

Visitation Must Be As Frequent As Possible

PART THREE/

Visitation must be as frequent as possible consistent with the well being of the child. This is the law. ([Wel. & Inst. Code § 362.1.](#)) Does a social worker's schedule or budget cuts or scheduling difficulties trump the "as frequent as possible" requirement? No.

Usually, the well being of the child element is satisfied. Children want to see their parents. Therefore, it is in their well-being that visitation occur as frequent as possible.

Visits as frequent as possible says what it means. If it is possible, it should occur. Is it possible to get a relative approved to do the visits? Yes. Does this happen? Rarely. Is it possible to squeeze an extra hour in addition to the minimum visitation allotment being that the visitation supervisor is already there, the facility is open and everyone is present? Yes. Is this attempted, considered or strived for on most occasions? No.

Often social workers just meet the minimum standards and do not strive for more. Social services will often cover what the court has ordered and stop there. The courts must be urged for additional visitation at all times with motions to the court coupled with case law and scientific articles to support the request for more visitation. (["Visitation with Infants and Toddlers in Foster Care: What Judges and Attorneys Need to Know"](#) American Bar Association Practice and Policy Brief, July 2007.)

Studies have shown that frequent visitation IS IN THE BEST INTEREST OF THE CHILD. (["Developmental Issues for Young Children in Foster Care"](#) American Academy of Pediatrics Journal, Vol. 106 No. 5, Nov. 2000) More frequent visitation is necessary for younger children, babies requiring the most frequent. These studies must be presented to social workers and courts so that they become educated about the science that backs up the legal arguments and motions presented before the courts. (Judge Leonard P. Edwards, ["Judicial Oversight of Parental Visitation in Family Reunification Cases"](#) Juvenile and Family Court Journal, Summer 2003)

Attorneys and social workers have become complacent. It is too easy for many attorneys to just accept the minimum requirement and stop pushing for more frequent visitation. Courts cannot be expected to micromanage visitation schedules, however, once educated by science and the law, a good judge will push and question social services for answers as to why visitation has not been

increased. Social services must then answer (with facts) instead of just stating “well, your honor, scheduling difficulties, budget cuts, policy”. In the face of scientific articles or testimony setting the foundation for the great need between increased frequent visitation, social services will be hard pressed to come up with an acceptable answer for the court to not grant increased visitation.