

Effect of Limited Visitation Between a Parent and a Child and how it Affects Your Ability to Reunify with Your Child

PART TWO

From the very beginning, minimum visitation will be ordered between a parent and a child. Often the court will give discretion to the social worker to increase visitation. (*In re Aaliyah R.* (2006) 136 Cal. App. 4th 437, 440.) The [Department of Social Services](#) will usually not exercise that discretion for a multitude of reasons that have nothing to do with the overall relationship between the parent and the child. It will often be caused by lack of resources and staffing issues. Time will pass in court where hearings take place and months will go by with the minimum visitation still in effect. The bond between the child and the parent will fade.

Once the parent makes it through the court process and trial they will be granted reunification in most cases and the parents will be given a case plan for reunification. The minimum visitation schedule will usually still be in effect. On occasion, social services will take the position that in order to increase visitation at this point, there needs to be therapeutic intervention because so much time has passed and the visitation must be evaluated by a professional to assess how the increase in visitation should proceed. Once therapeutic intervention is in place, there will be “issues” preventing increased visitation (because there always is). It will be a rare case where there are no issues to resolve prior to increasing visitation once therapeutic intervention takes place. The inception of the therapeutic visitation usually never really stems from anything about the case as it does from the lack of visitation over the last several months that has now created the need for closer inspection of a visit.

The request for a therapist, lapse of time for the court process to work itself out, all works against the clock between a parent and child. Timelines for reunification tick away and before the parent realizes, time is up, services are terminated and because the parent never made it to unsupervised visitation, the court is now going to seek a permanent arrangement for the child such as adoption, long term foster care or guardianship. According to the courts, once the 12 to 18 month period is over, the juvenile court must conduct a permanency planning hearing after which reunification services are no longer contemplated. (*Jones T. v. Superior Court* (1989) 215 Cal.App.3d 240, 252.)

Attorneys need to strive for increased visitation at each and every stage of a court proceeding to avoid the common pitfall that occurs in dependency cases. There must be constant requests made of social workers and their supervisors to increase visitation at every given moment. Social services should be forced to articulate

why visitation is not being increased and scheduling should never be an acceptable response.