

Family Time (FT) Decision Model

- Driving Principle** Whenever children are removed from their homes by state action, the state has a legal responsibility to provide meaningful and safe visitation. Likewise, all stakeholders in the child welfare system have a moral obligation to provide as much family time as possible consistent with the best interests of the child, both in terms of frequency and duration and to provide that opportunity in such a place and manner so as to make it as natural as possible.
- Implication** The failure to provide for meaningful family time for children removed by state action, early and throughout the life of the case, may constitute a failure to make reasonable efforts to reunify families or to effect and finalize an alternate permanency plan.
- Guidelines**
- ◆ While the FT Decision Model is focused on the needs of the children and families, and not driven by readily available resources, the FT plan must be reasonable. These recommendations should serve as guidelines from which to start when developing a FT plan. When possible and appropriate, an increase in frequency or duration of FT is encouraged.
 - This Model is based on an assumption of supervised family time. In most instances, more family time should be provided when circumstances allow for it to be unsupervised. As pilot sites have implemented these guidelines, some courts have found a presumption of unsupervised visitation to be a more workable and preferred model.
 - This Model further assumes that reunification is the permanency goal. In cases where a different permanency goal is selected, the alternate permanency goal should be addressed as a Special Consideration.
 - ◆ When a conflict arises between what is in the best interests of the child and what is in the best interests of the parents, the best interest and well-being of the child shall always take precedence.
 - ◆ FT plans should be sufficiently flexible to allow for changes as circumstances warrant. While timeframes are given for development of an initial FT plan, changes to the plan will need to be made as circumstances change throughout the life of the case.
 - ◆ FT should never be used as a threat or punishment.
 - ◆ FT plans should be fact- and family-specific. They are best developed with involvement from all relevant stakeholders, including where appropriate, the parent(s), child, relatives, case manager, CASA, child and parent attorneys, foster parents, and service providers.
 - ◆ The FT Decision Model focuses on duration and frequency but recognizes the great importance and necessity of also considering the content and quality of FT.

Age	Presumptive FT Provisions	General Variance from Presumptive FT Provisions	
ALL	Initial visit within 5 working days of removal Initial FT plan in place at 72-hour hearing Fact-based revision of FT plan at adjudication	<u>Implication</u> – Particularly where the variance results in <u>less</u> FT, the reason for the variance should be: <ul style="list-style-type: none"> - articulated to all relevant parties to the case - factually based - appropriately documented To protect parental due process rights, judicial approval should be required for a reduction in family time	
Birth to 6 Months	30 to 60 minutes 3 times per week	3 to 5 Years	2 or more hours 1 time per week
6 to 18 Months	1 hour 3 times per week	5 to 12 Years	2 or more hours 1 time per week
18 Months to 3 Years	1 ½ hours 2 times per week	12 to 18 Years	No specific, generally-applicable recommendation

Special Considerations and Their Implications*

Consideration – **Circumstances of Child's Placement**

Implication – Constraints based on the child's placement must be factored in to the FT plan. If, for example, a child is placed at significant distance from home of parent or in an institutional setting, or if transportation is not readily available, FT may need to be longer but less frequent. Similarly, if the child is placed with a familiar relative or caregiver, the child might be able to tolerate less frequent visits.

Consideration – **Circumstances of Parent's Placement**

Implication – Incarceration or commitment to residential treatment facility may require alteration to FT plan

Consideration – **Relationship between parent & child before removal**

Implication – The more involved the parent was in the child's life before the child's removal from the home, the less tolerant the child is likely to be of long periods between family times.

Consideration – **Child's developmental stage** (not always linked to chronological age)

Implication – Relating factors of child's age and developmental needs to FT schedule is not an exact science. Individual child's developmental strengths or needs may necessitate accommodation in the FT plan.

Consideration – **Permanency Plan**

Implication – FT may need to be adjusted when goal is not reunification or when a concurrent plan is in place

Consideration – **Parents' Progress Toward Achieving Case Plan Goals**

Implication – FT needs to be appropriately adjusted. For example, as a family nears reunification, FT should be increased

Consideration – **Participation of Siblings**

Implication – Generally sibling contact is at least as important as contact between child and parent. When siblings are not placed together, the FT plan should make specific provisions for contact between siblings as the children's individual needs dictate.

Consideration – **Schedules & Activities**

Implication – Schedules of children (school & community activities) and of parents (work or case plan requirements) must be considered in the development of the FT plan so that all members of the family can be properly engaged to achieve the goals of FT

Consideration – **Planned Activity and Purpose**

Implication – Depending on the specific activity planned for the period of FT and the purpose of the FT plan overall, the period may need to be enlarged in terms of duration, frequency, or both.

Consideration – **Reason for Removal**

Implication – The specific reason for removal may dictate longer or shorter periods of FT in order to accommodate the parent's limitations, the child's special needs, or any specific goal for that period of FT (e.g., allowing time for a parent to demonstrate proper parenting skills)

Consideration – **History of Parent's Exercise of FT**

Implication – The parent's commitment to taking advantage of the time allotted and what actually takes place during the family time are proper factors to consider in setting the child-centered plan and to altering the plan throughout the life of the case.

Consideration – **Other Existing Court Orders**

Implication -- The parent may be prohibited from seeing a child or from being around the other parent, in which case adjustment may have to be made in the Family Time Plan until the conflicting court order can be modified safely.

Consideration – **Domestic Violence**

Implication – [due to the significant impact of this special circumstance, please see the DV supplement to the FT report]

**This list is by no means meant to be exhaustive but merely to identify some of the most common special circumstances justifying deviation from the presumptive FT provisions*