Hypotheticals for Progressive Visitation Training

A Welfare and Institutions Code section 300(a) and (b) petition was filed alleging that Sara, age 1, and Bobby, age 9, were physically abused by their father, Eddie, who is currently incarcerated while awaiting trial on spousal abuse charges. The dependency court sustained the allegations, which included failure to protect on the part of Bobby and Sara's mother, Therese. Therese obtained housing in a shelter for victims of domestic violence. Bobby has been asking about his father, and told his social worker that he wants to see him as soon as possible. He also misses his mother. Bobby and Sara are placed together in the home of Peter and Virginia Callahan. Virginia is adamantly opposed to bringing either child to the jail facility where Eddie is housed because "the kids shouldn't be exposed to a jail." She also thinks that Sara is too young to visit her mom in the domestic violence shelter because "lots of hardened people" live there. She has asked the social worker to hold off on setting up visits until Eddie is released from jail and Therese has obtained housing in a nice neighborhood.

Questions:

How much visitation should the judge order…for Bobby? For Sara?

Should the amount of visitation change based on the age of the children?

Should the location of the jail (distance/travel) make a difference?

How, if at all, should the setting (jail and domestic violence shelter) impact the amount of visitation ordered by the judge?

Does the fact that Eddie is incarcerated on spousal abuse charges mean that the judge should not allow visitation?

Should Therese get more visits because she was also a victim?

What other kinds of contact can the children have with their parents besides face to face?

A Welfare and Institutions Code section 300(b) petition was filed alleging that Stormy, 5, was at substantial risk of harm because of her mother's use of methamphetamine. Stormy attended kindergarten on an erratic basis, was often inappropriately clothed, and smelled. She also lacked age appropriate social skills. Stormy's teacher was concerned that Stormy was obsessed with food, to the extent that she asked for second and third helpings of whatever item was designated for snack. The teacher was also concerned that the mother was often hostile and defensive when the teacher made suggestions about dressing Stormy more appropriately, and on one occasion appeared to be under the influence of a substance based on the way that she spoke, and the unsteadiness of her gait. When the teacher saw the mother put tiny Stormy in the family car without a booster seat or seatbelt and drive away erratically, she contacted CPS. Upon visiting the home, CPS immediately noticed a foul order; animal feces, probably from the 5 cats, littered the kitchen floor, and dirty dishes were stacked in the sink. Milk that expired two days earlier was in the refrigerator. A crack pipe was found on the couch, easily within reach of Stormy. The dependency court sustained the petition and ordered the mother to immediately begin an outpatient substance abuse program and parenting classes.

Questions:

If the mother tests positive for methamphetamine on the morning of a scheduled visit with Stormy, should the visit be cancelled?

What if she tested positive for marijuana? Or alcohol?

Would it matter if she did not appear to be under the influence when she arrived for the visit?

If the mother stopped complying with the court ordered treatment plan after 2 months of regularly visiting Stormy and engaging in parenting and substance abuse counseling, should the visits end?

If the mother was doing better on visits and they had progressed to monitored visits (limited oversight), she was passing her drug tests but NOT attending court ordered services; how should that impact the visit plan?

What if Stormy is upset after the visits? How should the court use the information; as a basis for limiting them? As a basis for changing the visit plan such as location, type of activity or increasing visits?

What if an individual who claimed to be Stormy's father appeared at the prepermanency hearing, 6 months into the case, and wanted to have visits with Stormy. What if he'd never had contact with Stormy?