

## Visitation in the World of Social Services and Juvenile Court

### PART ONE/REALITY

In the world of social services, social workers think that supervised visits for one hour once per week or two times per month is an acceptable visitation schedule for parents who have had their children taken from them for allegations of abuse or neglect. Often social workers will only accept supervised visitation to begin with and still keep the visitation to a minimum. This makes no sense. The law states that visitation must be as frequent as possible consistent with the well being of the child. ([Wel. & Inst. Code § 362.1](#).) If the visitation is supervised then what is the harm in increasing the visitation? There is no reason not to increase visitation between a parent and child when it is supervised. Where is the risk? If it is supervised then there is no risk.

Often social workers will refuse to increase the visitation between parents and children but they will not say why. They will often use the vague excuse that it is not their “policy” although the policy is: reunification of parents and children. It is the legal duty of social workers to act for the child’s welfare and preserve and strengthen the child’s family ties whenever possible. (*In re Danielle W.* (1989) 207 Cal.App.3d 1227, 1234-35.)

What better to strengthen the familial bond than with frequent visitation. Often children yearn to see their parents when they are taken away. The children are traumatized and scared. How is one hour a week sufficient? How could severely limiting visitation be in the “best interests” of the children? Often social workers will state that they are overworked and that the Department is understaffed and they cannot make arrangements to increase the court ordered minimum visitation. This is an unacceptable excuse that puts schedules ahead of a child’s desire for the familial connection that they yearn for when they are stripped from everything they are familiar with and put into a stranger’s home. Courts delegate social workers the authority to determine the manner of visitation because they are supposedly better equipped than the courts with resources and flexibility to supervise each case consist with the child’s best interests. (*In re Moriah T.* (1994) 23 Cal.App.4th 1367, 1376.)

Relatives or close family friends can help with the visitation. (*San Diego County Dep’t of Social Services v. Tina G. (In re Tabatha G)* (1996) 45 Cal.App.4th 1159, 1163.) This is often overlooked or simply dismissed. Relative supervision could increase visitation between the children and their parents. It is cost free, it eliminates the stranger in the room taking notes during visitation creating an unnatural environment, and relatives are flexible and can supervise visits at times beyond the five o’clock hour.

Attorneys need to push for more creative ideas, suggest them to the court, and urge social services to consider alternatives for visitation. Without a doubt, more visitation is in the “best interest” of children. Frequent visitation helps strengthen the bond between the parent and the child so that the bond is not damaged during the often long process where the court makes determinations in regard to the truth or falsity of the allegations made against a parent.