

Supreme Court of Florida

IN RE: SUPERVISED VISITATION

ADMINISTRATIVE ORDER

By opinion and administrative order, the Court previously directed the Family Court Steering Committee (Steering Committee) to develop recommendations on the characteristics of a model family court, including organization, policy, procedures, staffing, resources, and linkages to community-based programs and services that may be of assistance to families in litigation.

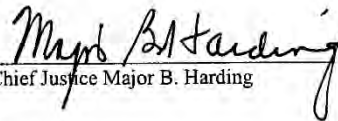
Supervised visitation programs are one element of a model family court and an important resource for the family court judge. These programs help to: provide a safe environment for a child to visit with a non-custodial parent; facilitate family cooperation; support the family's independence from the court system; and may provide crucial information to the judge. These programs have developed on an informal basis and do not operate under any uniform standards or guidelines. No entity is responsible for providing oversight of the programs that operate outside of the court system.

The Steering Committee resolved that supervised visitation centers, as a resource available to the court, should be held to minimum operational standards and that courts would be remiss in not considering the standards, resources and operations of such centers prior to ordering parties to use them. Subsequently the Steering Committee developed proposed standards that were circulated to the chief judges for comment and were submitted to this Court for consideration.

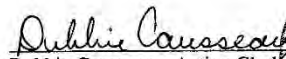
The standards, as submitted to the Court, provided for standards of operation and for certification of the programs by the chief judge. The standards adopted by this order have eliminated the certification of these programs by the chief judge.

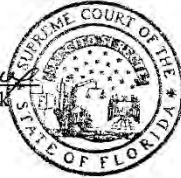
Accordingly, the chief judge of each circuit is hereby directed to enter into an agreement with supervised visitation centers that are willing to comply with the attached standards and effective July 1, 2000, trial judges, when ordering the parties to utilize a supervised visitation program, shall only order parties to supervised visitation programs that have entered into an agreement with the chief judge. Supervised visitation programs operating under the auspices of the court shall comply with these standards by January 1, 2000.

DONE AND ORDERED at Tallahassee, Florida, on November 18, 1999.


Chief Justice Major B. Harding

ATTEST:


Debbie Causseaux, Acting Clerk



Supreme Court of Florida

MINIMUM STANDARDS FOR SUPERVISED VISITATION PROGRAM AGREEMENTS

I. PROGRAM STRUCTURE

A. Terminology

- (1) Authorized person is a person authorized by the court to be present, in addition to the noncustodial parent, during supervised contact.
- (2) Chief judge means the chief judge of a judicial circuit or his or her designee.
- (3) Child means a unmarried person under the age of 18 who has not been emancipated by order of the court and whose contact with a noncustodial parent is supervised pursuant to a court order. Child may mean more than one child.
- (4) Client means the custodial parent, noncustodial parent, or child receiving supervised contact services pursuant to a court referral to a supervised contact program.
- (5) Custodial parent means a natural or adoptive parent, guardian, or state agency and its representatives, who has temporary or permanent legal custody of a child.
- (6) Documented exchange means that the program documents the transfer of the child between the parents. This type of exchange can be used when there is a history of missed, late, or inconsistent visitation.
- (7) Exchange monitoring means the supervision of a child's movement from the custodial to noncustodial parent at the start of noncustodial parent/child visit or from the noncustodial parent back to the custodial parent at the end of visit. This type of supervised contact is for those cases in which contact causes conflict between the adults but the contact between the parent and child could be expected to proceed without incident.
- (8) Facilitate means to encourage age-appropriate activities, promote a child's safety and welfare, and discourage inappropriate conduct. "Facilitate" should not be construed to mean therapeutic intervention.
- (9) Florida Clearinghouse on Supervised Visitation is the entity within the Institute for Family Violence Studies of the Florida State University School of Social Work that serves as a statewide resource on supervised visitation issues by providing technical assistance, training, research, and legal assistance.
- (10) Governing authority is a board or other body of individuals responsible for the development and operation of an independent program or the chief judge, in the case of a program operating under the auspices of the court.
- (11) Group supervised visitation means one supervision monitor/observer for several families.

- (12) Individual supervised visitation means one visitation monitor/observer for one family.
- (13) Noncustodial parent may refer to a biological parent or other adult authorized by a court order to have supervised contact with the child.
- (14) Off-site supervision is supervision of contact between the noncustodial parent and child that occurs away from a site under the control of the program and visit supervisor. Off-site supervision may occur in a group setting or on an individual basis.
- (15) On-site supervision refers to the supervision of a noncustodial parent and child on a site under control of the program and visit supervisor. On-site supervision may include a range of closeness of supervision from continuous close monitoring to periods of time during which the noncustodial parent and child are intermittently monitored by video or audio. On-site supervision may occur in a group setting or on an individual basis.
- (16) Phone monitoring may be when the program contacts parties by phone to verify that visitation occurred as ordered, or when the program monitors an actual phone call between the parent and child.
- (17) Program means a person, society, association, or agency, operating independently or under the auspices of the court, that has entered into a program agreement with the chief judge of a circuit to provide supervised contact services pursuant to a program agreement and court order. Program may also include supervised visitation operating under the auspices of the court.
- (18) Program Agreement is a written understanding between the court and an independent provider of supervised contact services including, but not limited to, the scope and limitations of the provider's services, the procedures for court referrals to the provider, and the manner and procedures for communicating with the court and providing written reports to the court. The Program Agreement incorporates the program's written operational policies and procedures.
- (19) Therapeutic Supervision is the provision of therapeutic evaluation or therapeutic intervention to help improve the parent-child interactions. Therapeutic supervision may only be provided by order of the court and only by trained certified or licensed mental health professionals.
- (20) Supervised Contact may include supervised visitation, monitored exchange, and third party exchange services provided by a program pursuant to a program agreement and court order.
- (21) Visitation Agreement is a written agreement between the program and each custodial and noncustodial parent including, but not limited to, specific rules, responsibilities, and requirements of the program and the consequences of failing to abide by the same. The visitation agreement shall also advise the clients that no confidential privilege exists as the program's records, except as provided by law or order of the court.
- (22) Visitation Monitor/Observer is the individual trained and authorized by a program to observe the contact between the noncustodial parent and the child and to document such observations, as provided by the program agreement and these standards.
- (23) Visitation Supervisor means the individual authorized to facilitate, intervene, and terminate a visit, if necessary. The visitation supervisor may also be the visitation monitor/observer.

B. Purposes of Providing Supervised Visitation

- (1) To assure the safety and welfare of the child, adults, and program staff during supervised contact.
- (2) To enable an ongoing relationship between the noncustodial parent and child by impartially observing their contact in a safe and structured environment and to facilitate appropriate child/parent interaction during supervised contact.
- (3) Where appropriate, to provide written information to the court regarding the supervised contacts.

C. Scope of Services

Supervised contact programs in each judicial circuit shall determine the range of visitation services offered, dependent upon available resources. If resources permit, services shall be offered for dependency, family law, domestic violence cases or other cases as designated by the chief judge. The scope of services should be clearly defined in the program agreement.

D. Guiding Principles

- (1) For all supervised contact services provided by a program pursuant to a court order, the primary obligation shall be to the court.
- (2) Supervised contact is not a long-term solution to a family's problems. The short-term goal is to enable an ongoing relationship between the noncustodial parent and child by impartially observing their contact in a safe, healthy, and structured environment. The long-term goal is to facilitate unsupervised visitation in most cases and establish less structured supervision, where possible, in the remaining cases.
- (3) A program should be independent, accessible, safe, and designed to promote the welfare of the child and family and facilitate parent/child interaction during contact.
- (4) A program's governing authority, training and experience of visitation supervisors, and other resources shall determine the range of services provided and number of clients served.

E. Roles

- (1) The chief judge in each judicial circuit has responsibility for:
 - a. the oversight of a program operating under the auspices of the court; and
 - b. entering into a program agreement with independent programs that are in compliance with minimum standards for providers of supervised contact services.
- (2) The role of the judge is to determine when supervised contact is appropriate and to ensure that referrals for supervised contact are comprehensive and specific as to the conditions under which the supervised contact is to occur, including the party responsible for the payment of fees for the supervised contact services. The judge shall also ensure that referrals are appropriate for the level of service available in a program.
- (3) The role of a program is to provide a safe, independent site at which supervised contact between the noncustodial parent and child may occur; to ensure that program staff have

adequate training to observe the contact; and where appropriate, provide written information about such contact to the court.

- (4) The role of a program director/coordinator is to ensure the overall quality of services provided and he/she will also be able to assume roles associated with that of visitation supervisor.
- (5) The role of the visitation supervisor is to:
 - a. maintain independence from parties;
 - b. ensure that contact between parties proceeds pursuant the visitation agreement and court order;
 - c. relay relevant information relating to the child's welfare between the custodial and noncustodial parent at the commencement and conclusion of supervised contact (e.g. special needs, medication, diet, etc.);
 - d. intervene, where necessary or appropriate, to ensure the welfare of the child or parent;
 - e. if necessary, facilitate child/parent interaction during the supervised contact;
 - f. terminate the visit if the child's safety or that of other parties or staff cannot be maintained;
 - g. provide constructive feedback, correction, or redirection;
 - h. document the visits consistent with the program agreement.

The visitation supervisor may use a visitation monitor/observer to assist in these roles, but the supervisor is ultimately responsible.

Commentary

Nothing in these standards shall be construed to restrict the court in ordering supervised visitation or exchange by the Department of Children and Families, any private mental health professional, and/or other third party as designated in a court order.

II. PROGRAM ADMINISTRATION

A. Governing Authority. Each program shall have a governing authority as defined in these standards.

B. Administration of Programs

- (1) All programs receiving judicial referrals shall comply with these minimum standards.
- (2) Program services shall be provided in a location suitable for the type of supervised contact services provided and be accessible for clients with various needs.
- (3) Independent programs shall annually submit an Affidavit of Compliance with these minimum standards to the chief judge.
- (4) The chief judge may monitor the programs for compliance with the program agreement.
- (5) In the event of a conflict between these minimum standards and local requirements, the chief judge may apply to the Chief Justice for waiver of applicability.
- (6) A program must immediately notify the chief judge of any changes to a program's role, function, operational policies and procedures and/or capacity that affect the program's services provided to the court or its clients.
- (7) A program shall comply with all applicable local, state, and federal laws, statutes and/or regulations.

C. Operating Policies and Procedures. A program shall have comprehensive written operating policies and procedures, which shall include, at a minimum:

- (1) types of services and manner in which they are provided;
- (2) case acceptance and discharge policies;
- (3) procedures for communication with the court, including how the program and the court will avoid impermissible ex parte communication;
- (4) procedures for providing reports to the court;
- (5) the visitation agreement;
- (6) payment of fees;
- (7) hours of operation that are accessible to use;
- (8) restrictions for transportation of children;
- (9) security measures and emergency protocol and/or procedures;
- (10) grievance procedures;
- (11) policies and procedures regarding release of information;
- (12) employment policies and policies governing the acceptance and discharge of volunteers, including: non-discrimination policies regarding the employee or volunteer's race, religion, gender, sexual orientation, national origin, age, disability, marital status; and policies that comply with the laws and regulations governing fair employment practices.

D. Case Acceptance

- (1) Referrals from the court for any supervised contact service shall be by court order. However, these standards shall not preclude programs from entering into contracts with entities other than the court, such as the Department of Children and Families.
- (2) Upon referral and prior to accepting the case, programs will conduct an intake, for the purpose of obtaining relevant information about the case, the parents, and the child, including special needs of the child.
- (3) Programs shall not discriminate against any client due to race, religion, gender, sexual orientation, national origin, age, disability, marital status, or inability to pay.
- (4) A program shall decline to accept a case for which they cannot reasonably ensure the safety of all clients, program staff, and volunteers, including but not limited to the following reasons:
 - a. the volatile nature of the case or client;
 - b. visitation supervisors are not adequately trained to manage issues identified in the intake;
 - c. facilities are not adequate to provide the necessary level of security;
 - d. insufficient resources; or
 - e. conflict of interest.

Commentary

Programs are encouraged to provide services on a sliding fee basis for clients who have limited financial resources. The court and the program should consider developing a protocol for dealing with the nonpayment of fees, such as civil contempt or other coercive measures available to the court. Also, the court should consider assessing costs against a parent failing to participate in a scheduled supervised contact without good cause or proper notice to the program or other parent.

It is not intended that a program use its authority to decline a case because the program or its personnel believe that contact should not be allowed in a particular type of case or disagrees with a judge's decision to allow contact in a particular case.

E. Intervene or Terminate Contact

- (1) A visitation supervisor shall intervene or terminate a supervised contact whenever he or she believes that the safety of clients, program staff, and volunteers cannot be reasonably ensured.
- (2) A visitation supervisor may intervene or terminate a supervised contact for the following reasons:
 - a. One or both of the clients have failed to comply with the visitation agreement, the directives of the visit supervisor, or the court's order of referral;
 - b. The child becomes ill; or
 - c. The child cannot be comforted for a period exceeding 30 minutes.

- (3) A visitation supervisor shall have the sole discretion to withhold presentation of any inappropriate item or gift from the noncustodial parent to the child.

Commentary

Failure to pay should not be confused with inability to pay. Ability to pay is determined by the court.

F. Discharge

- (1) A program shall suspend or discharge clients for the following reasons:
 - a. termination of court referral;
 - b. safety concerns that cannot be addressed or other issues involved in the cases that cannot be effectively addressed by the program.
- (2) A program may suspend or discharge clients for the following reasons:
 - a. the case places an undue demand on the program's resources;
 - b. one or both of the clients have failed to comply with the visitation agreement, the directives of the visit supervisor, or the court's order of referral;
 - c. the client continually refuses to pay court ordered fees for supervised visitation services; or
 - d. expiration of the time limit set out by the program or visitation agreement.
- (3) A program shall immediately (within 72 hours) provide written notice to the court and the parties if:
 - a. program services have been suspended or terminated under a condition outlined above;
 - b. the parties agree that they can manage visits or exchanges without supervision; or
 - c. the parties violate specific terms of the supervised contact as provided in the court order for supervised contact.

G. Records Management

- (1) **Maintaining Records Generally.** A program operating under the auspices of the court shall maintain records pursuant to rule 2.075, Florida Rules of Judicial Administration; independent programs shall maintain all records for a period of 5 years from the last recorded activity, or until the child reaches the age of majority, whichever occurs first.
- (2) **Financial Records.** A program shall maintain appropriate and accurate financial records and follow generally accepted accounting principles.
- (3) **Policies and Procedures.** A program shall make written operating policies and procedures available for review, upon request of a client.
- (4) **Personnel Records.** A program shall maintain a written personnel record for each employee or volunteer, including but not limited to:
 - a. application or resume;

- b. job title/description;
- c. law enforcement records check;
- d. copy of a valid photo identification card recognized in this state for the purpose of indicating a person's true name and age;
- e. documentation of employee or volunteer's satisfactory completion of minimum training requirements provided in these standards; and
- f. any other documents obtained or created by the program pertaining to the employee or volunteer.

(5) **Client Records.** A program shall keep records of all supervised contact services provided pursuant to court order, including but not limited to:

- a. intake information to include at a minimum:
 - 1. case name, case number, and nature of referral;
 - 2. division of court;
 - 3. court order/referral to program;
 - 4. photo identification of custodial parent, noncustodial parent, authorized person, and persons authorized to deliver, pick-up, or transport a child, excepting an authorized agent of the Department of the Child and Family Services;
 - 5. safety and medical concerns; or
 - 6. photo and authorization for alternative custodian, if any.
- b. written correspondence concerning each client or case, including reports to the court; and
- c. cancellations, closures, documentation and written observations, if any.

H. Disclosure of Case Information.

A program shall maintain all records in a discrete manner and shall not disclose, or participate in the disclosure of, information relating to a case to any person who is not a party to the cause, except in reports to the court or as provided by law or court order. Each program shall have a policy protecting any information that might reveal the location of domestic violence victims and their children or any other information that is confidential, as provided by law or order of the court. Release of case information shall be covered by written policies and procedures.

I. Out-of-Circuit Referrals and Courtesy Monitoring

A program has the sole discretion to accept or decline a case referred by the court from another jurisdiction. When such cases are accepted, the program must direct all communication to the referring court.

J. Complaints

- (4) A program must have written procedures regarding the internal management of complaints lodged by clients, or any other party to a case.
- (5) If complaints cannot be resolved through a program's internal grievance procedure, the complaint may be brought to the court's attention by motion to the court.
- (6) Complaints about a program's operational policies and procedures, administration, or management must be directed to the chief judge for resolution.

K. Security

- (1) A program must have written security policies that include:
 - a. evacuation procedures in case of an emergency;
 - b. agreements with local law enforcement;
 - c. handling of critical incidents such as violent, dangerous, or inappropriate behavior of clients, for example, the attempted abduction of a child; and
 - d. handling of medical emergencies, client, staff, or volunteer injuries, and worker's compensation procedures.
- (2) A program must take reasonable security precautions, including an intake and case review procedure, for identifying cases that may have security issues and risks prior to providing supervised contact services.

L. Insurance

A program must have general and liability insurance for staff and volunteers.

Commentary

It is not intended that programs operating under the auspices of the court obtain general and liability insurance in addition to that provided by risk management in the court system.

III. PROGRAM STAFF/VOLUNTEER CERTIFICATION AND TRAINING REQUIREMENTS

A. General Requirements

Prior to receiving assignments from the program, all program staff, whether paid or volunteer, who have direct contact with program clients or children, must have:

- (1) attained the age of 19 years;
- (2) acceptable results of a background check in accordance with Florida Department of Law Enforcement standards for child care providers;
- (3) attended a screening interview with the Program Director/Administrator or his/her designee that includes:
 - a. an application review;
 - b. having executed a signed statement which addresses the areas of confidentiality;
 - c. having executed an affidavit of moral character; and
 - e. having executed an affidavit of disclosure that lists any and all active pending criminal or civil litigation;
- (4) successfully completed any additional training requirements for the position as specified in this section.

Commentary

These requirements shall not apply to individuals, groups, or organizations who may be providing special services to the center (e.g., maintenance, cleaning, or other "in-kind" or school public services) requirements which are unrelated to direct supervised visitation services.

B. Employment Categories and Specific Requirements

- (1) **Program Director/Administrator.** A program administrator is responsible for the operation of the center, employment and supervision of staff, and the administration of programs. Employment and volunteer applicants, regardless of qualifications, shall be accepted and/or terminated at the discretion of the Program Director/Administrator. Persons acting in this capacity by a different title in any center shall meet the qualifications, and have the authority, of a Program Director/Administrator. Persons performing in this capacity report directly to the governing board or the governing authority for the program.

Minimum Qualifications:

Graduation from an accredited college or university with a bachelor's degree in social services or related field. Progressively responsible experience in the area of child abuse, domestic violence, custody, visitation and/or family issues may substitute for the recommended college education on a year for year basis; and

Two (2) years professional experience which includes knowledge of child abuse, domestic violence, custody, visitation and/or family issues.

Demonstrated proficiency in competency based training as specified by the Florida Clearinghouse on Supervised Visitation.

- (2) **Visitation Supervisor and Monitor/Observer.** Persons performing in this capacity are responsible for supervising noncustodial parent contact with children in accordance with the program's goals and objectives. They may record observations of visits on the center's standardized form, complete checklists, and may prepare reports to the court, as provided in Section IV of these standards.

Minimum Qualifications: Prior to supervising visitations, persons in this capacity shall complete:

Two (2) hours of orientation training in the following areas: practice, policy and procedures; use of forms; confidentiality; security; levels of supervision; observation techniques; and recording observations; and

Five (5) hours in a mentoring program with a practicing supervised visitation monitor either at an existing visitation program or with a licensed professional who has at least one (1) year of experience in supervising visitations.

Training:

Demonstrated proficiency in competency based training as specified by the Florida Clearinghouse on Supervised Visitation, which shall include, but shall not be limited to the areas of child development, child abuse indicators, mental health, substance abuse, parental alienation, domestic violence, cultural diversity and crisis intervention.

- (3) **Clerical/Maintenance Staff.** Clerical staff provide services in the program office, or in areas of the program where specialized training in visitation supervision techniques is not required.

Minimum Qualifications:

Educational level, or work experience, sufficient to meet the responsibilities of the specific task(s); and

Completion of an orientation program of at least two (2) hours which includes an overview of the center's goals and objectives, the assignments of administrative staff, confidentiality, and security for clients and staff.

- (4) **College Interns.** College interns perform services under the guidance and direction of the program director or visitation supervisor staff. The internship shall be a learning experience with specific goals and objectives. Besides the general requirements specified for other staff who have contact with clients, interns shall meet the following additional qualifications:

Enrollment in an accredited four year college or university and official enrollment in a practicum/internship program under the supervision of a college instructor/administrator;

Official enrollment in a college or university in an area of major studies related to the function of the center;

Presentation of clearly defined educational goals and objectives related to supervised visitation.

IV. REPORTS TO THE COURT

Each circuit is responsible for developing an agreement with local providers which sets forth procedures for providing reports to the court. Regardless of the procedures or format selected, programs should use checklists or clear and concise statements to record what happens during the contact and should avoid including opinions and judgments. The supervisor should only report attendance and observable behaviors. These standards should specifically address:

A. Frequency of Reports

- (1) immediately upon incident;
- (2) upon request from the court or other agency;
- (3) by subpoena; or
- (4) periodically.

B. Reporting Method

- (1) written; or
- (2) verbal.

C. Report Format

- (1) **Detailed Observation.** Detailed observations offer a comprehensive account of events that took place between the noncustodial parent and child. Providers may use a checklist during the visit which records the level of adherence to visitation arrangements by the parent, for example, compliance with scheduling and program rules. Providers may also wish to include an objective account of all behaviors and actions observed between the parent and child as they occur.
- (2) **Summary.** Summary reports provide an overview of the interaction that took place between the parent and child during a supervised visit. The summary report must be factual, objective and absent of any professional recommendations. Unlike the detailed observation report, the summary report shall not contain a comprehensive list of all behaviors observed between the parent and child. Instead this report is meant to provide the court with a brief synopsis of the visitation.
- (3) **Incident.** Incident reports provide a detailed account of potentially harmful behavior exhibited by a parent or child, either towards another client or program staff, during the supervised contact. Typically the provider observes a behavior or action from the parent that he/she perceives as an indication for alarm and will immediately submit a detailed account of the incident. This account would include, when the incident took place, what initiated the behavior, how the incident occurred, the reaction of the clients, and the action(s) taken. Once again, this shall strictly be a factual account and shall not offer a professional opinion as to what course of action should be sought regarding this incident.
- (4) **Evaluative.** Evaluative reports provide an assessment which offers professional opinions and recommendations as to the observed contact between the parent and child. Such reports should be completed by a licensed mental health professional or otherwise qualified professional. Without prior approval from the chief judge, or from the court, a program

should not offer a report that provides recommendations or expresses opinions, specifically an opinion about the appropriate future course of access between a parent and child who have been supervised by a program.

Commentary

The term evaluative should not be confused with an expert evaluation of a minor child provided in accordance with rule 12.363, Florida Family Law Rules of Procedure.

- D. All observation notes or reports should indicate that the contents of the notes reflect the various levels of training and experience of the different observers; that the observations have occurred in a structured and protected setting; and that care should be exercised by any reader in making predictions about how the contacts might occur in a different setting.