
Strategies to Improve Supervised Visitation Services in Domestic Violence Cases

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Abstract

Supervised visitation (or access) is the evolving social service providing scheduled contact between the child(ren) in a family and the child(ren)'s biological, adoptive or other relative in the presence of a third party (Straus, 1995 ; Wright, 2001). Historically, supervised visitation services have been provided in child welfare situations where a child is in a court-ordered, out-of-home placement due to allegations or findings of abuse or neglect. In the past decade, however, there has been an increased reliance by the court upon supervised visitation services in family law cases, particularly those involving domestic violence (Straus, 1995 ; Saunders,1998 ; NCJFCJ,1995). This trend has been supported by research findings documenting the detrimental impact upon children who witness domestic violence, as well as, research confirming the increased risk of harm for both children and adults when domestic violence has been disclosed and some official action has taken place against the alleged perpetrator. While supervised visitation services can provide a measure of safety to victims, practice experiences and research are beginning to emerge suggesting that supervised visitation in domestic violence cases is not a panacea in all cases (McMahon &Pence, 1995 ; Oehme, 1997).

This article describes the evolution of supervised visitation services for domestic violence cases, notes legal trends in these cases, describes practice concerns, and presents strategies to improve the safety of participants when supervised visitation, due to domestic violence, is court-ordered.

The Evolution of Supervised Visitation: From Child Welfare to Domestic Violence Case Visitation

Research on child witnessing of domestic violence has been well documented (Edleson, 1999 ; Straus, 1995 ; Wolfe et al, 1986). These respective research findings consistently report that child witnesses exhibit more behavioral problems, cognitive disturbances, emotional disorders (depression, anxiety, anger) and somatic concerns than do their counterparts in homes where domestic violence does not occur. In the mid 1980s, domestic violence victim advocates, using this body of research, began to call for the use of supervised visitation services for their clients as a means to reduce the potential for harm to both the victim and child (Straus, 1995 ; McMahon &Pence, 1995). This

stemmed from the acknowledgment of the impact of domestic violence upon child witnesses, as well as, the recognition that when the court is considering orders for protection and custody, danger to the victim is at its greatest (i.e. the victim has revealed her abuse to the court, requested an order for protection and perhaps sought shelter in a confidential location with the assistance of a domestic violence victim advocate). While far safer than unsupervised access or visits supervised by family members, the supervised visitation programs used by the court were initially designed to serve dependency (child welfare) cases with very different goals, security issues, and staffing issues.

The call by advocates for use of supervised visitation in domestic violence cases was followed closely by changes in judicial practices. In 1994, the National Council of Juvenile and Family Court Judges promoted the Model Code on Domestic and Family Violence which addressed the need to utilize supervised visitation services when domestic violence is present. The American Bar Association also recommended the use of these services (ABA, 2000). Additionally some state legislatures have begun to mandate supervised visitation (Ver Steegh, 2000).

A national study on supervised visitation programs by Thoennes and Pearson (1999) identified 94 programs in the United States providing supervised visitation services for dependency cases, family law cases, or both types of referrals. The membership organization for supervised visitation providers, the Supervised Visitation Network, lists 161 agencies providing these services in 2001. Most programs have evolved in the last ten years. Some began as programs focusing upon dependency visitations. Dependency cases are described as cases in which parents, who had abused or neglected their children, maintain contact with their children (who are in out-of-home placements) while they receive supplementary services. Few programs were initiated primarily as family law programs to provide the non-custodial parent access to children either due to divorce, domestic violence or some other type of family law situation. Most programs now serve both types of referrals.

While the model has been historically used by child welfare officials as a critical tool in working toward family reunification, critical examination of the model is necessary if it is to work safely for families experiencing domestic violence. A brief analysis of organizational variables between supervised visitation in dependency cases and those in domestic violence cases reveals critical distinctions. Goals between the two services differ as do parental characteristics, judicial involvement, the provision of supplementary services and security needs of participants (Thoennes & Pearson, 1999).

In dependency cases, the goal of supervised visitation is to support the reunification of the child with their parent (Wright, 2001). In domestic violence cases, there is no goal of reunifying the family. In fact, if child welfare officials are also involved in the case, the victim may face failure to protect charges upon returning to the abusive partner. Research by Thoennes and Pearson (1999) as well as Wright (2001) reveals that mothers, in dependency cases utilizing supervised visitation services, typically exhibit substance abuse histories, poor parenting skills, and neglectful behaviors toward their children. Fathers in dependency cases are reported to be more physically and sexually abusive. In contrast, in domestic violence cases seen in supervised visitation programs, fathers have typically been reported for domestic violence. They often exhibit controlling, threatening and physically violent behaviors and may have threatened to kill their partners and/or children if they leave them.

Judicial involvement also varies considerably between these two types of cases. Most frequently in dependency cases, dependency hearings have resulted in the child being removed from the care of the parent(s) and placed under the care of the state. Subsequent scheduled judicial hearings will determine whether the child is returned or whether parental rights are terminated. Often in dependency cases, the child will have a court-appointed guardian ad litem, as well as, a case manager. In domestic violence cases there is often an order for protection preventing the alleged perpetrator from contacting the victim and an order for supervised visitation. Typically there is no scheduled judicial review unless a violation of order for protection occurs.

In dependency cases, parents are often receiving mandated evaluations for mental health and substance abuse problems, as well as, assistance with parenting skills. A child welfare case manager is frequently assigned to each family and they oversee the development of a case plan and review compliance with it including, participation in supervised visitation services. In contrast, families using supervised visitation services because of domestic violence are often receiving few ancillary social services and do not typically have a case manager or any designated case plan monitored by a legal entity. If services are provided they may be offered through domestic violence centers, while the mother is receiving shelter, or through a batterers intervention program (Straus,1995 ; McMahan et al, 1999). If problems of compliance with the provision of supervised visitation services emerge, the court may or may not be informed in a timely fashion.

Finally, security arrangements or security philosophy differ between these two service models. In dependency cases, security is very much focused upon the child's safety during scheduled visits to prevent further emotional, physical or sexual abuse or possible abduction by the visiting parent. In domestic violence cases, security arrangements must focus upon the child's safety and also the safety of the parent that who has also experienced abuse.

In most dependency cases seen at supervised visitation programs, violence has occurred in the past within the family, and while the threat of revictimization of the child is always a possibility, it is far more remote on site given our understanding of child abuse. However, it has been documented that there is a very real possibility for immediate violent behaviors targeted at partners or children in visitation settings in domestic violence cases.

Recognizing Common Batterers Behaviors In Supervised Visitation Settings

While the assumption has been that the level of violence will be reduced or eliminated if supervised visitation is ordered in domestic violence cases, practitioners report that batterers exhibit similar behavioral patterns while utilizing supervised visitation services.

Staff of the Clearinghouse on Supervised Visitation collected examples of behaviors commonly displayed by alleged batterers who were referred to supervised visitation programs in Florida in 2001. As the examples in the following table indicate, the same behaviors of batterers described in the literature, are observed in supervised visitation programs.

Table 1. Common Behaviors of Batterers Seen at Supervised Visitation Programs

Behavior	Manifestation at Supervised Visitation Program
Denial of Abuse/Minimizations	Children may ask parent, "why did you hit mommy?" Visiting parent may deny hitting child's mother, say it was accident or minimize his action. Or he may say it's the fault of mother he has to see child at visitation program. One program reports a 12 year old asked his father why he chased his mother with a knife. Father denied doing it saying the mother told him to say that. This occurred despite witnesses to the knife incident.
Blaming partner	Frequently supervised visitation staff report that a batterer will tell staff "this is all my wife's fault," "she's the one who brought this on."
Control/Manipulation	Often batterers will question, or challenge program rules or suggest exceptions to rules should be made of them. This is seen in examples of refusing to arrive or depart per requirements, bringing unauthorized individuals to visits, bringing gifts or food to visits which may be disallowed, attempting to take videos or photographs. Tearing up rules or throwing intake forms across room.
Attacking Parenting Skills	Involving staff in apparent false allegations of child abuse against parent who has been abused, trying to use staff to call Abuse Registry. Makes disparaging remarks about mother, "you need to clean up better than mommy."
Making Covert/Overt Threats	Program staff report incidents of batterers showing a weapons permit when asked for identification, driving around visitation site at time of scheduled visits but not coming into program as well as verbally threatening to harm staff, volunteers, judge, partner, etc. during visits. Law enforcement officers referred to programs have come for scheduled visits in full uniform wearing their weapons despite instructions to the contrary.

Behavior	Manifestation at Supervised Visitation Program
Involving Children	During scheduled visitations, batterers may attempt to question children about their current living arrangements (particularly if they are staying at shelter or another undisclosed location); inquire about what their plans are, where they are attending school; or, may try and find out who the child's mother is seeing. Additionally batterers may utilize visitation times as a vehicle to get children to convey messages back to other parent.
Stalking	Following a parent who is leaving a program, recording information about parents car. One program reports two examples of cases when the perpetrator had custody. In one case he left with the child prior to his wife (non-custodial) but waited for her in a nearby parking lot. In another, a non-custodial mother picked up her child for a monitored exchange and was followed to a neighboring city by her abuser. Perpetrators may reveal stalking incidents during conviction with their children during visit Questions such as Where were you all last night? or Why weren't you in school yesterday?
Financial Abuse/Manipulation	Refusing to pay for scheduled visits, not going to pay to see my kids. Paying in pennies or other small coins. Saying they will not bring food for visits because they're paying child support to mother and she should make sure food is available for father's visit.
Animal Abuse	Batterers may inform child during visit that a beloved pet has died or had to be given away since the child was not longer in the home. One program reported a father bringing the child's pet rabbit to the program knowing the child would not be able to take it back to the shelter where he was staying.

Behavior	Manifestation at Supervised Visitation Program
Physical Violence	At least three murders of have occurred on-site or in parking lots of supervised visitation programs in recent years. Other programs report murders or physical assaults by non-custodial parents off site but while family was utilizing services.
Suicide	Visiting parent telling child and/or staff how depressed he is and how he might just end it all.

Strategies to Improve Supervised Visitation in Domestic Violence Cases

If supervised visitation programs are to continue to be used in domestic violence cases, there must be a more critical examination of the current provision of services in programs with the goals of enhancing the safety of participants and confronting evidence of domestic violence as it is manifested in supervised visitation programs. There are a number of strategies that can be recommended but they must be addressed system-wide and become part of a coordinated community response to ending domestic violence.

Judicial Strategies

- A formal evaluation of the alleged perpetrator and the victim should be ordered prior to the court-order for supervised visitation. A key component of this evaluation must be a lethality assessment. The evaluation should be conducted by a mental health professional who has had specific domestic violence training in conducting such evaluations.
- If domestic violence is confirmed, judges should order the batterer to complete a certified batterers intervention program before ordering supervised visitation. This is currently mandated in Louisiana (Ver Steegh, 2000).
- Once a family court judge orders supervised visitation, a schedule for judicial review of the case must be established and maintained (NYSPCC, 2000).
- Family law judges should collaborate with their local supervised visitation programs on a regular basis regarding non-case specific issues which involve operational and policy aspects of the program. Program limitations in accepting certain cases should be delineated, procedures for handling court orders from other jurisdictions should be established, procedures for providing services to families with special needs covered under the American with Disabilities Act should be determined.
- Family law judges must acknowledge that supervised visitation programs are not appropriate in all domestic violence cases. The potential for lethality is so great in some cases, as has been

demonstrated by program reports and experiences, that visitation programs cannot offer an adequate assurance of safety.

- Courts should work with their local supervised visitation providers to develop formal letters of agreement which specifically outline policies and procedures for accepting domestic violence referrals, conditions of supervised visitation orders, and the role of the supervised visitation monitor (Saunders, 1998 ; NCJFCJ, 1995 ; Ver Steegh, 2000).
- Courts should collaborate with their supervised visitation providers in developing observation report forms for visits or exchanges and establish a mechanism for these reports to be conveyed back to the court on a routine basis (NYSPCC, 2000).
- Finally, courts must acknowledge that supervised visitation services are provided in a very artificial setting. While the visit or exchange may go well and there are not reports of violence, it must not automatically be inferred from a family's experience that unsupervised visitation will be without risk (Straus, 1998). Further evaluation by domestic violence experts is necessary before the order for supervised visitation is withdrawn.

Program Strategies

- Staff and volunteers of programs serving domestic violence cases must be adequately trained in the dynamics of domestic violence, the impact of domestic violence upon child witnesses, behaviors common to batterers and how these behaviors are manifested in supervised visitation settings. They must also be informed about legal remedies, such as orders for protection (NYSPCC,2000 ; Maxwell &Robinson, 1998).
- Programs must require participants to share orders for protection with staff and these orders should be placed in the family's case file. If the program employs security officers, they should also be given an opportunity to review the order (NYSPCC, 2000).
- Program staff and volunteers must pay strict attention to the confidentiality of program participants. No information about addresses, living arrangements, means of transportation, telephone numbers and children's school should be released. To violate a participant's confidentiality in this manner could dramatically increase the physical risk to the victim and the child(ren).
- Supervised visitation programs that provide services in domestic violence cases must have thoroughly thought out security arrangements to protect adult participants, children, staff and volunteers, as well as, other program participants. These measures should include consideration of the use of on-site law enforcement staff, staggered arrival and departure times for custodial/non-custodial parents, parking lot security, site lighting, etc (NYSPCC, 2000 ; Oehme, 1997). Some programs without on-site security report having metal detectors to detect the presence of knives or guns. This seems to be a poor attempt to enhance security, since if a weapon is detected it would be the responsibility of program staff to remove it and possibly be harmed or resisted in the process.

- The Supervised Visitation Network (SVN) has developed recommended standards and guidelines for practice (Straus et al, 1998). While these standards and guidelines are currently recommendations, as opposed to requirements, they do serve as some measure of best practice in this field and should be utilized by programs offering these services.
- Supervised visitation programs often exist as external entities to child welfare agencies or to the court. These programs are not typically monitored, certified or licensed to ensure that services are provided in an appropriate manner. It is critical that states take necessary legislative action to ensure that these providers meet some uniform certification standard. Currently, only Kansas has statutes regarding the certification of supervised visitation providers. Florida has failed in its past two legislative sessions to pass an initial bill on monitoring (Clearinghouse on Supervised Visitation, Bar and Bench, 2001).

Further Recommendations

There are additional recommendations which can be important in reducing the risk of further harm to program participants in supervised visitation programs:

- Research is needed to better understand the extent to which program participants may be revictimized while receiving supervised visitation services (Saunders, 1998 ; McMahon & Pence, 1995). Currently, because most programs are not monitored nor certified in some fashion, there is no uniform tracking of critical incidents at sites which affect the safety of families. Data is needed to better understand the impact of supervised visitation upon both the child and adult-victim, their perceptions of safety, outcome measures on the use of these services, etc. Practitioners, as well as, the judiciary need to better understand the types of domestic violence cases which are best served by supervised visitation programs and the ones which benefit least or ones which may actually risk further harm if referred.
- Funding remains a critical need for nearly all supervised visitation programs (Johnston, 2000). As noted by Thoennes and Pearson (1999) and Straus et al (1998), most programs currently rely extensively upon volunteers and lack the resources for paid staff, security staff, etc. Some programs have been successful in using Victim of Crime Act funds, Rural & Child Victimization grants, and other sources to support efforts, while other programs rely entirely upon local grants. There has been great interest in the possibility of having Violence Against Women Act II funds designated specifically for supervised visitation programs, but as of yet this provision has not been funded by Congress (Wellstone & Wellstone, 2001).
- Technical Assistance needs to be made available to providers of supervised visitation services to ensure adequate training, attention to security, case management, etc. Additional technical assistance should also be available to the judiciary and law enforcement officials. Currently the Supervised Visitation Network publishes a bi-annual newsletter for their membership and hosts an annual training conference. The Clearinghouse on Supervised Visitation provides technical assistance primarily to Florida providers and the Florida judiciary, but has also made technical assistance available to others around the country. The Clearinghouse publishes two newsletters, Bar & Bench for the judiciary and The Networker, as well as a law enforcement guide. In 1998,

the Clearinghouse produced a competency-based training manual for agencies considering starting a program . There is a great need for additional assistance to providers, the judiciary, and others involved in using supervised visitation services in order to establish more consistent practices and thus to ensure safer services.

Conclusion

Supervised visitation services have historically been used in child welfare cases to provide an opportunity for the non-custodial parent to have safe, scheduled contact with the child(ren) who have been removed from the home due to abuse or neglect. In recent years these services have been adopted by family court judges for use in domestic violence cases to allow the alleged batterer to have contact with his children. Typically this occurs in situations when an injunction for protection has been ordered, the abused spouse is in shelter or in situations in which there is potential for ongoing harm to a parent. Supervised visitation services in such cases can be an important component in avoiding further incidences of domestic violence. However, emerging practice experiences from supervised visitation practitioners in the field suggest that modifications need to be made in these services in order meet the unique needs of domestic violence cases. As the use of supervised visitation is increasingly used for domestic violence cases, many practitioners report that batterers exhibit many of the same types of battering behaviors on site of supervised visitation programs as they do in other settings. This behavior endangers their partners, children and staff of these programs. Safeguards must be considered which address judicial practices, staff training, funding and oversight, as well as, research on the effectiveness of the use of these programs for domestic violence cases.

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