

5101:2-42-92

Visitation for child in temporary custody.

(A) Each public children services agency (PCSA) or private child placing agency (PCPA) shall arrange for and provide each child in temporary custody, whether custody is by agreement or commitment, an opportunity for regular and frequent visitation with his parent, guardian or custodian. Such visitation schedule shall be developed in accordance with the requirements of this rule and contained in the case plan as required by rule 5101:2-38-05 of the Administrative Code, if applicable for the PCSAs and rules 5101:2-38-06 and 5101:2-38-07 of the Administrative Code for the PCPA.

(B) The PCSA or PCPA shall consult with the parent, guardian, or custodian, child, when age-appropriate, and other service providers, when applicable, in developing the plan for visits. The PCSA or PCPA shall address the following criteria for planning the visits.

(1) Frequency of the visits shall be based on:

- (a) The attitudes and feelings between the child and parent, guardian, or custodian in the present relationship.
- (b) The case plan goal.
- (c) The need to maintain or enhance the bonding relationship between the parent, guardian, or custodian and child.
- (d) What is determined to be in the child's best interest, and is conducive to the child's physical and emotional well-being.

(2) Duration of the visit shall be based on:

- (a) The amount of time needed to maintain or enhance the bonding relationship between the parent, guardian, or custodian and child.
- (b) A determination based upon the current relationship between the child and parent, guardian, or custodian on the length of time that would be in the child's best interest.

(3) Location of the visit shall be in:

- (a) The least-restrictive setting consistent with the goals of the case plan. The following list represents the order of least-restrictive to most-restrictive settings.
 - (i) Visitation in the home of the parent, guardian, or custodian.

- (ii) Visitation in the home of a friend, relative, substitute caregiver or other noninstitutional setting.
 - (iii) Visitation at the agency or other substitute care setting.
- (b) A location providing a safe setting for the child.
- (4) Restrictions on the frequency, duration, location of visits, and supervision of visits shall be based on factors related to:
 - (a) Potential harm to the child as a result of the parent's, guardian's or custodian's behavior or pattern of conduct toward the child.
 - (b) Special needs or problems of the child.
 - (c) The parent's, guardian's, or custodian's failure to be available for more frequent or longer visits.
- (5) The PCSA shall review the JFS 1413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 8/2010) pursuant to rule 5101:2-38-09 of the Administrative Code, if applicable to assist in arriving at a decision to guide the frequency, duration and location of visits or to determine the level of supervision needed during visits.
- (C) The PCSA or PCPA also shall ensure that the child has an opportunity for other forms of communication with his parent, guardian, or custodian on a regular basis.
- (D) In the child's best interest, the PCSA or PCPA shall make arrangements for visitation and communication with siblings and significant others integral to maintaining connections with those individuals. The agency shall also make arrangements for visitations related to the maintenance and connection with Indian tribes pursuant to rule 5101:2-53-06 of the Administrative Code.
- (E) Withholding of visits shall never be used as a threat or form of discipline to the child or to control or punish the parent for failure to work with the agency or other community providers.
- (F) The PCSA's or PCPA's decision on each of the criteria identified in paragraph (B) of this rule and the need for visitation restrictions and supervision and the reason for the decision must be recorded in the case plan as required by rule 5101:2-38-05 of the Administrative Code, if applicable for PCSAs and rules 5101:2-38-06 and 5101:2-38-07 of the Administrative Code, if applicable for PCPAs.

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Certification

Date

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