

**CHAPTER 31****VISITATION – PARENT AND SIBLING****TABLE OF CONTENTS**

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	PROCEDURE	AUTHORITY
31.01	<p><b>VISITATION REQUIREMENT</b></p> <p>If the court orders that the child be placed outside of the child’s home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship if appropriate.</p> <p><i>Comment: Ongoing visits between parents and their children in foster care is generally considered to be the most important factor contributing to timely reunification.</i></p>	<p>Minn. Stat. § 260C.201, subd. 5</p> <p>PIP Tip 13 – “Visits with Parents,” Improving Outcomes for Children and Families, Minn. Dept. of Human Services (July 2004)</p>
31.02	<p><b>PARENTAL VISITATION</b></p> <p>A. <b>GENERALLY.</b> If a child has been taken into custody under Minn. Stat. § 260C.151, subd. 5, or § 260C.175, subd. 1(b)(2), and the court determines that the child should continue in foster care (see Chapter 8), the court shall include in its order reasonable rules for supervised or unsupervised parental visitation of the child in the foster care facility, unless it finds that visitation would endanger the child’s physical or emotional well-being.</p> <p><i>Comment: Frequency of visits between parents and their children in foster care should correlate with the child’s age and development, and be consistent with the child’s permanency goal. Special efforts should be made to include both the child’s mother and father in visitation planning. In some cases, this may require the development of separate plans.</i></p> <p>B. <b>FREQUENCY OF VISITATION.</b> Several visits per week will generally be necessary to promote and maintain a parent/child bond for infants and preschool children. Additional contacts such as telephone calls or parent attendance at a child’s activities may be included in a visitation plan but should not replace scheduled in-person visits. Visitation plans should be developed jointly with the family, and include careful consideration of location, duration, activity, and level of supervision. Generally, visits should be planned for the least restrictive, most normal environment and activity possible that can assure the safety of the child. Plans for supervising visitation should be individualized and document the correlation to the child’s safety and goals of the case plan.</p> <p><i>Comment: Information about recommended visitation frequency between parents and children based upon their age and stage of development can be found in the Minnesota Supreme Court pamphlet “Making Child-Focused Parenting Time Decisions” located on the Supreme Court website: <a href="http://www.courts.state.mn.us/documents/CIO/pubsAndReports/PARENTING_TIME_PAMPHLET.pdf">http://www.courts.state.mn.us/documents/CIO/pubsAndReports/PARENTING_TIME_PAMPHLET.pdf</a> and also on CourtNet.</i></p>	<p>Minn. Stat. § 260C.178, subd. 3</p> <p>PIP Tip 13 – “Visits with Parents,” Improving Outcomes for Children and Families, Minn. Dept. of Human Services (July 2004)</p> <p>PIP Tip 13 – “Visits with Parents,” Improving Outcomes for Children and Families, Minn. Dept. of Human Services (July 2004)</p>

	PROCEDURE	AUTHORITY
	<p><b>31.02 Parental Visitation (continued)</b></p> <p>C. <b>DENIAL OF PARENTAL VISITATION PROHIBITED UNLESS ENDANGERMENT.</b> No parent may be denied visitation unless the court finds at the disposition hearing (see Chapter 13) that such visitation would act to prevent the achievement of the order’s objectives or that it would endanger the child’s physical or emotional well-being.</p> <p>D. <b>DOMESTIC CHILD ABUSE DETERMINED.</b> If the court finds that the child is a victim of domestic child abuse as defined in Minn. Stat. § 260C.007, subd. 28 (see definition in Chapter 3.19), it may order any of the following dispositions in addition to or as alternatives to other authorized dispositions (see Chapter 13):</p> <ol style="list-style-type: none"> <li>1. Exclude the abusing party from the dwelling which the family or household members share or from the residence of the child;</li> <li>2. On the same basis as is provided in Minn. Stat. Chapter 518, establish temporary visitation with regard to minor children of the adult family or household members.</li> </ol>	<p>Minn. Stat. § 260C.201, subd. 5</p> <p>Minn. Stat. § 260C.201, subd. 3(a)(2), (3)</p>
31.03	<p><b>SIBLING VISITATION</b></p> <p>A. <b>SIBLINGS REQUIRED TO BE PLACED TOGETHER.</b> Whenever possible, siblings<sup>1</sup> should be placed together at the earliest possible time for foster care or adoption, unless it is determined not to be in the best interests of a sibling or unless it is not possible after appropriate efforts by the agency. The agency must report to the court the efforts made to place the siblings together and why such efforts were not successful. If the court is not satisfied with the agency’s effort to place siblings together, the court may order the agency to make further efforts.</p> <p>B. <b>VISITATION PLAN IF SIBLINGS NOT PLACED TOGETHER.</b> If siblings are not placed together, the court shall review the responsible social services agency’s plans for visitation among siblings. The court shall set reasonable rules for visitation with siblings of the child, if visitation is consistent with the best interests of the child.</p> <p><i>Comment: The bond between siblings is special, yet sibling groups are often separated when they require out-of-home placement. Supporting the connections between siblings is critical to their long-term sense of permanency and well-being. When siblings cannot be placed together, visits are essential to maintaining their emotional attachments and family connections. Planning for meeting the needs of individual children should be carefully considered within the context of their sibling relationship.</i></p>	<ul style="list-style-type: none"> <li>• Minn. Stat. § 260C.178, subd. 1(g)</li> <li>• Minn. Stat. § 260C.193, subd. 3(e)</li> <li>• Minn. Stat. § 260C.212, subd. 2(d)</li> </ul> <ul style="list-style-type: none"> <li>• Minn. Stat. § 260C.212, subd. 1(c)(5)</li> <li>• Minn. Stat. § 260C.201, subd. 5</li> </ul> <p>PIP Tip 13 –  <i>“Improving Visits with Siblings in Foster Care,”</i> Improving Outcomes for Children and Families, Minn. Dept. of Human Services (July 2004)</p>

<sup>1</sup> Sibling means full siblings, half siblings, and step-siblings. *Minn. Stat. § 260C.178 (g).*

	PROCEDURE	AUTHORITY
	<p><b>31.03 Sibling Visitation (continued)</b></p> <p>C. <b>FREQUENCY OF SIBLING VISITS.</b> Visits between siblings in foster care should be frequent and correlate with the children’s ages, stages of development, and nature of their sibling relationship. Sibling visits may be achieved concurrently, with visits that occur between the children and their parent(s). However, sibling visitation should not be reliant on successful implementation of visits between parent(s) and children. Special efforts to plan for visits between siblings, distinct from visits between children and parents, may be necessary in some cases. Opportunities to celebrate birthdays, holidays and other family events together are important ways to maintain sibling connections. In addition to frequent in-person visits, siblings should be encouraged to supplement contact with phone calls, e-mails, photos or letters.</p> <p>D. <b>AGENCY EFFORTS IN SIBLING VISITS.</b> Agencies must ensure consistent and diligent efforts to support and preserve the vitally important sibling relationship when siblings are placed separately in foster care. Agencies can promote and support sibling visitation by:</p> <ol style="list-style-type: none"> <li>1. Assigning one worker per sibling group;</li> <li>2. Engaging the family, including children, in the development of written visitation plans;</li> <li>3. Actively encouraging visits during worker visits;</li> <li>4. arranging transportation or other supports to facilitate attendance at visits;</li> <li>5. Providing for flexible visitation locations and schedules;</li> <li>6. Educating foster parents on the importance of sibling relationships, engaging them in visitation planning, and providing services necessary to support their role in facilitating sibling visitation.</li> </ol> <p><i>Comment: Minn. Stat. § 260C.178, subd. 1(g), requires the court to review whether siblings are placed together in foster care at the Emergency Protective Care (EPC) Hearing and at every hearing thereafter until the siblings are together or there is a determination that such placement is not in the best interests of one of the siblings. This requirement must be read together with the requirement of Minn. Stat. § 260C.212, subd. 2(d), which permits the agency to stop attempting to place siblings together when it is not possible after appropriate efforts have been made. Note also that siblings are not required to be placed together when:</i></p> <ol style="list-style-type: none"> <li>1. <i>The sibling is placed with a previously noncustodial parent; or</i></li> <li>2. <i>The child is in placement due solely to the child’s behavior.</i></li> </ol>	<p>PIP Tip 13 – <i>"Improving Visits with Siblings in Foster Care,"</i> Improving Outcomes for Children and Families, Minn. Dept. of Human Services (July 2004)</p> <p>PIP Tip 13 – <i>"Improving Visits with Siblings in Foster Care,"</i> Improving Outcomes for Children and Families, Minn. Dept. of Human Services (July 2004)</p>
31.04	<p><b>RELATIVE VISITATION</b></p> <p>The court shall set reasonable rules for visitation for any relatives as defined in Minn. Stat. § 260C.007, subd. 27 (see definition in Chapter 3.49).</p>	<p>Minn. Stat. § 260C.201, subd. 5</p>