <ul style="list-style-type: none"> ○ The parents to which the child/youth was born, blood, kin, or other individuals that have played a significant role in the child/youth's life. 	

Policy Statement:

The Department of Children's Services (DCS) ensures that visitation between children/youth in the legal custody of DCS and their families is conducted in the best interest of children/youth based on court orders, policy directives, and the individual circumstances of each case. This policy also applies to DCS custodial children/youth, their families, and siblings who are subject to inter-jurisdictional placements under the Interstate Compact on the Placement of Children (ICPC).

Purpose:

To provide directives and guidelines for staff to ensure children/youth have an opportunity to visit their families and/or siblings. Decisions regarding supervised or unsupervised visitation is based on the safety and wellbeing of the child/youth and/or as directed by the court. Visitation is critical to reducing the trauma of separation to children/youth and achieving permanency as quickly as possible. Visitation also affords parents and family the opportunity to demonstrate parenting skills necessary to ensure the safe return of the child/youth to the home.

Procedures:

A. Developing a Visitation Schedule

1. The Family Service Worker (FSW)/Juvenile Service Worker (JSW) assigned to the child/youth meets with the child/youth's parents and/or family members as soon as possible to develop their team and initiate the planning process. (See [DCS Child and Family Team Meeting Guide](#)).
2. During this meeting with the family, the FSW/JSW arranges a visitation plan between the child/youth and the family. If the court orders instructions regarding visitation, those must be followed in planning visitation. Refer to the [Visitation Plan Work Aid](#) for assistance regarding what to consider when developing the visitation plan.
3. Visitation between the you child/youth, family, and any siblings is allowed as soon as possible. There is no "waiting period" before child/youth and families are allowed visitation.
4. Visitation times are mutually agreed upon and, to the extent possible, coordinated among and between the parents' work schedules and children/youth's school schedules.
5. Visitation occurs in a scheduled and predictable manner. This practice helps parent(s) and other family members coordinate transportation and planning of other activities around the established visitation schedule. It also assists child/youth as they adapt to the many changes and losses they experience in foster care.
6. The FSW/JSW makes efforts to ensure that siblings are included in family visits. This includes siblings who remain at home as well as those placed separately in foster care.
7. The FSW/JSW takes an active role to ensure that family members have access to transportation to visit children/youth.
8. If a child/youth is placed with a Contract Provider, the FSW/JSW is an active partner in facilitating conversations between the Contract Provider and the family to determine the best dates, times, locations, and plans for supervision during parent/child visits.
9. The FSW/JSW along with the Child and Family Team works together to prepare the family for the visit. The FSW/JSW should review the expectations for the visit with the parents/caretakers prior to the visitation. Form **CS-4221, Visitation Working Agreement**, can be used to assist with preparation of parents/caretakers for visitation.
10. If the Child and Family Team determines visitation with a parent or sibling is not in the child's best interest, the FSW/TL consults with legal to determine next steps.
11. All visitation plans must comply with any applicable court orders. If it is believed that a court order was violated by any party, legal is consulted as soon as possible. If DCS receives knowledge that a foster parent from a kinship placement allowed contact between a parent and a child/youth that could constitute a violation of a

court order, DCS must notify the court within ninety-six (96) hours of receiving this knowledge.

B. Visitation Frequency and Best Interest Considerations for Parent/Child Visitation

1. When parental rights are intact, birth/adoptive parents and children/youth are provided the opportunity to visit at least weekly.
2. If parents are not visiting, the FSW/JSW should regularly document in the record as to why the family is not visiting and efforts the Department is making to resume visitation. In some cases, there is an explanation as to why the family is not visiting. This should be reflected through a visitation restriction in the Electronic Case File. Visitation restrictions include:
 - a) Court Order Restricting or Limiting Visits: The court has ordered that visitation be restricted or limited to an amount less than the Department's policy requires. The Child and Family Team should regularly evaluate the circumstances of the visitation restriction and approach the court to seek permission to reinstate visitation when/if the team believes it is appropriate.
 - b) Court Order Stopping All Visits: The court has ordered that visitation between a parent and child should not occur. The Child and Family Team should regularly evaluate the circumstances of the visitation restriction and approach the court to seek permission to reinstate visitation when/if the team believes it is appropriate.
 - c) Avoidant Parent: A parent who still has parental rights is avoiding visitation. The FSW/JSW makes attempts to engage the parent at least once per month and documents those attempts in case recordings.
 - d) Missing Parent: A parent who still has parental rights is missing or their location is unknown. The FSW/JSW makes attempts to locate the parent through diligent search at least once per month and documents those attempts in case recordings.
 - e) Therapist Recommendation: A licensed therapist, medical professional, or psychiatrist serving the family recommends visits between the parent and child/youth occur less frequently than the Department's policy requires. This recommendation should identify specific parental behaviors or patterns that are harmful to the child/youth or place them at risk, show the destructive effects or negative impacts that visits would have, and what is being done therapeutically to address the parent/child relationship.
 - f) Child Refused Visitation: A child/youth over age twelve (12) refuses to visit the parent. In this circumstance, the FSW/JSW documents the refusal, informs the Child and Family Team and ensures case is taken to court and/or the

child/youth's therapist is consulted to determine appropriateness of the refusal and next steps.

- g) Parent Incarcerated at a Facility with Visitation Restrictions:** The parent is incarcerated at a facility that will not allow visitation. In this circumstance, the FSW/JSW should contact the facility to see if there are other opportunities for visitation such as videoconferencing so that the family can remain connected.
 - h) Termination of Parental Rights (TPR) Granted and Case is Under Appeal:** The parents no longer have parental rights, but a parent has appealed the decision. Once parental rights are terminated, there is no legal obligation or direction in policy that would require visitation. However, because the case is under appeal, full guardianship is not reflected in the Electronic Case File until the appeal is complete. The FSW/JSW enters this visitation restriction to document the reason visitation is not occurring.
 - i) Children/youth placed outside of the state may have less visitation with their parents/caretakers than required due to the hardship created by distance. In these circumstances, visitation should be supplemented with alternative visitation types.**
- 3.** If the safety or well-being of the child/youth is compromised during the visit, the visit should be terminated immediately. When parents are visibly intoxicated or under the influence of a substance at the onset of a visit, the FSW/JSW should cancel/terminate the visit immediately. Examples of requirements to keep children/youth safe can be found on ***CS-4221 Visitation Working Agreement***.
 - 4.** Telephone or video conference contacts are encouraged, when appropriate to maintain continued contact between visits. These contacts should not replace visitation but rather supplement the required face-to-face visitation.

C. Visitation Frequency and Best Interest Consideration for Sibling Visitation

- 1.** Visits between siblings take place as frequently as necessary and appropriate to facilitate a connection and on-going relationship, but no less frequently than once each month for no less than one hour in duration (unless the visit is shortened to protect the safety or well-being of the child/youth). Frequency and duration beyond the minimum requirement should be determined by the Child and Family Team and may include up to overnight or weekend visits. See the [*Visitation Guide*](#) for more information.
- 2.** Children/youth must be provided the contact information for any siblings in foster care who are placed in a separate placement if maintaining contact with the siblings is in the best interest of each child.
- 3.** Sibling visitation is facilitated in the most home-like setting available.

4. In some cases, there is an explanation as to why siblings are not visiting. This should be reflected through a visitation restriction in the Electronic Case File. Visitation restrictions that apply to sibling visitation include:
 - a) Court Order Restricting or Limiting Visits: The court has ordered that visitation be restricted or limited to an amount less than the Department's policy requires. The Child and Family Team should regularly evaluate the circumstances of the visitation restriction and approach the court to seek permission to reinstate visitation when/if the team believes it is appropriate.
 - b) Court Order Stopping All Visits: The court has ordered that visitation between siblings should not occur. The Child and Family Team should regularly evaluate the circumstances of the visitation restriction and approach the court to seek permission to reinstate visitation when/if the team believes it is appropriate.
 - c) Therapist Recommendation: A licensed therapist, medical professional, or psychiatrist serving the family recommends visits between siblings occur less frequently than the Department's policy requires. This recommendation should identify specific behaviors or patterns that are harmful to the child/youth or place them at risk, show the destructive effects or negative impacts that visits would have, and what is being done therapeutically to address the sibling relationship.
 - d) Child Refused Visitation: A child/youth over age twelve (12) refuses to visit their sibling. In this circumstance, the FSW/JSW documents the refusal, informs the Child and Family Team and ensures case is taken to court and/or the child/youth's therapist is consulted to determine appropriateness of the refusal and next steps.

D. Considerations for Visitation with Relatives/Kin

There are scenarios in which the Child and Family Team may consider implementing visitation between the child(ren)/youth and the relatives/kin. In these scenarios, it is important for the Department to assess the appropriateness of visitation by completing the following tasks:

1. Criminal background checks outlined below are documented on form **CS-1078, Visitation Supervisor Background Checks**.
 - a) Local criminal records check from law enforcement or county court records for the last six (6) months.
 - b) Online registry clearances:
 - ♦ [National Sexual Offender Registry](#)
 - ♦ **Tennessee Department of Health Vulnerable Persons/Abuse Registry**

2. DCS TFACTS database records checks should be completed and documented on form **CS-0741, Database Search Results**.
3. Home Visit
 - a) If the visitation is to take place in the relative/kin's home, the FSW/JSW should conduct a home visit to assess the home environment using form **CS- 4261, Parents and Relative/Kin Visitation Home Safety Checklist** (pending). If the home environment is unsafe, the visitation should occur in the community until the safety issues are resolved.
 - b) If the relative/ kin has criminal convictions or pending charges, DCS history, or there are concerns identified during the home visit or otherwise, the FSW will consult with their supervisor prior to presenting information to the Child and Family Team or moving forward with visitation.

E. Supervised Visitation

The FSW/JSW arranges for visitation and other contacts between parents, family members, and child/youth in foster care even when these visits require supervision to ensure the child/youth's safety.

1. The Child and Family Team should discuss visitation in the Initial CFTM and clearly discuss the safety concerns associated with visitation. In most cases, visitation with parents/caretakers begin as supervised visitation due to the safety issues that necessitated removal from the family home. If the Child and Family Team feels it is appropriate to begin visitation as unsupervised, the FSW/JSW should consult with their supervisor and legal for direction. Many courts order supervision requirements for visitation, and the team will follow all orders of the court.
2. The FSW/JSW meets with the child/youth's parent(s) and/or family to develop a schedule for supervised visitation that includes specific information including location, name of the person supervising, and arrival/departure times. The FSW/JSW should also clearly explain the expectations during visitation and give the parent/caretaker an opportunity to ask questions. Form CS-4221, Visitation Working Agreement is an optional form that is used to guide this discussion and document the parents agreement and understanding. The Visitation Plan is entered in the Electronic Case File and all relevant parties receive a copy of the visitation plan.
 - a) The FSW/JSW, Contract Provider staff, or other identified and approved Child and Family Team member will supervise visitation. Individuals supervising visitation must be able to protect a child/youth from harm or abduction during the visitation, be able to exercise control, and intervene if required during the visit.
 - b) The FSW/JSW supervising the visit will use form **CS-0594, Visitation Observation Checklist** to document observed interaction between parent(s), family members,

and child(ren)/youth. When the visitation is supervised by someone outside of DCS, the FSW/JSW debriefs with the child/youth and parent/caregiver and the visit supervisor following visitation. The FSW/JSW uses form **CS-0594, Visitation Observation Checklist** to guide the debriefing discussion to collect the same information that would have been collected if the visit was supervised by DCS. All sibling and parent/child visits are documented in case recordings in the Electronic Case File. Form **CS-0594, Visitation Observation Checklist** from the visit is uploaded into the documents section of the Electronic Case File. If the visitation details are clearly outlined on the form uploaded in the Electronic Case File, the case recording can simply reference the form rather than record the details again within the recording. If the youth is placed in a residential setting, including a Youth Development Center (YDC), the visitation is monitored and progress is outlined through the treatment planning process and the use of **CS-0594** is not required.

F. Unsupervised Visitation

1. The Child and Family Team regularly assesses visitation and the appropriateness of supervision by considering progress of services outlined in the Family Permanency Plan (FPP), reduction of safety concerns, and the successfulness of supervised visitation. When assessments indicate that unsupervised visitations are appropriate, a CFTM occurs for the team to discuss and come to a consensus.
2. When children/youth are victims of severe abuse, a Severe Abuse Review must take place prior to beginning unsupervised visitation. Instructions on how to conduct is review can be found in Policy [16.12 Severe Abuse Review](#).
3. The FSW/JSW engages legal staff to obtain the court's permission for supervised visitation to transition to unsupervised visitation.
4. The FSW/JSW works with the family to select the most comfortable, natural setting possible for unsupervised visitation. Unsupervised visitation will most often be in the family's home. If the family's home is not appropriate, unsupervised visitation may take place in the child/youth's foster home or another neutral setting, such as a park. The DCS office is not an appropriate setting for unsupervised visitation.
5. The FSW/JSW assists the child/youth's family members with planning activities for unsupervised visitation that help maintain, improve, and strengthen family relationships.

Note: Juvenile Justice youth do not typically exercise unsupervised visitation. Any unsupervised visitation for a Juvenile Justice youth must be approved by the Deputy Commissioner of Juvenile Justice.

G. Modification to Visitation Plans

1. Visitation plans can be modified for any number of reasons. However, the parents must be allowed at least weekly visitation with their children/youth unless there is a court order specifying otherwise. The Child and Family Team may make modifications to the locations, participants, times, etc., and can decide how they will present these modifications to the court.
2. If visitation needs to be modified, the FSW/JSW convenes a CFTM to address changes and develop a new schedule.
3. If an emergency situation involving the immediate health or safety of the child/youth exists, the FSW/JSW may immediately terminate or cancel a visit.
4. Denial and/or cancellations of visitation may not be used to manage behavior or as a discipline method (for example, as a consequence for a child/youth's misbehavior).
5. Any modification to visitation should be documented in the record. The documentation should include the reason for modification and any services or next steps that are needed to address the reason for modification.
6. Any significant modifications (i.e., supervision changes in visitation, length, and location of visitation) with the visitation plan may require a court review.

H. Documentation

1. The visitation plan for parents and/or siblings is outlined in the visitation need record which is incorporated in the FPP. All visitation participants receive a copy of the FPP which includes the need record.
2. Any modifications to visitation are documented as an update to the need record. Since modifications are made within the CFTM, all participants receive a copy of the CFTM Summary which outlines the details regarding modifications.
3. If there are court orders that provide direction for visitation, the FSW/JSW outlines that information in the visitation need record and uploads the court order in the Electronic Case File.
4. If there is a recommendation from medical/mental health professionals, or the Child and Family Team, that visitation be limited in some capacity, the FSW/JSW secures the recommendation in writing and uploads the document to the Electronic Case File. The FSW/JSW documents the recommendation in case recordings. If the recommendation results in a court ordered modification, the modification is documented in the visitation need record.

Forms:

[CS-4221, Visitation Working Agreement](#)

[CS-0594, Visitation Observation Checklist](#)

[CS-0747, Child and Family Team Meeting Summary](#)

[CS-4206, Tennessee Department of Corrections \(TDOC\) Request for Contact](#)

[CS-4261, Parents and Relative/Kin Visitation Home Safety Checklist](#)

[1078, Visitation Supervisor Background Checks](#)

Collateral Documents:

[14.7, Multi-Disciplinary Team: Child Protective Investigative Team Interstate](#)

[Interstate Compact on The Placement Of Children Procedures Manual](#)

[Visitation Guide](#)

[Child and Family Team Meeting Guide](#)

[Visitation Plan Work Aid](#)