

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY AND CHILDREN'S SERVICES**

**Cover Memorandum accompanying the May 9, 2007 filing of Proposed Rule Adoption by the Division of Family and Children's Services proposing to issue new Visitation Plan for Children in Custody policy for its policy manual.**

Listed below are five (5) proposed rules amending Visitation Plan for Children in Custody policy for the Mississippi Department of Human Services, Division of Family and Children's Services. This proposed policy has been added to placement in Volume IV policy manual.

1. Proposed Rule:

Children have a right to visit their parents, legal guardians or primary caretakers. Frequent visitation has a direct and positive effect in aiding the return of the child to his/her family. Visitation with kin will be held at the discretion of the COR staff. Kin should include but not be limited to any relative to the 3<sup>rd</sup> degree. The Mississippi Code, Section 43-15-13(7) states if the child cannot be placed with the parents, relatives "in the third degree, as computed by civil law rule" shall be considered. Every effort should be made to provide visitation with the child in order for the child to have continuing connections, especially in cases where individuals are potential placement resources.

Current Rule:

Contact between the child and his parents is essential in foster care services.

2. Proposed Rule:

In order to maintain this connection, contact between the child and his/her family shall occur within the first week after placement of the child into foster care.

Current Rule:

It is imperative that contact between the child and his family be arranged immediately (within 24 hours) after placement unless there are documented reasons why this should not occur.

3. Proposed Rule:

When siblings in custody are not placed together, it is very important that regular contacts be maintained unless the case record justifies that this is not in the best interest of the children. They must be allowed monthly face-to-face visits, or by phone or in writing when face-to-face visits cannot take place. More frequent visits may be arranged with the Supervisor's approval.

Current Rule:

It is very important that regular visitation at least twice a month be maintained among siblings if they are not placed together, unless the child's case record justifies that this is impossible.

4. Proposed Rule:

A foster child who has been placed in a licensed resource family home, relative home, licensed or not, shall be seen once a quarter, face-to-face, by the direct service Worker, in the resource home.

Current Rule:

None

5. Proposed Rule:

The DFCS direct service Worker shall maintain monthly face-to-face contact with every child in custody. Monthly contact means at least once every calendar month and includes the documentation  in MACWIS as soon after the visit as possible.

Current Rule:

The MDHS/DFCS Staff shall maintain weekly contacts (either face to face or by telephone) with the child during the first 30 days of placement.

## **I. Visitation Plan for Children in Custody**

Every child in custody shall have visitation in order to maintain connections. A visitation plan should be developed with children/youth in custody, his/her mother and father, primary caretakers, siblings and kin. Resource Families may also be included in development of visitation plans.

### *Contact with Biological Family*

~~This shall help to allay the fears and fantasies of the child. If a visit cannot be arranged, a telephone call to parents, siblings, or extended family members shall be planned for the child.~~

### *Guidelines For Visitation*

~~At the time of placement, frequently the child feels abandoned, insecure, and may have frightening feelings. His sense of well being, self worth, and protection are likely to be seriously damaged, and the child may have many unrealistic fantasies about his placement, his parents, and himself. A visit shall be arranged between the child and his parents when possible and appropriate within 24 hours of the child's removal unless there are documented reasons this should not occur.~~

~~A visit with his family immediately after placement assures him that his family has not disappeared or died, they know how to reach him, and that he is not being hidden from them by the agency. He is better able to accept his foster care status because of the continuing relationship with his family. The frequency of contacts is a positive indicator of the likelihood of the child being returned to his family.~~

Children have a right to visit their parents, legal guardians or primary caretakers. Frequent visitation has a direct and positive effect in aiding the return of the child to his/her family. In order to maintain this connection, contact between the child and his/her family shall occur within the first week after placement of the child into foster care. If this contact cannot be face-to-face, the Worker shall arrange a telephone call between the child and his parents, legal guardian or primary caretaker.

~~Parents have a right to visit with their children. The agency has the responsibility of informing them of this right, encouraging visits and arranging visits that are convenient for both the birth family and the foster family. The placement of foster children outside the county of responsibility often poses difficulty in arranging regular and frequent visits. Some alternatives that counties might consider to facilitate visitation, whenever Social Worker time for transportation services is limited, are the use of volunteers, foster parents, and public transportation.~~

~~It is important that the visit be held in a setting that is natural for the child and/or his family. The environment of an office is not generally conducive to a good visit.~~

~~Visitation should be a required element in every Parent's Individual Service Plan and Service Agreement.~~

~~Parents should be expected to visit their child and to maintain regular contact with him. The Social Worker and the family shall agree on a realistic, regular schedule for visitation so that adequate plans can be made by all parties.~~

~~The Social Workers may wish to use a log to record each visit or contact between parent and child. The log shall provide easy access for evaluation with the parents of the consistency of contacts. It is also helpful in preparing reports to the court or for referrals for termination of parental rights. The evaluation of the visit shall also be documented in the chronological case recording.~~

Visitation between a foster child and her (or his) own child shall be arranged weekly if they are not placed together in the same home or facility.

#### *Contact between a Teen Parent in Custody and her/his Own Child*

All consideration should be made to place a teen parent in custody with her/his own child. If placement is not possible, visitation between the teen parent and her (or his) own child shall be arranged weekly if they are not placed together in the same home or facility, unless there is a documented reason why this should not occur.

#### *Visitation Documentation*

The Worker shall document visits  in MACWIS on the Visitation Screen using the Visitation log to record each visit or contact between parent/primary caretakers and child. Evaluation of the visit shall be documented in narratives.

A plan shall be developed specifying the time and location of visits. The Worker, parents/guardian/primary caretakers, Resource Parents and the child, if age appropriate, shall be involved in the development of this schedule.

#### *Exceptions*

There are times and/or circumstances in which visitation are not advisable or may require consultation:

- a. When the court order forbids visitation. (If the Social Worker believes that this decision is not in the best interest of the child, this shall be presented to the court.)
- b. When a psychiatrist, psychologist, or other mental health professional recommends that visitation would be physically or emotionally damaging to the child. (This shall be documented by a written report and a written court order.)

#### **B. Visits with Siblings**

When siblings in custody are not placed together, it is very important that regular contacts be maintained unless the case record justifies that this is not in the best interest of the children. They must be allowed monthly face-to-face visits, or by phone or in writing when face-to-face visits cannot take place. More frequent visits may be arranged with the Supervisor's approval. The sibling's visitation plan must be documented on the log  in MACWIS on the Visitation screen. An evaluation of the visit shall be documented in narratives.

### C. Visits with Kin

Children have a right to visit their parents, legal guardians or primary caretakers. Frequent visitation has a direct and positive effect in aiding the return of the child to his/her family. In order to maintain this connection, contact between the child and his/her family shall occur within the first week after placement of the child into foster care. If this contact cannot be face-to-face, the Worker shall arrange a telephone call between the child and his parents, legal guardian or primary caretaker.

## II. Contact by the Case Worker

### Contacts with Child

~~The MDHS/DFCS Staff shall maintain weekly contacts (either face to face or by telephone) with the child during the first 30 days of placement. Face to face contact shall be maintained with all foster children, regardless of their placement type every 30 days thereafter. This could require a County of Service Staff to make the face-to-face contact. Some funding sources such as Medicaid may require more frequent contact. It is important that this be upheld in order not to jeopardize payment for services.~~

~~When a child has entered into a Formalized Foster Care Agreement, the MDHS/DFCS Staff is required to visit the child every 30 calendar days.~~

The DFCS direct service Worker shall maintain monthly face-to-face contact with every child in custody. Monthly contact means at least once every calendar month and includes the documentation  in MACWIS as soon after the visit as possible.

### **Policy revised January 2006 by Bulletin No. 5967**

~~Face to face contacts and supportive narratives in MACWIS, shall be maintained with all foster children, regardless of their placement types, at a minimum, once every month by a Licensed Social Worker or a Child Protective Service Worker. Program Specialists who have received appropriate training and Student Interns, who have successfully completed the Social Work curriculum, may also make this contact.~~

**In the cases where special circumstances exist, including, but not limited to, children with ICPC placements or children who are on runaway status, an explanation must be documented in the narratives as to why contact was not possible. Children in custody, who are placed out of state in facilities or with relatives, and are not being seen by the receiving state staff, should be seen once a quarter by Mississippi DFCS staff.**

**More frequent contact may be required at the discretion of the supervisor.**

A plan shall be developed specifying the time and location of visits. The Worker, parents/guardian/primary caretakers, Resource Parents and the child, if age appropriate, shall be involved in the development of this schedule.

The Worker shall document visits  in MACWIS on the Visitation Screen using the Visitation log to record each visit or contact between parent/primary caretakers and child. Evaluation of the visit shall be documented in narratives.

~~At the time of placement, as part of the case plan, a plan should be developed specifying the time and location of visits. Frequent visitation has a direct and positive effect in aiding the return of the child to his family.~~

**A. Contact with Placement Resource**

A foster child who has been placed in a licensed resource family home, relative home, licensed or not, shall be seen once a quarter, face-to-face, by the direct service Worker, in the resource home.

~~The Social Worker, the parents/guardian, foster parents and the child, if of appropriate age, shall be involved in the development of this schedule.~~