

STATE OF NEW HAMPSHIRE
GUIDELINES FOR SUPERVISED VISITATION
A Lay Person's Guide to Providing Safe Visitation Between Children and Parents in
Domestic Violence Cases

NEW HAMPSHIRE GOVERNOR'S COMMISSION ON DOMESTIC AND
SEXUAL VIOLENCE

When the court has determined that non professional supervision is appropriate, this guide may be used for individuals supervising visits in the two following cases:

- 173-B Protective Orders,
or
- When domestic violence is a
factor in a parenting case.

Every year 3.3 million children are at risk of exposure to parental violence. When domestic violence has affected a family it is sometimes helpful to have a third party present during visits between the children and the perpetrator of the abuse. There are many questions to consider in deciding whether you can or should volunteer to supervise visits.

It is important to read and consider the following guide carefully before deciding to supervise visits. If you do agree to supervise visits, this information will help you do the job effectively.

WHAT IS A SUPERVISED VISIT?

This is a visit between the children and parent that requires the presence of a third person to help keep both the children and adult victim safe. The adult victim should not be present during the visit.

WHAT WILL BE MY RESPONSIBILITIES IN SUPERVISING VISITATIONS?

Your primary responsibility is to help look out for the safety and well-being of the children and adult victim during the visits between the children and the visiting parent.

WHAT SHOULD YOU CONSIDER BEFORE YOU AGREE TO SUPERVISE VISITS?

- **Safety:** Do you feel comfortable interacting with the visiting parent, the adult victim, and the child? Are you concerned about your own safety?
- **Time:** Do you have several hours per week/month to spend with the family, possibly for several months or longer?

- **Space:** Do you have enough space in your home for visits to take place? If not, is there another available location that works for you and the family involved?
- **Support:** Are your family and household members aware of the lack of privacy or other inconveniences that may be a part of providing supervision? Does everyone who will be home during visits support your decision to supervise?
- **Feelings:** If you are considering acting as a supervisor, then it is clear that you care about the family involved. Sometimes it is difficult to set rules for a friend or family member, especially when those involved may be hurt or upset by the divorce or separation. If your personal feelings toward either parent interfere with your ability to provide a safe and positive setting for the children, you should not agree to supervise visits.

HOW DO YOU PREPARE TO BE A SUPERVISOR?

Please keep in mind that the court order must be followed exactly. Some court orders are very specific about when visits can occur and how long visits are to last and some are not so specific. No changes can be made to orders without the court's written approval.

Get to know the situation before any visits take place. You can get a copy of the court order from either parent. Please read it carefully.

Find out the adult victim's worries. Frequently victims of domestic violence are nervous about the visits, for themselves and for their children. Try to be supportive and address their concerns.

Even though the court would not knowingly order visitation if there were serious risks to safety, the adult victim or the children may still be anxious about some things. They may worry about being attacked, stalking, harassment when dropping off or picking up the children, the visiting parent harming the children during the visit, kidnapping, or the visiting parent asking a lot of questions about the adult victim or putting down the adult victim to the children.

Possible solutions:

- Have the visiting parent arrive at least 15 minutes before the visit time and have the adult victim pick up the children before the visiting parent has left; or
- Suggest that the adult victim may bring along a friend to provide emotional support; or
- You may pick up and take the children to the visitation site; or any workable idea that the adult victim may suggest.

You must report any concerns of abuse and neglect of the children to DCYF.

Tell the adult victim that the rules of the visit will be shared with the visiting parent. Remember that the court has authorized supervised visits and as the person who is supervising you do have the power to set house rules to ensure the safety and comfort of all involved, including yourself and members of your household. If you need to change the visitation orders, one of the parents will have to file a motion with the court.

Be prepared for resistance from the visiting parent to the visitation arrangement. Domestic violence perpetrators often do not understand that abuse of their children's other parent affects the children too. Visiting parents may feel angry about restrictions placed upon their time with their children. You should think seriously about your ability to provide a safe place for everyone involved if the visiting parent's behavior has made you uncomfortable.

Get to know the children's situation. Children who witness domestic violence may react in a variety of ways. Having some idea of what level of violence and abuse they have been exposed to may help you to make them more comfortable. Knowing their feelings toward visitation will be helpful for everyone involved.

Consider safety. Consider the possibility that the visiting parent may pose safety risks. In the unlikely event of an emergency, you should have a plan of action in place. This may include knowing which neighbors you could call during an emergency—who will be home and willing to help. In addition, you should have access to transportation and a phone, and perhaps a code word or phrase that can be used with the children and/or neighbors in the event of an emergency. Decide in advance what circumstances will warrant a call to 911, and what circumstances will lead you to end a visit.

Should you keep records? You should keep a record of dates and times when visits have occurred. You may be required to bring these to court. If there is a disagreement about how the visitation is going, you may be required to testify in court.

RULES OF THE VISIT....

This is an important service you are providing and there are several things that you should keep in mind. The visits are about the visiting parent and the children. You should establish guidelines for both parents, and make sure that they are aware of them.

- **Allow the visiting parent to build a positive relationship with the children and create a pleasant experience for the children.** The visits should be free from anger and unkind remarks.

- **Do not allow yourself or the children to be used to gather information about the other parent.** The visiting parent should not talk about the other parent during the visitation.
- **Do not allow discussion of the court case or possible outcomes.** It can be very stressful for the children to hear about the court case or future visitation and custody.
- **Do not pass or allow the children to pass information, personal possessions, papers, or child support payment to the other parent.**
- **Do not allow visits to happen when the visiting parent appears to be under the influence of alcohol or illegal drugs.** If the visiting parent has a history of drug or alcohol abuse, let them know in advance that you will not let them in for a visit if this happens.
- **Do not allow aggressive behavior such as spanking, yelling, pinching, tickling too hard, or playing too rough.** Other unacceptable behavior may include yelling and screaming; calling the children names such as “sissy,” “stupid,” or “brat” or making fun of the children; and blaming and accusing the children. It can also include threatening the children with physical harm to his or her loved ones and pets. It is also inappropriate to threaten the children with abandonment or loss of home, friends, or pets. In NH, state law requires that everyone must report suspected child abuse or neglect, per NHRSA 169-C: 29 and C: 30.
- **If the children seem to be afraid or upset, and you do not know the cause, you may be able to help by suggesting a change in the conversation or activity.**
- **As a supervisor, you may decide on some rules of your own, for your own comfort and convenience.** For example, if the visits occur in your home, you may require the parent and children to stay within a certain area of the house or yard. If riding in the car or playing in the park you may want to set some rules so that the children and visiting parent will know what you expect.

NOTE: Inform the adult victim if you have concerns, even if they seem minor.

CAN YOU INTERRUPT OR END THE VISIT IF NECESSARY?

Yes. You should take action if the children have become upset, or if your safety or the safety of the children is at risk. Depending on the situation, you may interrupt the visit temporarily, talk to the parent about the problem, and let the visit continue if the parent is cooperative. You may choose to end the visit for that day. If you decide to interrupt or end the visit you should do two things:

1. Tell both parents why you decided to interrupt or end the visit.
2. Write down everything about the visit, including time, date, location, and the reasons for interrupting or ending the visit. You may be asked to take these notes to the court, so make sure you accurately record what happened.

If a serious incident occurs, send a written description of what happened to both parents and advise them that they should ask for a hearing from the court. Only a party in the case can submit things to the court or request a hearing.

WHAT CAN I DO IF THE CHILDREN DO NOT WANT TO VISIT?

Children should not be forced to visit. There may be other issues present that are known only to the children. Children should be encouraged to visit and if this is not possible, the visit should not occur. Either parent should ask for a hearing on visitation.

WHAT SHOULD I DO IF I AM NO LONGER ABLE TO PROVIDE SUPERVISION?

Inform the parents (separately) that you can no longer provide supervision. It would be best to inform the adult victim first.

You should notify both parents in writing of your decision. The parents should notify the court and request a hearing to change or modify the order.

REPORTING SUSPECTED CHILD ABUSE OR NEGLECT

In New Hampshire, everyone must report suspected child abuse or neglect. You do not have to witness child abuse to report it. If you are not sure whether you should make a report, call the abuse hotline number below and a social worker will help you.

**TO REPORT CHILD ABUSE AND NEGLECT CALL 1-800-894-5533 OR
(603) 271-6556**

To find the number of your local crisis center, which offers 24-hour free, confidential services and support, call: NEW HAMPSHIRE DOMESTIC VIOLENCE HOTLINE AT 1-866-644-3574

NEW HAMPSHIRE LEGAL ASSISTANCE 1-800-639-5290