

## 1. FAMILY TIME (VISITATION)

Family time between parents and children is an essential service in the reunification process. Some experts argue that family time is the most important part of any reunification plan.<sup>1</sup> Frequent visiting maintains family relationships, helps families cope with changing relationships, empowers and informs parents, and enhances children's well-being. Studies show that the frequency of parental visiting is a strong predictor of children being united with their parents.<sup>2</sup> In addition, it helps families confront reality (the situation in which they find themselves), and it provides a time and place to practice new behaviors.<sup>3</sup> Ongoing contact with the child enhances a parent's motivation to change.<sup>4</sup> Family time also permits others to assess the parent-child relationship and assist parents in learning safe and effective parenting behaviors.<sup>5</sup>

Studies of children in out-of-home care repeatedly find that children who visit frequently are more likely to be reunited with their parents.<sup>6</sup> Studies also show the association between frequent visitation and the emotional well-being of both children and parents.<sup>7</sup>

---

<sup>1</sup> Fanshel, D., *On the Road to Permanency*, CWLA, New York, 1982, and see the sources cited in Edwards, L., "Judicial Oversight of Parental Visitation in Family Reunification Cases," *Juvenile and Family Court Journal*, Vol. 53, No. 3, 2003, at pp. 1-24 pp 2-5; Hess, P. & Proch, K.O., *Family Visiting in Out-of-Home Care: A Guide to Practice*, Child Welfare League of America, Washington, D.C., 1988; Hess, P. "Case and Context: Determinants of Planned Visit Frequency in Foster Family Care," CWLA, N.Y. Vol. LXVII, No. 4, July/August 1988. In reports from attorneys and judges across the country, family time (visitation) is the most frequently litigated reasonable efforts issue in the nation's juvenile courts.

<sup>2</sup> Kaiser, *op. cit.*, footnote 72; Leathers, L.J., "Parental Visiting and Family Reunification: Could Inclusive Practice Make a Difference?" 81 *Child Welfare* 595 (2006).

<sup>3</sup> New developments in dealing with maltreating parent-child relationships have demonstrated significant improvements in those relationships. See Timmer, S., Urquiza, A., Zebell, N., & McGrath, J., "Parent-Child Interaction Therapy: Application to maltreating parent-child dyads," *Child Abuse & Neglect*, Vol. 29 (2005) at pp. 825-840.

<sup>4</sup> Millham, S., Bullock, R., Hosie, K., & Haak, M., *Lost in Care: The Problems of Maintaining Links Between Children in Care and Their Families*, Hants, UK: Gower (1986).

<sup>5</sup> *Id.* "Visitation between parents and their children in foster care is generally considered to be the most important factor contributing toward timely family reunification, a major feature of permanency planning for children in foster care." Roemer, L., "Information Packet: Visiting with Family in Foster Care," April, 2008.

<sup>6</sup> Fanshel, D. "On the Road to Permanency," *op. cit.*, footnote 197; Beckerman, A., "Charting a Course: Meeting the Challenge of Permanency for Children with Incarcerated Mothers," *Child Welfare*, Vol. 77, No. 5, (Sept./Oct. 1998) at pp. 513-529; Fanshel, D., & Shinn, E., *Children in Foster Care: A Longitudinal Investigation*, *op. cit.*, footnote 11 pp. 85-111 & 486-495; Darling, E., "Family Time and Visitation for Children and Youth in Out-of-Home Care," U.S. Department of Health and Human Services, ACF, Log No: ACYF-CB-IM-20-02. (2/05/2020).

<sup>7</sup> Weinstein, E., *The Self-Image of the Foster Child*, Russell Sage Foundation, N.Y. 1960; "Final Report," Michigan Parent-Child Visitation Task Force, March 2013 at pp. 14-15; McWey, L., & Mullis, A. "Improving the Lives of Children in Foster Care: The Impact of Supervised Visitation," *Family Relations*, Vol. 53, No. 3, April, 2004, at pp. 293-300.

Regardless of the outcome of the legal case before the court, both the child and parents are best served by frequent visitation.<sup>8</sup>

Child development experts agree that no standard amount of family time exists for all children. Creation of a visitation order must focus on the child's developmental needs.<sup>9</sup> For example, infants need frequent and consistent contact with their parents. Separation evokes strong and painful reactions.<sup>10</sup> According to the American Academy of Pediatrics:

Weekly or other sporadic "visits" stretch the bounds of a young child's sense of time and do not allow for a psychologically meaningful relationship with estranged biological parents...For parent-child visits to be beneficial, they should be frequent and long enough to enhance the parent-child relationship.<sup>11</sup>

Some juvenile court judges recognize this principle. For example, Judge Douglas Johnson wrote in an article stating that

. . . the standard supervised biweekly, one-or-two-hour visitation is inadequate, inappropriate and unacceptable. Reasonable efforts in this context means meaningful daily or near daily parenting time to build the infant/parent relationship and achieve permanency. A judge can rule earlier on whether a parent is making progress toward becoming a proper parent when the parent is given a fair opportunity to learn skills and apply them. If Health and Human Services is unwilling to provide such

---

<sup>8</sup>Cantos, A., Cries, L., & Slis, V., "Behavioral Correlates of Parental Visiting During Family Foster Care," *Child Welfare*, Vol. 76, No. 2, (1997) at pp. 309-329.

<sup>9</sup> See the chart explaining appropriate visitation for different age groups written by Dr. David Arredondo, "Guidelines to the Developmental Needs of Children According to Age," found in Arredondo, D., & Edwards, L., "Bonding, Attachment, and Reciprocal Connectedness: Limitations of Attachment Theory in the Juvenile and Family Court," *Journal of the Center for Families, Children & the Courts*, California Administrative Office of the Courts, 2000 at pp. 109-127, Appendix A of that article.

<sup>10</sup> Goldsmith, D.F., Oppenheim, D., & Wanlass, J., "Separation and Reunification: Using Attachment Theory and Research to Inform Decisions Affecting the Placement of Children in Foster Care," *Juvenile and Family Court Journal*, Vol. 55, No. 2, 2004, at pp. 1-13, at p. 6.

<sup>11</sup> American Academy of Pediatrics Committee on Early Childhood, "Adoption and Dependent Care," 2000 at p. 1148.

"For very young children, infrequent visits are not enough to establish and maintain a healthy parent-child relationship." Cohen, J., & Youcha, V., "Zero to Three: Critical Issues for the Juvenile and Family Court," *Juvenile and Family Court Journal*, Vol. 55, No. 2 (Spring, 2004) at pp. 15-27, 22.

services, the judge could rule that a negative “reasonable efforts” finding will be issued in 30 days. If so ruled, Health and Human Services will not receive its foster care matching dollars under Federal Title IV-E Foster Care and Adoption Assistance Program. But Health and Human Services must still provide the services as ordered.<sup>12</sup>

A National Council of Juvenile and Family Court Judges (NCJFCJ) publication stressed the importance of “continued and regular contact between family members,” recommending daily visits between a mother and her baby.<sup>13</sup> A San Francisco Superior Court Standing Order mandates that infants from birth to five years of age receive “at least six hours of visitation with their parent(s) or guardian(s) each week.”<sup>14</sup>

However, it is clear that the quantity and quality of visitation between separated children and their parents is inadequate across the country. Keeping children in contact with their parents is one of the major failings of our child welfare system. Perhaps that is a reason that judges and attorneys in their comments (contained in Appendix A) state that visitation is the most litigated reasonable efforts issue heard in their juvenile courts. For example, the Family Time report from Georgia indicates that visits average once a week or less. In Michigan, two visits a month seems to be the standard.<sup>15</sup> In Marion County, Oregon, children usually have one visit a week, although newborns may receive three visits a week.<sup>16</sup>

---

<sup>12</sup> Johnson, Hon. Douglas, “Babies Cry for Judicial Leadership: Reasonable Efforts for Infants and Toddlers in Foster Care, *The Judge’s Page*, Online publication of National CASA, October, 2007.

<sup>13</sup> NCJFCJ, *Protocol for Making Reasonable Efforts to Preserve Families in Drug-Related Dependency Cases*, Reno, (1992) at pp. 4, 20-22.

<sup>14</sup> Superior Court of San Francisco, Juvenile Division, Standing Order No. 201, found in Edwards, L. “Judicial Oversight of Parental Visitation in Family Reunification Cases,” Appendix D, *op. cit.*, footnote 197 at p. 17.

<sup>15</sup> [Family Time Practice Guide: A Guide to Providing Appropriate Family Time for Children in Foster Care](#) May 2019, A Project of the Georgia Supreme Court Committee on Justice for Children and the J4C Court Improvement Initiative, Foreword by Judge Leonard Edwards (ret.) at p. 62; Parent-Child Visitation (6.23) When reunification is a child’s permanency goal, parents and children will visit at least twice each month. Exceptions to this requirement are made if a court orders less frequent visits, the parents are not attending visits despite DHHS taking adequate steps to ensure the parents’ ability to visit, one or both parents cannot attend the visits due to exigent circumstances such as hospitalization or incarceration, or the child is above the age of 16 and refuses such visits. The designated performance standard is 85 percent. Of the 54,094 parent-child visits required during MISEP 17, DHHS completed 33,828 (62.5 percent) timely. DHHS did not meet the designated performance standard of 85 percent for this commitment during the period. The agency’s performance on this commitment is not sufficiently helping to advance its work to achieve permanency pursuant to Commitment 6.3, as discussed above. *Progress of the Michigan Department of Human Services*, Monitoring Report for Dwayne B. v. Whitmer Modified Implementation, Sustainability, and Exit Plan Issued November 10, 2020, at p. 45.

<sup>16</sup> State of Oregon, Citizen Review Panels, 2019-2020 Fiscal Year, at p. 11; Also, a newborn may have one hour a week with the mother in Alabama. See the comments of Attorney Juliana Taylor in the Alabama comments; See [Serena M. v. Superior Court](#), 52 Cal. App. 5th 659, 265 Cal. Reporter 3d 396, 2020 Cal. App. LEXIS 697, 2020 WL

Ensuring early and adequate visitation presents significant challenges for social workers. After the agency removes a child from parental care, the immediate concerns of the social worker include finding a temporary placement for the child and preparing documents for a court hearing that will take place almost immediately. After completion of these tasks, the social worker then decides the location of the visits, the necessary transportation for the parents and child in order to meet at the designated visitation location, the length and frequency of the visits, whether the visits must be supervised and who will provide that supervision, and whether the social worker will evaluate the child's reactions after the visit. For some of these issues, the social worker makes recommendations to the court. The frequency, duration, and supervision involve legal issues that the judge in most states must determine after hearing recommendations from the social worker and comments from the attorneys.<sup>17</sup> Judges must ask questions about all of these issues including whether transportation issues exist, particularly where public transportation is limited.

Some state social service agencies have developed standards and procedures regarding visitation. One survey indicated that about half of the states specify a minimum of biweekly visits as the standard; the remaining states had no standards regarding visitation frequency.<sup>18</sup> In state court litigation, parents have argued that the failure of the agency to adequately facilitate visitation prevented them from maintaining a connection with their children because the agency did not adequately facilitate visitation.<sup>19</sup> However, many jurisdictions find visitation problematical due to the lack of agency resources which often makes frequent parent-child contact difficult.<sup>20</sup>

---

[3542203](#). As a Virginia judge wrote: "It does not seem to be, even though limited visitation is most certainly a barrier to return home. Judges seem aware and cognizant of the limited resources of DSS to provide extensive visitation and typically do not order more. How can a worker that has 20 kids on her case load, that often must drive hours to visit each of those children every month, complete a substantial amount of paperwork, provide each of those kids more than an hour of visitation each week? It is a shortcoming that is contrary to the best interest of children and it is the direct result of low pay and lack of state and local support to LDSS and appropriate training from Virginia DSS." See the comments of Judge Rachel Figura in the Virginia comments in Appendix A.

<sup>17</sup> "There is no question but that the power to regulate visitation between minors determined to be dependent children and their parents rests in the judiciary." *In re Jennifer G.*, 221 Cal. App. 3d 752; 270 Cal. Reporter. 548, 327 (Cal. Ct. App. 1990); *In re Shawna M.*, 24 Cal. Reporter. 2d 126 (Cal. Ct. App. 1993).

<sup>18</sup> Hess, P.M. & Proch, K., "How the States Regulate Parent-Child Visiting," *Public Welfare*, Vol. 64 (1986) at p. 12.

<sup>19</sup> As one appellate court noted, denying visitation when visitation is possible is incompatible with encouraging and strengthening the parent-child relationship. *In re Guardianship of D.M.H.*, 736 A.2d 1261, 1274 (N.J. 1999) "Consistent efforts to maintain and support the parent-child bond are central to [a] court's determination" of whether the agency made reasonable reunification efforts (at 1276). But some courts seem to blame the parents for poor visits. *Matter of V.M.S.*, 446 N.E.2d 632 (Ind. Ct. App. 1983) and *Matter of Christine Tate*, 312 S.E.2d 535 (N.C. Ct. App. 1986).

<sup>20</sup> Edwards, L., "Judicial Oversight of Parental Visitation in Family Reunification Cases," *op. cit.*, footnote 197 at pp. 1-24.

Many state child welfare agencies instituted policies and procedures on parent-child visitation.<sup>21</sup> Ms. Peg Hess, a recognized expert in parent-child visitation and child development, concludes that agency policies grant too much discretion to the agency and that her study warrants a concerted effort to define visitation standards and frequency.<sup>22</sup> She points out that children in care whose parents frequently visit are more likely to have high well-being ratings and to adjust well to placement than those children whose parents visit less frequently or not at all. Children whose parents visit frequently are also more likely to be discharged from placement.<sup>23</sup> She concludes that the frequency of visitation is the result of agency policy and resources, the location of the placement, the cooperation of foster parents, and caseworker attitudes and assessment of the case.<sup>24</sup>

Reasonable efforts rulings in both federal and state courts have focused on the adequacy of the visitation between parents and their children. In one federal case, the court ordered the state to provide fair hearings for denials of visitation to parents with children placed in foster care.<sup>25</sup> The court held that the agency must provide visits within the first week of a child's placement in foster care, and service plans must include provisions for visits at least every two weeks and take into account the time commitments of the parent.<sup>26</sup> In another federal case, the consent decree declared that visits should occur in the home of the biological parents or the foster family whenever possible, or otherwise in a dignified setting that is natural and homelike.<sup>27</sup> For the most part, federal courts have resisted making orders regarding visits for parents and children in care.<sup>28</sup>

Several state appellate courts discuss visitation in the context of reasonable efforts requirements. Some of these decisions emphasize the importance of visitation in maintaining

---

<sup>21</sup> Hess, P., "Visiting Between Children in Care and Their Families: A Look at Current Policy," available at [http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/visiting\\_report-10-29-03.pdf](http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/visiting_report-10-29-03.pdf).

<sup>22</sup> *Id.*

<sup>23</sup> Hess, P., *op. cit.*, footnote 217 at p. 2.

<sup>24</sup> Hess, P., "Case and Context: Determinants of Planned Visit Frequency in Foster Family Care," *op. cit.*, footnote 197.

<sup>25</sup> *J.J. v Ledbetter*, No. CV 180-84 (S.D. Ga. Slip ops. filed Aug. 27, 1984, Sept. 21, 1984, and Jan. 21, 1985). (A copy of these opinions is available from the author).

<sup>26</sup> *Id.*

<sup>27</sup> *G.L. v Zumwalt*, No. 77-0242-CV-W-4 (W.D. Mo. Consent decree filed Mar. 21, 1983). (A copy is available from the author).

<sup>28</sup> See *Scrivner v Andrews*, 816 F.2d 261 (6<sup>th</sup> Circuit. 1987) and *State of Vermont Department of Soc. & Rehab. Serv. v U.S. Department of Health & Human Services*, 798 F.2d 261 (2<sup>nd</sup> Cir. 1986); *Winston v Children and Youth Services of Delaware County*, 948 F.2d 1380 (3d. Cir. 1991) –This was an action by parents whose children had been removed to establish specific rights to visitation. The federal court concluded that because of the vague language in the federal statute, the agency need not provide any particular amount of visitation or even no visitation at all if other services were provided. (at 1389-1390).

---

the parent-child relationship. The Rhode Island appellate court in the case of *In re Nathan F.* stated “[t]he state had to demonstrate by clear and convincing evidence: that it (1) consulted and cooperated with the parent or parents in developing a plan for appropriate services ..., [and] (2) made suitable arrangements for visitation....”<sup>29</sup> In *In re Kristina L.*,<sup>30</sup> the agency arranged for the mother to see her daughter one hour every two weeks. When a termination hearing was held, the child was “bonded” to the foster parents. The mother appealed the termination decision, and the Rhode Island Supreme Court reversed the trial court ruling because the agency failed to provide reasonable efforts to the family. The Supreme Court noted that it was no surprise that the child bonded to the foster parents in light of the “totally inadequate” visitation schedule arranged by the agency.

Increased judicial oversight of parent-child visitation is vitally necessary to ensure adequate high quality, frequent contact.<sup>31</sup> In a California case, the agency recommended delaying visitation until the initiation of counseling sessions for the father and son. Counseling was delayed, and as a result no father-son visitation occurred. On appeal the appellate court reversed the trial court finding that the agency had provided reasonable efforts stating “[t]he longer parent and child live with no visitation, the less likely there will ever be any meaningful relationship.”<sup>32</sup> In another California case, *Tracy J. v Superior Court*,<sup>33</sup> the appellate court held that the agency failed to make reasonable efforts, and that visitation was inadequate given the safety concerns present in the case. Although the parents had limited intellectual functioning, they fully cooperated with services offered, and visits had been reported as positive. Nevertheless, the agency permitted only one supervised visit a week. The appellate court held that this was a denial of reasonable efforts and that the agency should have increased the visitation. A New Mexico Appellate Court reached a different result in a case where agency delays prevented meaningful visitation between the father and his child. The court concluded that the more immediate needs of the child for permanency should prevail.<sup>34</sup>

---

<sup>29</sup> 762 A.2d 1193, 1195 (R.I. 2000). The benefits of frequent visitation are listed in “Smariga, M., “Visitation with Infants and Toddlers in Foster Care: What Judges and Attorneys Need to Know,” *Practice & Policy Brief*, ABA Center on Children and the Law, July 2007, at p. 6.

<sup>30</sup> 520 A.2d (R.I. 1987).

<sup>31</sup> Edwards, L., *op. cit.*, footnote 197 at pp. 9-12.

<sup>32</sup> *In re Alvin R.*, 134 Cal.Rptr.2d 210, 217; the appellate court further noted that the department submitted no evidence of having made a good faith effort to arrange counseling sessions. Because the child needed therapy before being returned to his father, the trial court did not err in finding that such a return would have been detrimental. See

*People in Interest of A.A.*, 2020 COA 154 where a termination of parental rights was reversed because the court denied visitation until the parents could demonstrate two weeks of sobriety.

<sup>33</sup> 202 Cal.App.4th 1415 (Cal. Ct. App. 2012).

<sup>34</sup> *State ex rel. Children, Youth & Families Department*, 47 P.3d 859 (N.M. Ct. App. 2002).

Providing adequate visitation with an incarcerated parent presents a challenge. Some state courts have ruled that limited visitation while parents are incarcerated violates the reasonable efforts requirement.<sup>35</sup> These cases hold that incarceration should not mean the end of a parent-child relationship.<sup>36</sup> In an Ohio case, the agency's case plan provided only general goals. The agency scheduled regular visits, but required the parents to call and arrange visits for no more than once a week and for no longer than one hour. The appellate court reversed the termination of parental rights,<sup>37</sup> stating its opinion that when the agency provides visitation to an incarcerated parent, the appellate court will be ready to affirm reasonable efforts.<sup>38</sup> If a parent fails to take advantage of visitation, the court will likely affirm the efforts of the agency even if those efforts were minimal.<sup>39</sup>

The author, while sitting as Presiding Judge of the Santa Clara County Juvenile Court, became concerned about the quality and quantity of parent-child visitation during the family reunification period. At the time, the agency scheduled visitation for once a week for two hours at a large converted gymnasium. The author asked two well-known psychologists to review the visitation location and to prepare a report addressing the question: is the current parent visitation program supportive of family reunification? Their report indicated that the visitation failed to support family reunification, the environment was too impersonal, and the visits occurred too infrequently.

It would be a mistake to consider these Saturday morning visits as forms of reunification intervention. They do not adequately serve the needs for bonding of young children nor the improvement of parent-child interactions with older children. The problem is by no means limited to the site or the setting. The most salient problem is how little time is actually available for parent-child interaction. Not only is the Saturday time itself

---

<sup>35</sup> *In re Brittany S.*, 17 Cal. App.4th 1399; 22 Cal. Rptr.2d 50 (1993)(agency did not provide visitation while mother was incarcerated); See also *In re David D.*, 28 Cal.App.4th 941 (agency and court placed an unreasonable burden on mother thus preventing her from visiting – a TPR was reversed); *Mark N. v Superior Court*, 60 Cal.App.4th 996 (1998) (agency did not follow court order to provide an incarcerated mother with visitation); *In the Interest of T.A. and O.A.* (2003 WL 21459553 Iowa App., 2003); advocates argue that jail and prison regulations unnecessarily restrict visitation between children and their incarcerated parents – see Serrata, C., "[HOW REASONABLE ARE REASONABLE EFFORTS FOR THE CHILDREN OF INCARCERATED PARENTS?](#)", 46 *Golden Gate U.L. Rev.* 177 and Boudin, C., *Children of Incarcerated Parents: The Child's Constitutional Right to the Family Relationship*, [101 J. Crim. L. & Criminology](#) 77, 83 (2011).

<sup>36</sup> Or as the court put it, "Go to prison, lose your child" is an unacceptable maxim. *Id.* at p. 1402.

<sup>37</sup> *In re Brown*, 648 N.E.2d 576 (Ohio, Ct. App. 1994).

<sup>38</sup> *In re Hector L.*, 730 A.2d 106 (Conn. App. Ct. 1999); *In re Ebony H.*, 789 .2d 1158, 1163.

<sup>39</sup> *In re Guardianship of D.M.H.*, 736 A.2d 1261 (N.J. 1999); *Div. of Family & Youth Serv. v V.S.*, No. S-10350, 2002 WL 1004097 (Alaska May 15, 2002); *In re Nicole J.*, 2002 WL 1610216 (Conn. Super. Ct. June 25, 2002).

necessarily limited, but in many cases, there is little if any other available visitation. This lack of consistent contact between parent and child is bound to create both short- and long-term problems, whether these be in reunification and in permanent placements, or later in abrogations and adoptions. The current system is stretched beyond its resources. Social workers and probation officers are using a lot of their professional time supervising visits during the week, the Children's Shelter is left understaffed on Saturday mornings, and still parents and children are dolefully underserved in terms of their need for appropriate contact.<sup>40</sup>

The author met with the agency director and shared the report with him. He responded with significant changes in the county's entire visitation scheme. The author's letter to the psychologists, their report, the author's letter to the Director of Children's Service, his response, and the author's letter to the local newspaper are contained in Appendix E.

The juvenile court judge must take an active leadership role to ensure improvements occur in local visitation practice. The following steps outline the measures a judge should take to provide children in foster care appropriate visitation:

- + Recognize that visitation is a critical element of the family reunification process and be prepared to address visitation at each hearing.
- + Ensure that a visit take place soon after the removal as both the parent and child will be experiencing grief over the separation.<sup>41</sup>
- + Oversee the child's initial placement decision to ensure that it supports frequent, meaningful visitation.
- + Develop clear, enforceable, written visitation orders for each case.
- + Develop local rules that address visitation issues.
- + Determine the frequency and duration of visitation by measuring the needs of the child and family rather than the capacity of the agency.

---

<sup>40</sup> A portion of a visitation report by Dr. Amal Barkouki and Dr. William Winter. See Appendix E.

<sup>41</sup> Fahlberg, V., *A Child's Journey Through Placement*, Jessica Kingsley, London, 2012, at pp. 141-175. Bowlby, J. *Attachment and Loss. Vol. 2 Separation*, New York, Basic Books, (1973).

- + Encourage cross-systems training for all participants in the juvenile dependency court system to address child development principles and strategies to improve the quality and quantity of visitation.
- + Examine best practices and draw from model programs from around the country to improve visitation practices.
- + Facilitate collaborative community efforts to improve visitation practices and overcome barriers to successful visitation.<sup>42</sup>
- + Work with the agency and community members to make transportation available so that frequent visitation is possible.
- + Start with the presumption that visitation should be unsupervised unless there are specific reasons why it should not be.
- + Discuss visitation at court system's meetings so that attorneys and service providers can contribute their ideas.
- + Increase the number of children placed with relatives and kin which will make more frequent visitation possible.<sup>43</sup>

Children and their parents benefit from visitation, yet policies and practice in most states reveal the inadequacy of visitation both in quantity and quality. Moreover, very few appellate decisions address visitation, which indicates that attorneys may litigate issues surrounding the quality and quantity of visitation, but these issues seem to be left to the discretion of the trial judge. Visitation plays a critical part in the family reunification process and is beneficial for the child and parents regardless of the legal outcome of the case.<sup>44</sup> Judges and attorneys must pay particular attention to this issue.<sup>45</sup>

---

<sup>42</sup> Edwards, L., *op. cit.*, footnote 197 at pp. 11-12.

<sup>43</sup> Both Polk County, Iowa, and the state of Maine have developed visitation guidelines that are comprehensive and sensitive to the developmental needs of children. The Iowa guidelines were developed by both the agency and the courts. Tabor, Nancy, "State of Iowa Court Improvement Project, Resource Manual: Visitation Issues in Juvenile Court," 22 *et. seq* (2001); Maine Department of Human Services, Child and Family Services Manual (2002). And see *Enhanced Resource Guidelines, op. cit.*, footnote 143 at p. 139-141.

<sup>44</sup> Children almost always benefit from contact with their parents. See Joseph J. Doyle, Jr., Child Protection and Child Outcomes: Measuring the Effects of Foster Care, 97 *Am. Econ. Rev.* 1583, 1583, 1607 (2007).

<sup>45</sup> *Id.* and CFR §1356.21(g).

The most positive development in visitation involves placement with relatives. Refer to the next section to learn how relative placement can increase the quantity and quality of visitation significantly. For thoughts about family time during the Coronavirus pandemic, refer to Section X-P (*infra*).