

## OVERVIEW

**Unless harmful, children in foster care should have daily or near daily contact with their families.** Maintaining family contact and parenting time is essential to child and family attachment and well-being.

Family time is interactive in-person contact among children and their parents, siblings, and other family members. It is separate from counseling, therapy, assessments, case reviews, family team meetings or court hearings. Family time can be supplemented with other types of contact such as phone calls, video calls, letters, email, pictures, and gifts. Frequent supplemental contacts must be encouraged and allowed unless they are harmful.

## PARENTING TIME

Families with children under the Michigan Department of Health and Human Services (MDHHS) care and supervision who have a permanency goal of reunification must be provided parenting time unless an approved exception exists; see *Parenting Time Exceptions* in this item. Parenting time among parent(s) and their child(ren) is facilitated by the supervising agency.

**One of the best predictors of timely and successful reunification is the frequency and quality of visits between a child and their parents.** It is essential for children and parents to have contact as soon as possible after removal; see *Parenting Time Plan* in this item. When reunification is the goal, the plan should include progressively increased parental responsibility for the daily care of the child.

**Parenting time must never be used as a reward or withheld as punishment for either the child(ren) or parent(s);** see *Suspension of Parenting Time* in this item.

### Expansion of In-Person Parenting Time

For children with the goal of reunification, there must be a written plan for increased in-person parenting time, which **must** be reassessed monthly during supervision and documented quarterly in the parenting time plan within the case service plan. Ongoing assessment of the parent's ability to safely care for and interact with the child must be used to guide expansion of parenting time.

Parameters for parenting time should be expanded as soon as safely possible to support and sustain the parent-child bond and attachment. Expansion of parenting time includes:

- Increasing the frequency and/or duration of in-person parenting time.
- Changing the location to support a more family friendly environment to encourage typical parent/child interaction.
- Moving to unsupervised parenting time as soon as possible.

### ***Supplementing In-Person Parenting Time***

Parents should continually be involved in activities and planning for their child, unless documented as harmful to the child. These activities may be used to supplement in-person parenting time above the minimum number of required visits. Examples of acceptable activities include but are not limited to:

- Involvement in medical and dental appointments.
- Attendance at school conferences, sporting events, plays, recitals, etc.

### **Virtual Parenting Time**

In addition to in-person parenting time, children in foster care with a goal of reunification should have frequent virtual contact, such as video or phone calls, with their parents. Caseworkers must document plans for virtual family time in the parenting time plan.

### **Parenting Time Plan**

Caseworkers must engage the family in creation of the parenting time plan, including:

- The frequency, duration, and location of in-person and virtual parenting time.
- Specific behaviors expected of the parent(s) during parenting time.
- Supports needed from others, such as the caseworker and child's foster parent(s)/relative caregiver(s) for successful implementation of the parenting time plan.

In the case service plan, the caseworker must document:

- The frequency, location, and duration of in-person parenting time.
- The frequency, duration, and methods for virtual parenting time.
- The action steps required for expansion of in-person parenting time.

Caseworkers must schedule parenting time with primary consideration for the child's needs and the parent's time commitments, including employment and mandated service requirements. The supervising agency must institute a flexible schedule to provide hours outside of the traditional workday to accommodate the schedules of the individuals involved.

### ***Frequency of In-Person Parenting Time***

The initial in-person parenting time must occur as soon as possible but no later than seven calendar days following placement.

Frequency of in-person parenting time is determined by the age of the child when they are initially placed out of home.

For sibling groups placed out of home on the same date, the number of required visits is determined by the youngest child's age. When a child is born or enters an out-of-home placement on a later date, the frequency of visits for that child will be based on the child's individual age and does not affect the already established visitation schedule of the other sibling(s).

The **minimum** frequency guidelines for in-person parenting time detailed below are to be followed **immediately** upon out-of-home placement, unless otherwise ordered by the court:

- **Newborn to age five:** twice per week.
- **Six years and older:** once per week.

**Note:** The caseworker must not reduce the frequency of an existing parenting time plan due to a child reaching age 6.

If parenting time is not occurring as outlined above, the barriers that are contributing to less frequent parenting time and how those barriers are being addressed must be documented in the case service plan.

### ***Frequency of Virtual Parenting Time***

Virtual parenting time must occur as soon as possible after placement and as frequently as possible while the child is placed out-of-home with a goal of reunification.

### ***Duration***

Parenting time should be long enough to promote parent-child attachment. At a minimum, in-person parenting time should last for at least one hour. The duration of virtual parenting time may vary in accordance with the child's needs and development.

**Note:** Parenting time that last overnight or for multiple days, such as over a weekend, are not considered a temporary break placement; see [FOM 722-03D, Placement Change](#).

### ***Location***

Parenting time should occur in a child and family friendly setting conducive to normal interactions between the child and parent(s). When safety permits, in-person parenting time should occur in settings outside of the agency, such as:

- The parent's home.
- Relative/caregiver homes.
- Parks.
- Malls and shopping centers.
- Restaurants or fast food establishments.
- Early-On appointments, play groups, etc.

If in-person parenting times are not occurring in the parent's home, the caseworker must document in the plan where the parenting time is occurring and what conditions must exist for in-person parenting time to occur in the parental home.

**Note:** Foster parents and relative caregivers can be reimbursed for transportation expenses when it involves parent and sibling visits; see [FOM 903-09, Case Service Payments](#).

## **Observation and Supervision**

Parenting time must be supervised or unsupervised as ordered by the court. Caseworkers may periodically **observe** unsupervised parenting time to assess family functioning and relationships, parenting skills, and adherence the parenting time plan.

If the court grants MDHHS discretion to provide supervised or unsupervised parenting time, parenting time must be provided with the lowest level of supervision needed to reasonably ensure child safety.

Parenting time must be supervised if any of the following harm factors were identified on the **most recent** safety assessment:

- Caregiver(s) caused serious harm to the child and/or made a plausible threat to cause serious physical harm in the current investigation or report period.
- The family has refused access to the child or the parent has threatened to flee with the child.
- Caregiver's behavior toward child is violent or out-of-control.

**Note:** Safety assessments must be completed with all updated case service plans when the parents have made at least partial progress in overall barrier reduction and parenting time; see [FOM 722-09C, Safety Assessment](#). If the foster care caseworker has not been required by policy to complete a safety assessment, the above determination must be made using the most recent CPS safety assessment completed prior to the child's removal.

If none of the above harm factors have been identified on the most recent safety assessment and the caseworker and supervisor believe that serious harm to the child is likely to occur if parenting time is unsupervised, the caseworker must document, in behaviorally specific terms, the risk and safety concerns that must be rectified in order to safely reduce the level of supervision during parenting time until unsupervised parenting time is determined safe; see [FOM 722-08F, Visitation Plans](#).

### ***Supervised Parenting Time***

When unsupervised parenting time cannot occur for one of the reasons above, supervised parenting time ensures the child's safety and allows the caseworker to assess the parent/child interactions and provide support and guidance.

In addition to the assigned caseworker, case aides, foster parents/caregivers, relatives, and others may supervise parenting time. The caseworker must communicate the expectations of the parent during parenting time to the supervising individuals. The caseworker must obtain updates on the quality of the parent/child

interactions during the visits from the individuals who supervise the parenting times.

Caseworkers must reevaluate the need for supervision of parenting time during monthly supervision with their supervisor; see *Supervisor Review* in this item.

### ***Required Supervision by the Caseworker***

If parenting time is supervised by individuals other than the assigned caseworker, the assigned caseworker must observe parenting time at least once during the first 30 days after removal and at least once per quarter thereafter to assess parenting skills and attachment.

### ***Review and Reassessment of Parenting Time Plan***

The caseworker and supervisor must review the parenting time plans for both in-person and virtual contact during monthly supervision to discuss expansion opportunities and barriers to expansion of and compliance with the parenting time plan.

The caseworker must reassess the parenting time plan, and the parent's compliance with the plan, quarterly in the case service plan; see [FOM 722-09, Foster Care - Updated Service Plan](#), and [FOM 722-09A, Foster Care - Reunification Assessment](#).

If the parenting time plan was not expanded during the report period, or if barriers exist that prevent the parent from complying with the parenting time plan the caseworker must document the reason(s) and/or barriers in the case service plan, as well as the agency's efforts to rectify those barriers.

The supervisor must assist the caseworker in evaluating the parent's progress in order to determine if the parenting time plan should be expanded. The supervisor's approval of the case service plan indicates approval of the parenting time plan; see [FOM 722-6H, Case Contacts](#).

## **In-Person Parenting Time Exceptions**

Families with children in foster care who have a goal of reunification must have in-person parenting time unless an approved exception exists. Exceptions to this requirement include:

- The court orders less frequent parenting time.
- One or both parents cannot attend due to compelling circumstances such as hospitalization or incarceration.
- The child is above the age of 16 and refuses to participate.
- The parents are not attending despite the caseworker taking adequate steps to ensure the parents' ability to participate.

**Note:** This exception must only be used when a parent is chronically and habitually missing parenting time. When this exception is used, the caseworker must document (in the case service plan) efforts to assist the parent in resolving the barriers to attending parenting time.

Caseworkers must record all exceptions in MiSACWIS. Caseworkers must document all reasonable efforts to ensure in-person parenting time in the case service plan. When an exception is recorded, the caseworker must review the child's permanency goal; see [FOM 722-09A, Foster Care - Reunification Assessment](#).

Exceptions must be reevaluated quarterly **or** anytime circumstances necessitate a change to the parenting time plan.

### **Caseworker Discussion with Parents**

Prior to completion of the initial DHS-441, Case Service Plan, the assigned caseworker must discuss with the parents:

- The critical importance of parenting time with the child.
- The likely positive and negative effects of parenting time on the child.
- That parenting time is a good indicator of an early reunification of the family unit.
- That separation of a child from a parent can be traumatic. A child may regress behaviorally or act out in anger against the parent and others. Parent(s) may view this as a betrayal by the child and may also express anger towards the system. Caseworkers should assist the parent and child in understanding their grief as a common reaction to the stress of separation.

- The specific behaviors and expectations during parenting time.
- Circumstances necessary to expand parenting time.
- The logistics of parenting time; for example, location, duration, frequency, and supervision requirements.
- Additionally, caseworkers and parents must work together to identify the needs of the child that should be met during parenting time and discuss the changes in parenting necessary for reunification. These changes must be:
  - Behaviorally specific and measurable.
  - Developmentally appropriate.
  - Documented in the visitation plan in MiSACWIS.

**Caseworker  
Discussion with  
Foster  
Parent/Caregiver**

Children may display challenging behaviors before and after parenting time. These behaviors are often due to the child's difficulty processing and expressing their emotions surrounding the loss experienced during out-of-home placement. Caseworkers should assist the foster parent(s)/relative caregiver(s) in understanding the child's reaction to parenting time so that the foster parent(s)/caregiver(s) can support the child.

Caseworkers should also assist foster parent(s)/relative caregivers in understanding the expectations for frequent virtual contact between children and their parents, as well as the temporary caregiver's role in facilitating virtual contacts with young children.

**SUSPENSION OF  
PARENTING TIME**

The caseworker may not cancel, postpone, or deny in-person or virtual parenting time as a disciplinary measure for children or punishment of parents. Parents must not be prevented from interaction with their children because they are unable to pay for necessary transportation or if they have not complied with the treatment plan; for example, when a parent has a missed or positive drug screen.

The court may order less frequent or no parenting time, if parenting time, even when supervised, may be harmful to the child. The court may order the child to have a psychological evaluation, counseling,



or both, to determine the appropriateness and the conditions of parenting time. Parenting time must continue to the extent allowed by the court during this time.

If the court orders a psychological evaluation, trauma assessment, or counseling for the child to assess parenting time, the costs for such assessments are the responsibility of the supervising agency; see [FOM 903-09, Case Service Payments](#).

### **Termination of Parental Rights**

Parenting time is not automatically suspended at the time a petition to terminate parental rights is filed. The court must determine parenting time rights when the termination petition is filed.

### **Parenting Time Recommendations**

At the court hearing involving the termination of parental rights petition, the caseworker must be prepared to offer testimony on what is best for the child regarding the issue of parenting time. Also, if a court hearing regarding the termination petition is a hearing at which a case service plan is required, the caseworker's parenting time recommendation must be in the recommendations to the court section of the case service plan. Caseworkers should consult with the parent(s), and child(ren) if age- and developmentally-appropriate, regarding their wishes for continued parenting time, and include that information in their recommendation.

### **INCARCERATED PARENTS**

Unless there is documented evidence that parenting time or contact would be harmful to the child or there is a no-contact order in place, the caseworker must arrange for regular parenting time **or** contact between a parent who is incarcerated and the child. Alternatives to in-person parenting time at a jail or prison facility include, but are not limited to:

- Letters/pictures sent through the caseworker.
- Phone contact.
- Video visitation via a JPay account; see the [JPay Video Visitation website](#) for more information.

## LAW ENFORCEMENT INFORMATION NETWORK (LEIN) CHECKS

Law Enforcement Information Network (LEIN) checks must be conducted on all household members when a child will be having parenting time at the parent's home; see [SRM 700, Law Enforcement Information Network](#).

## DOCUMENTATION

The frequency, location, duration, specific behavioral expectations, and other requirements for in-person and virtual parenting time described above must be documented in the parenting time plan.

Parenting time and sibling contact must be documented in social work contacts; see [FOM 722-06H, Case Contacts](#).

**Note:** If in-person parenting time occurs less frequently than required in the *Frequency of In-Person Parenting Time* section of this item, the reasons must be documented in the parenting time plan.

## SIBLING CONTACT AND ONGOING INTERACTION

Siblings in foster care who are not placed together must have regular contact. At **minimum**, siblings placed apart must have one in-person contact within the first 30 days of the placement that results in separation and one in-person contact per calendar month thereafter. Virtual contact, such as video calls and phone calls, should occur as frequently as possible and desired by the siblings.

**Note:** Requirements for sibling contact continue after termination of parental rights until case closure.

Caseworkers must:

- Coordinate with the caregiver(s) to develop a plan for in-person and virtual sibling contact.
- Detail the plan for sibling visits and other contacts within the sibling visitation section of the case service plan. The sibling visitation plan must include specific:

- Dates of visits or contacts.
- Location of visits or contacts.
- Duration of visits or contacts.

### **Sibling Visitation Exceptions**

Caseworkers must engage caregivers, and children when age- and developmentally appropriate, in development of the in-person and virtual sibling contact plans.

Monthly in-person sibling contact is required unless:

- The visit may be harmful to one or more of the siblings.

**Note:** Document the reason contact between siblings is contrary to their safety or well-being in the sibling visitation section of the case service plan.

- The sibling is placed out-of-state in compliance with the Interstate Compact on Placement of Children (ICPC).
- The distance between the sibling's placements is more than 50 miles and one child is placed with a relative.

**Note:** When distance or interstate placement prevent in-person sibling contact, the caseworker must ensure monthly virtual sibling contacts if no other exception grounds exist.

- One of the siblings is above the age of 16 and refuses.

**Note:** The caseworker must document the reasons for refusal in the case service plan.

All exceptions must be recorded in MiSACWIS. The caseworker must document reasonable efforts to ensure in-person sibling contacts in the case service plan.

### **GRANDPARENTING TIME**

MCL 710.60 and MCL 722.27b, allow for grandparenting time orders to be entered under two circumstances:

- A circuit court may enter such an order as a result of a custody dispute unrelated to the reason the child came into foster care.
- A family division of the circuit court may enter a grandparenting time order in stepparent adoptions.

In addition to honoring court-ordered grandparenting time of children in foster care, caseworkers must also carefully consider all requests from grandparents for in-person and virtual contact and honor such if they are in the best interests of the child.

If the caseworker believes that court-ordered grandparenting time is not in the best interests of the child, the local office should attempt to negotiate the matter with the court. When resolution is not possible at the local level, the local office may request assistance from MDHHS Children's Services Legal Division (CSLD); see [FOM 722-10, Court Review](#).

## LEGAL AUTHORITY

### Federal Law

***Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 USC 620 et seq.***

Requires that whenever siblings are not placed together, reasonable efforts must be made to provide frequent visitation or other ongoing interaction between the siblings.

### State Law

***Probate Code, 1939 PA 288, MCL 712A.13a(13)***

If a juvenile is removed from the parent's custody at any time, the court shall permit the juvenile's parent to have regular and frequent parenting time with the juvenile. Parenting time between the juvenile and parent shall not be less than 1 time every 7 days unless the court determines either that exigent circumstances require less frequent parenting time or that parenting time, even if supervised, may be harmful to the juvenile's life, physical health, or mental well-being. If the court determines that parenting time, even if supervised, may be harmful to the juvenile's life, physical health, or mental well-being, the court may suspend parenting time until the risk of harm no longer exists. The court may order the juvenile to have a psychological evaluation or counseling, or both, to determine the appropriateness and the conditions of parenting time.

***Probate Code, 1939 PA 288, MCL 712A.18f(e)***

Except as otherwise provided in this subdivision, unless parenting time, even if supervised, would be harmful to the child as determined by the court under section 13a of this chapter or otherwise, a schedule for regular and frequent parenting time

between the child and parent, which shall not be less than once every 7 days.

***Probate Code, 1939 PA 288, MCL 712A.19b(4)***

If a petition to terminate the parental rights to a child is filed, the court may enter an order terminating parental rights under subsection (3) at the initial dispositional hearing. If a petition to terminate parental rights to a child is filed, the court may suspend parenting time for a parent who is a subject of the petition.

***Probate Code, 1939 PA 288, MCL 712A.19b(5)***

If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made.

***Foster Care and Adoption Services Act, 1994 PA 203, MCL 722.952(I)***

"Sibling" means a child who is related through birth or adoption by at least 1 common parent. Sibling includes that term as defined by the American Indian or Alaskan native child's tribal code or custom.

***Probate Code, 1939 PA 288, MCL 710.60 and Child Custody Act, 1970 PA 91, MCL 722.27b***

Provisions for court ordered grandparenting time.

***Modified Implementation, Sustainability, and Exit Plan, Dwayne B. vs. Whitmer, No. 2:06-cv-13548, 6.23 Visits, Parent-Child (Commitment 77)***

DHHS shall ensure that children in foster care with a goal of reunification shall have at least twice-monthly visitation with their parents unless an exception exists.

***Modified Implementation, Sustainability, and Exit Plan, Dwayne B. vs. Whitmer, No. 2:06-cv-13548, 6.24 Visits, Between Siblings (Commitment 78)***

DHHS shall ensure that children in foster care who have siblings in custody with whom they are not placed shall have at least monthly visits with their siblings who are placed elsewhere in DHHS foster care custody unless an exception exists.

**Licensing*****Mich Admin Code R 400.12421(c)***

An agency shall have a policy regarding visitation and parenting time that contains provisions for visits between parents and children except where parental rights have been terminated or when there is a court determination that visits are detrimental to the child.

***Mich Admin Code R 400.12421(d)***

An agency shall have a policy regarding visitation and parenting time that contains provisions for visits between siblings who are not placed together except when there is a court determination that visits are detrimental to either child