



## Visitation with Infants and Toddlers in Foster Care

One-third of all children entering foster care are zero to three years of age, and 15 percent are babies under age one. Children at different stages in life react differently to separation from a parent, based primarily on their ability to understand the reasons for separation and the range and maturity of their coping strategies. Research shows that regular, frequent visitation increases the likelihood of successful reunification, reduces time in out-of-home care, promotes healthy attachment, and reduces the negative effects of separation for the child and the parent.

### Effects of Separation on Young Children

Attachment theory provides a framework within which to understand the effects of separation on very young children and the importance of frequent visitation. A child's experiences and relationships during his or her critical first years build the foundation for future social, emotional, and cognitive development.

Children who develop secure attachments show a greater capacity for self-regulation, effective social interactions, self-reliance, and adaptive coping skills later in life. Conversely, babies who learn that they cannot consistently depend on their caregiver to provide nurturing, protection and security often develop unhealthy attachments. Young children with unhealthy attachments are at much greater risk for delinquency, substance abuse, and depression later in life.

### How Visitation Helps Permanency Planning

Well-crafted visitation plans are an essential component of permanency planning and can actively support the goals of the Adoption and Safe Families Act. Visitation offers a real-life opportunity to view parental capacity and provide critical information to the court about the parent-child relationship. In this regard, visitation can help quickly determine if reunification is the best permanency option for the child. In addition, proof that the agency devised a thoughtful, individualized visitation plan can support a judicial finding that reasonable efforts were made.

Visitation also plays an important role in concurrent planning. While frequent visits allow parents to show their motivation for getting their child back and demonstrate new skills, they also provide evidence when a parent is not making progress toward case goals. For example, when a parent repeatedly does not show up for scheduled visits or fails to make required behavioral changes during visits, this information can help the court decide more quickly to order an alternative permanency plan for the child.

### Promoting Successful Visits

All participants (parents, foster parents, relatives, caseworkers, the court, lawyers, and service providers) must work together to ensure that visits "meet the attachment and connectedness needs of children and their families...[and] support parenting and case decision-making." Consider the following recommendations:

- **Ensure that visits are in the child's best interest.** Frequent and unsupervised visitation should be considered a conditional right of parents and children. Unless the court

finds substantial evidence to believe that visitation would place the child's life, health, or safety at risk, the parent should be allowed to visit his or her child. When there is any doubt about the safety or benefit of visitation, there should be thorough assessments of the child, the parent(s), and the relationship between the child and parent.

- **Ensure the child is placed where frequent, meaningful visits can occur.** If reunification is the permanency goal, very young children should be placed in out-of-home care as near to their biological parent(s)' home as possible to allow frequent visitation. Foster parents can be critical partners in successful visits. Foster parents of infants and toddlers should understand the importance of the child's relationship with his/her parents and the role they can play to help strengthen that relationship. The caregiver must be willing to support the formal visitation plan.

- **Ensure the visitation plan is individualized and promotes permanency.** The written visitation plan should be tailored to the circumstances and needs of each family and take into account the reason for removal of the child from the home. The plan should specify the frequency, length, participants, location, if and how visits are to be supervised, expected behaviors of parents during visits, help with transportation if needed, services to help parents interact better with their children, and planned parent-child activities during visits.

Lawyers for the child and the parent(s) should review the written plan to make sure it serves their client's best interests and that only necessary restrictions and supervision are imposed.

The judge should specify in the court order the specific frequency, duration, and location of visits. Visitation should be reviewed at every court hearing to determine whether terms and conditions need to be modified. The court should require the child welfare agency to submit periodic reports about implementation of the plan and the impact on the young child and should hold all parties accountable for meeting plan requirements.

- **Ensure the frequency, length, and timing of visits promote attachment.** Because physical proximity with the caregiver is central to the attachment process for infants and toddlers, an infant should ideally spend time with the parent(s) daily, and a toddler should see the parent(s) at least every two-to-three days. The length of visits should gradually increase as the parent shows she is able to respond to her child's cues in consistent and nurturing ways, soothe her child, and attend to her child's needs. Visits should be scheduled at a convenient time for the parents and the foster parents but must also consider the child's daily schedule.

- **Advocate for visits to occur in the least restrictive setting that ensures the child's safety and well-being.** The visitation plan should encourage the birth parent to directly care for the child as much as possible, and family visits should take place in the least restrictive, most natural

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setting that can ensure the safety and well-being of the child. The parent should be encouraged to accompany the child to medical appointments and therapy sessions.

▪ **Ensure visitation activities promote parent-child attachment and support the child's development.**

Parents often need coaching about how to care for their child and how to plan appropriate activities during visits. In such cases, the child's attorney can request and the court can order parents to receive services that educate them about their infant or toddler's specific needs.

▪ **Request the appropriate level of supervision.** Plans for supervising parent-child visits should be individualized, ensure the child's safety and well-being, and further the goals of the family's case plan. If supervision is required during parent-child visits, the visitation plan should specify the reason(s) (e.g., to protect the child, observe and evaluate interactions between parent and child, or model positive parenting behaviors).

The visitation plan should state who will supervise the visits. Depending on the purpose of supervision and the degree of supervision necessary, a range of people may do this, including a caseworker, therapist, foster parent, relative, parent aide, or early intervention home visitor. Foster parents or family members who supervise visits should receive training on the child's developmental and attachment needs, mentoring and coaching parents, and knowing when and how to intervene.

▪ **Be sensitive to participants' emotions around visitation.** Judges and lawyers should understand that a young child's emotional dysregulation following a visit does not necessarily mean the parent did something harmful during the visit or that visitation does not benefit the child. Very young children cannot understand the separation, and they often respond with bewilderment, sadness and grief. During visits, they may cling or cry, act out, or withdraw from their parent. At the end of a visit, when another separation is imminent, they may become confused, sad or angry. Following visits, infants and toddlers may show regressive behaviors, depression, physical symptoms or behavioral problems.

Parents also find visits to be a time of emotional upheaval. They often experience pain and sadness resulting from the separation and may feel shame, guilt, depression, denial of a problem, anger and/or worry about the child.\*

▪ **Ensure visits are well documented.** Caseworkers and other professionals must carefully document the family's progress (or lack of progress) during visits, emphasizing the objectives of the visitation plan, behaviors of and interactions between the parent and child, and assessment of risk to the child and the parent's capacity to care for the child. This information provides important evidence for the court to order reduced or increased restrictions, reunification, or termination of parental rights.

**The Judge's Role**

Judges hearing cases involving children in foster care play a critical role ensuring the child has full opportunities for meaningful visitation with the family. Although it is counterproductive for judges to order daily visitation if the community does not have the resources to support this practice, judges are in a unique position to inform the community about the gaps in services and to mobilize community leaders and resources to address these gaps. Judges should:

- Oversee the child's initial placement decision to ensure that it supports frequent, meaningful visitation
- Develop clear, enforceable, written visitation orders for each case
- Develop local rules that address visitation issues
- Encourage cross-systems training for all participants in the court to address child development principles
- Examine best practices and draw from model programs to improve visitation practices
- Facilitate collaborative community efforts to improve visitation practices and overcome barriers

**Conclusion**

Judges and attorneys are encouraged to incorporate as many of these practices as possible and to take a leadership role in their communities to explore how to safely expand visitation opportunities.

*This article is adapted from an in-depth Practice & Policy Brief written by Margaret Smariga of Zero to Three as part of the ABA's Improving Understanding of Maternal and Child Health (IUMCH) project, funded by the federal Maternal and Child Health Bureau, Health Resources and Services Administration, DHHS. Citations have been omitted. The full Brief can be downloaded at <http://www.abanet.org/child/baby-health.shtml>.*

*\*The Practice & Policy Brief also includes a tool for interpreting behaviors of young children and parents during visits, a section on overcoming barriers to visitation, an infant visiting checklist for family court judges, and descriptions of promising visitation programs.*



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