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Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual

MTL # 0213 - 01112019
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TO: Timothy Burch, Administrator - Clark County Department of Family Services
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FROM: Reesha Powell, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

Enclosed find the following policy for distribution to all applicable staff within your organization:

- Visitation Policy

This policy is/was effective: 01/04/2019

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # _____ - _____ Policy Name: _____
- This policy has been revised. Please see below for the type of revision:
- This is a significant policy revision. Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change):
 - A policy form has been revised: (List form, page number and summary of change):

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **All STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies/>. Please check the table of contents on this page for the link to the chapter you are interested in.

0213 Visitation Policy

Policy Approval Clearance Record

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| <input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy | <input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input type="checkbox"/> This policy supersedes: |
| Date Policy Effective: | 01/04/2019 |
| Attorney General Representative Review: | 11/16/2018 |
| DCFS Deputy Administrator Approval | 01/04/2019 |
| DMG Original Approval | 01/04/2019 |
| DMG Approved Revisions | N/A |

STATEMENT OF PURPOSE

Policy Statement and Purpose: This policy supports Washoe County Human Services Agency (WCHSA), Clark County Department of Family Services (CCDFS), and Nevada Division of Child and Family Services (DCFS) efforts to maintain the continuity of family relationships and preserve connections for children.

This policy was created to simplify the complex Federal and State Statues encompassing visitation. The policy supports concerted efforts to ensure that visitation between a child in foster care and his or her mother, father, and siblings are of sufficient frequency and quality to promote continuity in the child’s relationship with close family members and concerted efforts to maintain the child’s connections to his or her neighborhood, community, faith, extended family, Tribe, school, and friends.

AUTHORITY

Federal: [42 U.S.C. 675 Sec. 475\(5\)\(c\)](#); [42 U.S.C. 675 Sec. 471 \(a\)\(31\)](#)
NAC: [NAC 432B.185](#); [NAC 432B.400](#); [NAC 424.495](#)
NRS: [NRS 432B.480](#); [NRS 432B.580](#); [NRS 127.2827](#); [NRS128.107](#)
Other: [NRS 432B.153](#); [NRS 125C.210](#); [NRS 432B.159](#); [NRS 433.482](#); [NRS 209.42305](#)

DEFINITIONS

Agency which provides Child Welfare Services: A county whose population is less than 100,000, the agency is a local office of the Division of Child and Family Services; or in a county whose population is 100,000 or more, the Agency of the county which provides or arranges for necessary child welfare services. May also be referred to as “Agency” or “Child Welfare Agency.”

Caregiver: The person or persons providing foster, adoptive, relative, kinship or fictive kin care for a child, or a person who provides care in a treatment home or residential treatment facility in which a child is placed.

Child: An individual who has not attained 18 years of age, or if in school, until graduation from high school.

Diligent Search: An ongoing and continuous process to identify, locate, inform and evaluate relatives/non-custodial parents regarding their interest in providing a temporary or permanent placement for or adopting a child prior to or when the child is placed in substitute care.

Face-to-Face Contact: An in-person interaction between individuals that will allow for the caseworker to observe the child, parents, and/or caregivers.

Fictive Kin: A person not related within the 5th degree of consanguinity by birth, marriage or adoption; such as a family friend or neighbor who has significant emotional and positive relationship with the child.

Important Individual: A person identified by a child who is positive and supportive. This may include relatives, fictive kin, peers, or other individuals that the child has an ongoing positive relationship.

Parent (for purpose of this policy): The parent/guardian or caregiver from whom the child was removed and/or biologically or legally related.

Sibling: Are children who have one or more parents in common either biologically, through adoption, or through the marriage of their parents, and with whom the child lived before his or her foster care placement, or with who the child would be expected to live if the child were not in foster care.

State: An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

UNITY: Unified Nevada Information Technology for Youth is Nevada's electronic Comprehensive Child Welfare Information System (CCWIS). This system is a mandatory tool for collecting data and reporting case management services provided to children and families.

Visitation: An interactive contact between a child and his or her parents, siblings or other important individuals and can include face-to-face, phone, email, other electronic communications, letters, pictures, etc. It is separate from counseling, therapy, assessments, case reviews, child and family team meetings or court hearings, and is used to strengthen the parent-child relationship and enhance parenting knowledge and skill.

STANDARDS/PROCEDURES

Benefits

1. **Parent and Child Visitations:** The benefits of frequent visitations promote healthy attachment, establishes, strengthens, and maintains the parent-child relationship, eases the pain of separation and loss for the child, helps motivate the parents to make changes, and contributes to shorter periods of foster care with successful reunification. Parent-child visitation effects timely permanency for children and creates an opportunity for parents to learn and practice new skills.
2. **Sibling Visitations:** When visitation is frequent and allows opportunity to connect in a meaningful way it lessens trauma and loss, promotes feelings of belonging, preserves the child's emotional well-being and self-esteem, great change for stability, less behavioral issues, sense of roots (shared history), and creates opportunity to form long-lasting durable relationships.

Minimum Requirements

1. **Frequency:** Visitation to preserve connections with siblings, parents and important individuals should be at a frequency sufficient to promote the continuity of the relationship and must be in the best interest of the child.
 - a. An appropriate written visitation plan must be developed when a child first enters care.
 - b. Frequency of visitation may need to be greater for infants and young children.
 - c. Visitation should occur at minimum once (1) a week, and more often if possible.
 - d. Based on case circumstances, the initial visitation should occur within one (1) week of placement, or as soon as reasonably practicable.
 - e. The visit should be of adequate duration to permit quality interactions, in general, one (1) to four (4) hours is an appropriate time range.
 - f. Parents who reside in another state/county and whose parental rights remain intact may have their visits facilitated by telephone or electronic communications, with the same frequency with which face-to-face contact would occur if it were possible. If parental rights are not intact, the Agency may facilitate visitation with such frequency that meets the needs of the child.
 - g. Pursuant to [NRS 432B.480](#), the court may grant the grandparent or other person related within the fifth (5th) degree of consanguinity to the child a reasonable right to visit the child while the child is in care.

- h. When a child is not placed with their sibling, who is also in foster care, a visitation plan must be developed for sibling visitation. While face-to-face contact is preferred, when it is beyond the Agency's control, the Agency should consider alternatives to preserve sibling connections (NRS 432B.580).
 - i. Caregivers should be encouraged to make visits between siblings placed separately a priority.
 - ii. Sibling visits may occur during regular parental visits.
 - iii. A parent not attending a sibling visit should not be the sole reason for a sibling visitation to be cancelled.
 - iv. If the sibling is not in foster care and that sibling's parent refuses to attend the visitation, the Agency must document concerted efforts made to establish a sibling visitation plan.
 - v. When a sibling visit is ceased (unsafe, not in best interest, etc.) the Agency must continue to evaluate opportunities for sibling visitation to occur in the future.
 - i. As soon as reasonably practicable and based on the need of the child, visits should increase in length and frequency, to work up to overnight visits that are unsupervised to eventually returning the child home on a permanent basis. Overnight visitation will:
 - i. Ease the child's transition from living in an out-of-home placement to living with his/her parents.
 - ii. Provide the opportunity for the parents to practice and demonstrate their progress in achieving case plan goals.
 - iii. Build the confidence of the parents in his/her ability to care for his/her child.
 - iv. Provide the opportunity for the caseworker to assess the parent's ability to safely care for the child(ren) and identify any issues that may need to be addressed before reunification.
2. **Quality:** The quality of visitation must be adequate to promote continuity in the child's relationship with important individuals. Visitation should be in person unless such contact is not possible due to reasons beyond the agency's control (i.e. out of state, parental incarceration, etc.). The Agency must determine if all safety threats and risks are mitigated to protect the child during a visitation and if the quality of the visits are sufficient to maintain or promote the continuity of relationships between siblings and between the child and parents.
- a. **Child in Foster Care:**
 - i. The visitation plan must include with whom the child may have contact with, the type of contact, frequency, length, location, and supervision and safety considerations.
 - ii. The plan for visitation with a sibling must be updated as necessary to reflect any changes in the placement of a sibling, termination of parental rights, or an adoption of a sibling.
 - b. **Child Receiving In-Home Services**
 - i. When the Agency does not have placement and care responsibility of a child and the child is placed on an out of home safety plan the Agency must develop a visitation plan.
 - ii. A visitation plan is not required for an In-Home safety plan where the child is not separated from the parent.
 - iii. A visitation plan is required for a non-custodial parent when the child is placed on an In-Home safety plan with the other parent.
 - c. **Additional Contact Procedure and Requirements:**
 - i. When a parent's rights are terminated the Agency must determine if visitations should continue based on the best interests and needs of the child.
 - ii. A copy of the visitation plan must be provided to the parents, child, caregiver, or other interested parties involved with the visitation.
 - iii. Visits should allow for the mother or father to interact with each child individually.
 - iv. Unsupervised visits should be considered when it is assured by safety assessments pursuant to [NAC 432B.185](#).
 - v. Overnight visits should be considered in preparation for reunification.
 - vi. In accordance with [NAC 424.495](#) the foster home shall cooperate with the Child Welfare Agency to maintain meaningful ties with the child's family of origin. This can include but is not limited to allowing the child to visit when appropriate,

allowing the child to send and receive mail and electronic mail, provide opportunity to the child to invite friends to the foster home, and ensure the visits do not jeopardize the safety and well-being of the child.

3. **Special Considerations for Visitation:** An evaluation of the identified safety threats and the child's experiences should be considered when creating a written visitation plan that ensures the safety of all parties while meeting the child's need for continued contact with both parents, this may include therapists recommendations. Separate visits for the mother and father may be necessary to ensure the safety of the child and to support the parent-child relationship. Special consideration should be given in situations of:
- a. Domestic Violence – The impact of domestic violence on the child requires an assessment of the identified present and impending danger threats, parental capacities and the child's experiences, which could differ significantly from the adult's experiences. This assessment should be used to create a visitation plan that ensures the safety of all parties while meeting the child's need for continued contact with both parents.
 - b. Sexual Abuse – The caseworker will need to assess present and impending danger threats, as well as a child's and each parent's readiness for visitation, including therapist recommendations and evaluations as part of the assessment. Each parent must be assessed individually and provided visitation as is appropriate to their unique circumstances.
 - c. Parent Convicted of First Degree Murder of the Other Parent – Pursuant to [NRS 432B.153](#), if a parent has been convicted of first degree murder of the other parent of the child, court approval is required prior to any visitation. The court may approve visits only if:
 - i. The court determines that the health safety and welfare of the child is not at risk and it will be beneficial for the child to have visitations with the convicted parent; or
 - ii. The child is of suitable age to signify his or her agreement to the order of the court awarding visitation with the child to the convicted parent.
 - iii. Until the court makes a determination regarding visitation, no person may bring the child into the presence of the convicted parent without consent of the legal guardian or custodian of the child. The caseworker should consult with the Child and Family Team prior to initiating contact between a child and a parent or requesting a visitation plan from the court.
 - d. Child Conceived as a Result of Rape or Incest – [NRS 125C.210](#) provides that, if a child is conceived as the result of a sexual assault and the person convicted of the sexual assault is the natural father of the child, the person has no right to custody of or visitation with the child unless the natural mother or legal guardian consents thereto and it is in the best interest of the child.
 - i. Exception: if the person convicted of the sexual assault is the spouse of the victim at the time of the sexual assault. If the persons later divorce, the conviction of sexual assault creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the sexual assault is not in the best interest of the child. The court shall set forth findings that any custody or visitation arrangement ordered by the court adequately protects the child and the victim of the sexual assault.
 - e. Child Abduction – Pursuant to [NRS 432B.159](#), when a parent has been convicted of an act of abduction against the child or any other child, court approval is needed prior to authorizing unsupervised, off-site visits.
 - f. Children Placed in Residential Treatment Centers (RTC) – Pursuant to [NRS 433.482](#), when a child is placed in a Residential Treatment Center they have the right to see visitors each day, to make phone calls, to have access to materials for writing letters, including stamps, and to mail and receive unopened correspondence. Visitation plans with children placed in RTCs should be developed to allow contact with parents, siblings and other important individuals as is determined to be in the best interests of the child based on their developmental level, well-being, and permanency plan.
 - g. Out of Area Parents – When a child's parent lives outside of the area, the caseworker should make efforts to engage that parent in visitation with the child based on the child's developmental level and permanency plan. In person visits should be encouraged and

supported whenever possible. Use of alternate forms of contact, such as Skype/Facetime visits, phone calls, letters, text messages, etc. should also be used to encourage and support the parent-child bond. When the permanency plan includes moving a child to an out-of-area parent and that child does not have an established relationship with that parent, the caseworker must make efforts to arrange alternate forms of visitation until the child is reasonably comfortable with the parent.

- h. **Adoption** – The court will conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption pursuant to [NRS 127.2827](#). When the adoption is finalized, the adoptive parent agrees to continued visitation of the adopted child with the child's siblings, as ordered by the court. When a plan post adoption sibling visitation is developed the agreement must be adhered to.
 - i. A mutually agreed-upon plan between the parent and adoptive parent can be developed and the frequency of contact must be made clarified in a written document.
 - i. **Incarcerated Parents** ([NRS 209.42305](#)) – The Child Welfare Agency is subjected to the location of the facility and the regulations of the facility in which the parent is incarcerated. This contact should be allowed and encouraged if it is in the best interest of the child. Considerations should include but are not limited to:
 - i. The age and developmental level of the child;
 - ii. The child's relationship with this parent;
 - iii. The permanency plan;
 - iv. The visitation policy of the facility (i.e. the rules around in-person visits, mail, and email);
 - v. Support services are needed to facilitate contact (i.e. worker to send letters and cards from the child to the parent and vice versa, provision of self-addressed stamped envelopes to the parent to write letters, etc.).
4. **Non-Child Welfare Employee Supervising Visits:** This could be a foster parent/caregiver, relative/fictive kin caregiver, other relative or other individuals known to the family or someone contracted by the Child Welfare Agency or a volunteer. The supervisor/caseworker must consider the appropriateness of the person by assessing whether:
- a. The person's viewpoint toward the child is appropriate and realistic.
 - b. The person possesses the knowledge, skills, and motivation necessary to perform the action or service being ask of him or her.
 - c. The person can intervene in the visit, if necessary, and understands when intervention would be necessary.
 - d. The person can provide objective and accurate information about the visit.
 - e. The identified location of the visit is deemed safe and appropriate.
5. **Restrictions:** Visitation shall not be limited as a sanction for the parent's lack of compliance with the court orders or case plans, or as a method to encourage a child to improve his/her behaviors. When an Agency restricts face-to-face contact for visitation, the Agency must consider if other forms of communication are allowable and appropriate, such as monitored phone calls or letters/email. Visitation may be prohibited (not inclusive) if:
- a. There is a reason to believe a parent or legal guardian's acts or omissions would result in the child being abused or neglected during a visit;
 - b. The child's safety cannot be managed by supervision;
 - c. The visit is not in the best interest of the child;
 - d. A court order prohibits it;

When visits are restricted, the agency must continually reconsider when visitations can be reinstated and be less restrictive. If for any reason a child-parent visit does not take place, has been suspended, or terminated, the visits between siblings not placed together should continue to regularly take place unless the safety or well-being of the child would be compromised.

Concerted Efforts

1. **Sibling and Parent Visitations:** Caseworkers can support parent-child visitation by providing concerted efforts to ensure visitation between child, his or her mother and father, and siblings is of

sufficient frequency and quality to promote continuity in the relationship. The recommended concerted efforts, which is based on the circumstances of the case, include but are **not limited** to:

- a. Diligent search efforts to be conducted initially and ongoing to locate, identify, inform, and evaluate maternal and paternal relatives who may be a placement or support option for the child ([Refer to Policy 1001 Diligent Search](#)).
 - b. Engaging relatives, kin, parents, siblings, etc. in supporting visitation by providing transportation or assisting with supervision;
 - c. Educate the caregiver about the different types of reactions a child may have before, after, or during visitation with parents and siblings, including happy confused, sad, and/or angry. Discuss children may not be able to express these feelings with words, but with behaviors, such as regression, depression, bad dreams, aggression, irritability as well as other acting out behaviors. Explain this is normal and not a reason to terminate or limit visits;
 - d. If the child or sibling is placed out of state or unable to visit face to face, contact efforts such as telephone calls, letters, email or other electronic contact should be used.
 - e. If a youth does not wish to visit with siblings or parents, the youth should be counseled regarding the importance of maintaining family ties, and ensure the youth is aware that his/her siblings wish to maintain a relationship and want to visit;
 - f. The visitation plan was developed with the parents and child's input if developmentally and age appropriate;
 - g. Decisions about supervision during visits (location, length, etc.) are made in such a way that supports a positive visitation experience for the child and ensures quality interactions with parents and siblings; and
 - h. Explain the impact to permanency and the well-being of the child for failing to attend visits, or reason for early termination of visits in a way or language the parent understands.
2. **Best Interest:** Visitation may not always be in the best interest of the child. Visitation should be limited or terminated when the child's best interest, safety, health, or well-being is compromised. Recommendations to limit or terminate visitation must be supported by, but are not limited to, any of the following:
- a. Evidence that the child is being re-traumatized during the visit.
 - b. The visitation cannot be safely managed.
 - c. The parent appears incapacitated to a level that they cannot safely manage the child during the visit (i.e. intoxicated, psychosis), and there is not another person available to supervise the visit.
 - i. Parental intoxication or mental health concerns in and of itself is not justification for terminating a visit. The worker must be able to articulate the level of impairment and how that places the child in danger during the visit. In these circumstances the visit may be terminated for that day, but may resume on another day, if safe for the child.
 - d. A therapist's recommendation can be helpful in considering whether to decrease or suspend visitation.
 - e. The court adopts a permanency plan other than reunification, and if the family visits continue, it may not be in the best interest of the child.
 - f. If one sibling is a physical threat to the other sibling or has a history of physically or sexually abusing the other sibling, the agency must determine if the visitation is in the best interest of the child.
3. **Visitation with Extended Family Members, Friends, Community, Faith Based Agencies, and Tribe:** The Child Welfare Agency must make concerted efforts to maintain the child's connections to his or her neighborhood, community, faith, extended family, Tribe, school, and friends through the life of the case or until such connections are no longer in the child's best interest. To determine important connections, consider the relationships the child had before entering care.

Timeline:

| Requirement | Deadline | Starting Date | Responsible Party | Actions to be Taken |
|--------------------|---------------------------------------------------------------------------------------|-----------------------|-----------------------|------------------------------------------------------------------------------------------------------------------|
| Initial Visitation | One (1) week or as soon as reasonably practicable based on circumstances of the case. | Upon removal of child | Caseworker | Initiate a visit between parent and child within one (1) week or as soon as reasonably practicable after removal |
| Visitation Plan | Within 45 days of removal | Upon removal of child | Caseworker and Family | Create a written visitation plan in collaboration with the family to file with the case plan. |

Documentation: Each jurisdiction shall develop their own protocol for documentation of visitation and written visitation plans. All decisions relating to visitation, or any unusual occurrences regarding visitation should be documented in UNITY case notes and updated within five (5) business days. Unusual occurrences can include, but are not limited to: who attended, reason for interrupted or terminated visits, missed visits, or any activities that occurred during the session (such as physical or emotional threats/harm).

JURISDICTIONAL ACTION

Development of Internal Policies: Each Jurisdiction shall develop their own internal policy and maintain a record for implementing this policy and ensure compliance.

Supervisory Responsibility: Review visitation and written visitation plans and provide guidance to caseworkers including guidance on the concerted efforts section of this policy.

STATE RESPONSIBILITIES

The state has the responsibility to ensure that all Child Welfare Agencies follow the visitation guidance as outlined in this policy. Compliance with this policy will be monitored throughout UNITY and the Quality Assurance (QA) case review process.

POLICY CROSS REFERENCE

Policies: [205 Caseworker Contact with Children, Parents, and Caregivers](#)
[1001 Diligent Search Process](#)

History and Updates: This is a new policy.

ATTACHMENTS

N/A