IN THE JUVENILE COURT OF TROUP COUTNY
STATE OF GEORGIA

IN RE:

VISITATION PROTOCOL

ORDER ESTABLISHING LOCAL RULE IMPLEMENTING THE VISITATION PROTOCOL

IN ORDER TO PROMOTE MEANINGFUL VISITATION (hereinafter referred to as "Family Time") between children who have been removed from their parent or parents, the Court does hereby provide that the following Visitation Protocol shall be implemented as to all children under the jurisdiction of this Court who are placed in the Custody of the Department of Family and Children Services (hereinafter referred to as the "Agency"):

1. The children shall be provided meaningful and safe Family Time from the time they enter care until reunification is accomplished or until further order of the Court. The Agency shall provide as much Family Time as possible consistent with the best interests of the child, both in terms of frequency and duration, and to provide that opportunity in such a place and manner so as to make it as natural as possible.

2. The Family Time Default Provisions contained herein are intended merely as the minimum Family Time and, when possible and appropriate, provision of more Family Time shall be made.

3. Family Time Plans should be based on the unique facts of each case, allowing for variation from the Default Provisions where certain factors, or "special circumstances", are present. However, whenever there is a variance from the Default Provisions that result in *less* family time, the reason for the variance should be articulated to all relevant parties to the case, factually based, appropriately documented, and approved by the Court.

4. Should there be a conflict between what is in the best interest of the child and what is in the best interest of the parents, the best interest and well-being of the child shall always take precedence in developing and implementing the Family Time Plan.

5. Wherever used herein, the term "Family Time Plan" shall mean and refer to the schedule developed and implemented for the time the child, parents, and, where applicable, siblings spend together.

6. An initial period of Family Time, consistent with the duration provided for in the Default Provisions, should be made available within the first five (5) working days following physical removal of the child from the home.

7. At the shelter care hearing, the court shall put in place, or ensure that the agency has put in place, a meaningful Family Time Plan. This Family Time Plan shall remain in place until adjudication or until the plan is changed in accordance with the decision model provided for herein. Except to the extent special circumstances that justify a variance are established at the shelter care hearing, the pre-adjudication family time plan should, at a minimum, provide for family time substantially in accordance with the Default Provisions.

8. In developing the Family Time Plan, there shall be a presumption that the Family Time shall not be supervised. The presumption may be rebutted based on evidence presented at the 72-hour hearing or any other subsequent hearing where Family Time is addressed.

9. Within thirty (30) to forty-five (45) days following removal of the child from the home, if the child remains in care, the Agency shall develop a more case-specific Family Time Plan, taking into account the facts as they have developed in the case, and seeking input from the parents, the child, and the CASA or other child advocate. Where possible, this family time plan should be developed in a family conference with as many of those participants present as possible. Where appropriate and feasible, any other family member with whom the child has a significant attachment, the foster parents, and any service provider who is in a position to offer constructive comment in regard to Family Time, and, where applicable, any provider who has assessed the child, the child's family, or the child's circumstance, should be consulted in developing the Family Time Plan. Family members and other persons demonstrating a significant attachment or commitment to the child should always be considered as resources to facilitate Family Time.

10. Whenever possible, the parents and the foster parents should be involved in the development and implementation of the Family Time Plan.

11. The Family Time Plan should not be rigid, but should allow sufficient flexibility for change as circumstances warrant to ensure the safety and well-being of the child. Provided, however, that when the family time plan is changed, there should be safeguards in place to protect the rights of all parties.

12. Family time plans shall not be used as a threat or form of discipline to the child or to control or punish the parent.

13. The following Family Time, herein referred to as the Default Provisions, shall be provided in every case unless and until Special Circumstances shall be established to justify a variance from the Default Provisions:

Age Birth to Six Months	Thirty (30) to sixty (60) minutes three (3) times per week.
Age Six to Eighteen Months	One (1) hour three (3) days per week.

Age Eighteen Months to Three Years	Three years is one and one-half (1 ½) hours two (2) times per week.
Age Three to Five Years	Two (2) or more hours one (1) time per week.
Age Five to Twelve Years	Two (2) or more hours one (1) time per week.
Age Twelve to Eighteen Years	No specific time or duration.

14. The default provisions provided for in Paragraph 13 hereof shall apply in every case unless, based on the unique facts of each case, a variation from the Default Provisions is warranted. In considering whether to vary from the Default Provisions, consideration shall be given to any special circumstances which might exist including, but not limited to the following:

(a) Safety, which shall always be of paramount concern;

(b) Any special purpose for the Family Time based on the facts of that particular case;

(c) The permanency plan for the child;

(d) Existence of a concurrent plan;

(e) Participation of siblings, including adults and children;

(f) Presence of domestic violence;

(g) The schedules and activities of the children;

(h) The schedules and activities of the parents;

(i) The relationship between the child and the current caregiver;

(j) The relationship between the child and the parents before removal;

(k) Transportation;

(l) The activities planned for Family Time;

(m) The reasons for removal of the child from the home;

(n) Other existing court orders;

(o) Placement of the child;

(p) Placement of the parent; and

(q) The history of the parent's exercise of parenting time.

15. The particular relationship between the siblings in individual cases should always be considered because, generally speaking, sibling contact is at least as important as contact between children and their parents. The preference is that siblings who are removed from their home are placed together unless clear, articulated reasons explain why separation is in their best interests. However, if siblings cannot be placed together, the Family Time Plan should make specific provisions for contact between siblings. It is not necessary that all siblings be present for all family time. Considering the children's ages and activities it may be perfectly appropriate to have some family time as a complete family unit, and some spent with various parts of the family unit. Provided however that, the duration, length, or quality of family time for one child or parent should not be sacrificed on account of another child or parent.

16. In all matters relative to the establishment of a Family Time Plan the work of the Visitation Protocol Project, including the Domestic Violence Team Report from the Project, as it progresses shall be considered.

17. In any case where reunification is still the permanency plan in the case and supervised visitation is still required six months following the removal of the child from the home, a hearing shall be held at the first available hearing date to show cause why there is still a need for supervised visitation.

18. At the first Citizens' Panel Review held following removal of the child from the home (usually held four months following removal), if there is not a plan in place to move to unsupervised visitation no later than six months following removal from the home, the case shall be referred to the Court for a review of the case generally and of visitation specifically.

BET IT SO ORDERED this 30th day of August, 2005.

R. Michael Key, Judge, Juvenile Court of
Troup County, Georgia