
Report from The Working Group on the Future of Supervised Visitation in New York State

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Co-Chairs: Sheila W. Schwanekamp, Esq., (Ret.) Court Attorney Referee, 8th Judicial District for DV/ IDV Courts and DV Issues

Karen P. Simmons, Esq., Former Executive Director, The Children’s Law Center

William Rivera, Crisis Intervention Director, Opportunities for Otsego

Shannon Hughes, LMSW, Supervising Social Worker, Supervised Visitation Program, Safe Horizon

OCA Liaison: Lisa C. Smith, Esq., Chief Counsel, Family and Gender Violence, Office for Justice Initiatives, New York State Office of Court Administration

Janet Fink, Esq., Deputy Counsel, NYS Office of Court Administration

Technical Assistance: Jennifer Rose, Co-Executive Director, Inspire Action for Social Change

The Working Group acknowledges the efforts, commitment and dedication of the committee members listed below in the development of this report:

NYS Judges and Court staff include:

Hon. Mary Carney, Erie County Family Court Judge

Hon. Tandra Dawson, New York County Integrated Domestic Violence Court Justice

Hon. Jeffrey Goodstein, Supervising Judge Matrimonial Parts- 10th JD

Hon. Victoria Gumbs-Moore, Suffolk Co. Family Court Judge

Hon. Deborah Haendiges, Erie County Integrated Domestic Violence Court Justice

Hon. Robin Kent, Nassau County Family Court Judge

Hon. Esther Morgenstern, Kings County Integrated Domestic Violence Court Justice

Lydia Antoncic, Esq.

Jill Baszczyński

Keri Boedigheimer

Dennis Bruce
Kelly Buckley
Tammy Burke
Jeffrey Carpenter, Esq.
David Frech, Esq.
Kristin Godkin
Dawn Antonette-Luce
Steven Maffei, Esq.
Vicky McDonough
Peter Palladino, Esq.
Matthew Pappalardo, Esq.
Hannah Reisinger, Esq.
Elizabeth Reiter, Esq.
Maureen Roberts
Casey Scatena
Matthew Schwartz, Esq.
Megan Siciliano
Elizabeth Simpson
Maura Kennedy-Smith, Esq.
Shante Thomas
Katherine Thompson
Martha Velasquez
Jacquelyn Wall

Community stakeholders:

YWCA of Westchester County

Safe Horizon

- Leah Scondotto

Fearless! Hudson Valley

- Kellyann Kostyal

SPCC Rochester

- Lisa Dorsey

Willow Center

- Lisa Nolan

Catholic Charities of Erie County

- Christina Miller
- Nicole Ernst

Pathways Supervised Visitation Program

- Andrea Fitzgibbon

Catholic Charities of Delaware and Otsego Counties

- Christy Houck

Catholic Charities of Herkimer County

- Jacqueline Ward

Harlem Congregation for Community Improvement

- Dr. Malcom Punter, Ph.D.

Unity House of Troy

- Sarah McGaughnea

Big Brothers, Big Sisters Rockland County

- Gillian Ballard

Oswego County Opportunities Supervised Visitation Program

- Jes Wakeman

NYS Office for the Prevention of Domestic Violence

- Jara Traina, Esq.
- Alicia Borns
- Christine Sadowski

NYS Coalition Against Domestic Violence

- Joan Gerhardt

NYC Mayor's Office to End Domestic and Gender-Based Violence

- Bea Hanson
- Jennifer DiCarli

Albany Co. Crime Victim and Sexual Violence Center

- Karen Ziegler

Cayuga/Seneca Community Action Program

Center for Justice Innovation

- Robyn Mazur
- Rebecca Thomforde-Hauser
- Danielle Pugh-Markie

New York State Bar Association Children and Law Committee

Fourth Department Attorneys for Children Program and Assigned Counsel Program

- Linda Kostin, Esq.

Lawyers for Children

Pace Law School

- Mekala Walters
- Idalis Davis

Angelica Parado-Abaya, Esq.

Westchester Co. Office for Women

- Robin Schlaff, Esq.
- Martha Anderson
- Mary Frascello

Legal Services Hudson Valley

- Joanne Sirotkin, Esq.

Sage College

- Kimberly Brayton, Ph.D.

Crisis in New York State Due to Lack of Sustainable Supervised Visitation / Safe Exchange Resources in All Counties

Over the years, the Family Courts, Integrated Domestic Violence (IDV) Courts, and matrimonial parts in New York State have experienced an ongoing, dangerous lack of resources for families in need of safe, supervised visitation and safe exchange programs that are sustainable and available to families in crisis. These programs are a necessary resource for families who have experienced trauma or have been impacted by domestic violence, abuse, neglect, substance abuse addiction, or mental health diagnoses. The New York State Office of Court Administration's Office for Justice Initiatives established ***The Working Group on the Future of Supervised Visitation in New York State*** (Working Group) to gather information on this long-standing problem. The Working Group includes New York State Judges from IDV Courts, Family Courts, Supreme Court Matrimonial Parts, representatives from those courts, court attorneys, court resource coordinators and social workers, representatives from supervised visitation agencies that currently provide supervised visitation in New York State, Attorneys for Children, and victim advocates.

The Working Group initially surveyed the current status of supervised visitation programs in each county in New York State and has learned that at this time, twenty (20) counties in New York State do not have any supervised visitation programs for custody/access (non-abuse/neglect) matters that involve issues of domestic violence, addiction, and/or mental health diagnoses. In counties with a supervised visitation program, this resource is very limited. This issue is in addition to the limitations on the ability of families to pay long-term for these services and long wait lists for these resources. (See **Appendix A- spreadsheet of supervised visitation programs for custody/access cases in NYS.**)



The Working Group finds and recommends:

- There is a critical need for safe, affordable, accessible, and sustainable supervised visitation programs in every county in New York State.
- Dedicated state funding is essential to support supervised visitation programs in all counties including custody cases that are not attendant to an abuse/neglect proceeding.
- Amendment to the NYS Social Services Law to establish a supervised visitation initiative funded by New York State to provide a supervised visitation program in every NYS county.
- Adoption of statewide protocols for all supervised visitation and safe exchange programs and the establishment of minimum qualifications for supervisors incorporating *OVW Guiding Principles of the Safe Havens: Supervised Visitation and Safe Exchange Grant Program* with the *Supervised Visitation and Safe Exchange Blueprint from Inspire Action for Social Change (2022)*
- Office of Court Administration to develop its technology to record the number of court orders for supervised visitation in abuse and neglect cases and in other matters involving custody in Supreme, Family and IDV Courts
- Uniformity and clarity in reporting by supervised visitation/safe exchange programs to courts

Why Supervised Visitation Programs and Safe Exchange Programs Are Needed in Every County in the State

The need for safe, accessible, and affordable supervised visitation centers is critical for families in dealing with exigent circumstances. The lack of these resources for families is a statewide crisis leaving children and families unprotected, unsafe, and at risk of suffering further trauma (Clement, D. A., 1998). After separating from their partners, as many as sixty percent (60%) of domestic violence survivors experience ongoing threats, stalking, and abuse during visits and exchanges involving children in common (Zeoli AM, Rivera EA, Sullivan CM, Kubiak S., 2013 Aug 1).

At least seventy-five percent (75%) of children whose mothers are abused by an intimate partner have witnessed the abuse—either physical abuse or psychological/emotional abuse (Edleson, J. L., Mbilinyi, L. F., Beeman, S. K., and Hagemester, A. K., 2003).

Children who are exposed to domestic violence are at risk for experiencing neurological brain damage and suffering life-long trauma (Bair-Meritt et al., 2013). Short-term effects of children's exposure to domestic violence can include post-traumatic stress disorder, sleep disturbances, separation anxiety, aggression, passivity, or desensitization to violent events. Long-term exposure of children to domestic violence can result in delinquency, higher rates of substance abuse, propensity to use or tolerate violence in future relationships, and a pessimistic view of the world. (Holt, S., Buckley, H., & Whelan, S., 2008). Children's exposure to abuse often increases significantly after separation – either because they are in the care of a problematic parent without a safe parent present, or because the perpetrator's animosity toward the adult victim is now focused on the children (Peter G. Jaffe et al.; Hogrefe & Huber 2011).

Research indicates that children with mentally ill parents are at significant risk for a number of psychosocial problems, depending on the severity of their parent's mental illness, their age, family supports, and other interventions available to the family (Van Loon, L.M.A., Van de Ven, M.O.M., Van Doesum, K.T.M. et al., 2014).

Children who witness parental substance abuse are more likely to experience physical, sexual, and emotional abuse and neglect than their peers in non-substance-abusing homes. Consequences of children's exposure to parental substance abuse include educational, emotional, medical, and behavioral issues (Vincent C. Smith, MD; Celeste R. Wilson, MD; AUGUST 01,2016).

Most cases referred to supervised visitation services have a history of domestic violence. (National Council of Juvenile and Family Court Judges, 2022) The NYC Society for Prevention of Cruelty to Children (NYSPCC) noted that approximately seventy percent (70%) of the families served at the NYSPCC in 2008 had histories of domestic violence (Pulido, Forrester, Lacina, April 2011).

In addition to domestic violence, the primary reasons that parents are referred to supervised visitation services are substance abuse, mental illness, or alleged or confirmed child abuse and neglect.

The Supervised Visitation and Safe Exchange Blueprint, written and developed by Beth McNamara, Jennifer Rose, and Erin Fairchild in 2022 and created with funds from the Office on Violence Against Women (**see attached**), includes best practices for supervised visitation programs in order to achieve the goal of safety for families and children. In requiring supervised visitation, the visits voluntarily supervised by friends and family in the supervisor's homes or other locations may be fraught with danger for the child and victim as well as for the supervisor. For these reasons, supervised visitation by a neutral, professional third party with the capacity to enforce effective safety measures is the optimal choice for families and for the courts.

Courts are positioned to prevent ongoing domestic violence abuse by tailoring custody and visitation orders to the specific safety needs of children and adult survivors. In cases involving ongoing safety concerns, the case often requires that an accredited supervised visitation program supervises parenting time (visitation) between abusive parents and children. Supervised visitation is part of a trauma-informed care system for children and survivors of domestic violence, children who witness parental substance abuse, and children who have mentally ill parents requiring interventions.



Safety is paramount in crafting parenting time (visitation) provisions by courts in custody/access orders. When the court finds that supervised visitation or safe exchange is necessary to provide for the safety of the parent and/or child who is abused, courts are strongly encouraged to issue orders involving the use of professional supervised visitation centers or programs, with supervision by professionals who have the experience and training on domestic abuse and related issues to enable them to provide safe, trauma-informed, and effective supervision of parenting time and visitation (Jaffe, Psych, Johnston, Crooks, Psych, and Nicholas Bala, July 2008).

The National Council of Juvenile and Family Court Judges' *Families and Children Model Code on Domestic and Family Violence* Revised Chapter Four, recites in part:

Access to professional supervised visitation and exchange programs is not available in all communities across the country. In addition to reliance on nonprofessional supervisors (including family members), courts may be tempted to rely upon less-than-ideal alternatives, including exchanges in locations that they hope will be safe settings because of their public nature or proximity to potential emergency assistance. Examples include pickup at daycare centers and schools, or in law enforcement agency parking lots. While such settings may provide the illusion of safety, in reality, only supervision by a professional who understands the dynamics of domestic abuse and is aware of the specific abusive behavior that compelled the court to order supervision in a case can provide real protection against physical or other forms of abuse, including coercive controlling abuse. If the court is forced to consider other alternatives, care must be taken to ensure the alternative arrangement is safe for the parent who is abused and children... Unfortunately, not all communities offer professional programs to families in need of their services, and some programs are cost prohibitive for noncustodial parents. In addition, safe and convenient physical access to centers can be challenging for many parents, especially parents who are abused. The development of safe, free or low-cost, and easily accessible centers should be a priority for family court stakeholders.

(National Council of Juvenile and Family Court Judges, 2022)

Status of Supervised Visitation and Safe Exchange Programs in New York State

The Working Group initially surveyed the current status of supervised visitation programs in each county in New York State and has found that at this time, twenty (20) counties in New York State do not have any supervised visitation programs for custody/access (non-abuse/neglect) matters that involve issues of domestic violence, addiction, and/or mental health diagnoses. In the other counties where there is a supervised visitation program, the resources are very limited and cannot meet the need for these critical services.

Data collection on the number of orders for supervised visitation issued by the courts has been challenging based upon the limitations of information available at the present time. Currently, the Unified Court System's Case Management System (UCMS) does not collect information on orders for supervised visitation nor the number of times a Judge has ordered supervised visitation in a case. Statistics were obtained from the Office of Court Administration representing the number of family offense petitions filed or pending that also had filed or pending custody petitions during specific years. In **2019**, there were **17,589 family offense petitions filed or pending in New York State Family Courts that also had pending custody petitions concerning the same parties**; in 2020 there were 11,841 family offense petitions filed or pending that also had pending custody petitions concerning the same parties ; in 2021 there were 14,294 family offense petitions filed or pending that also had pending custody petitions concerning the same parties; and in 2022 there were 15,551 family offense petitions filed or pending that also had pending custody petitions concerning the same parties. The Working Group is citing statistics from 2019 which more accurately reflect the case filings pre-pandemic as case numbers during the pandemic were significantly lower than previous years. Case filings in the court system have increased post-pandemic to reflect numbers similar to those filed in 2019. The Office of Court Administration reports that a majority of the petitioners filing a family offense petition are female and have a child(ren) in common with the male respondent.

Based upon the allegations of interpersonal violence in these cases, there is often a need for supervised visitation. In 2023, throughout New York State, there are over 800 families with pending cases in the IDV Courts which involve criminal and custody/ visitation cases concerning the same parties, or criminal and family offense cases or criminal and matrimonial cases involving the same parties. Based on the allegations of interpersonal violence, most IDV cases require supervised visitation, yet more than one-third of the counties where the 42 IDV Courts in New York State exist do not have any supervised visitation program. There is a critical need for this important resource for families facing violence who could benefit from a safe, accessible supervised visitation program.

The Working Group also surveyed existing supervised visitation programs to inquire about their ability to accommodate orders for supervised visitation or safe exchanges (monitored exchange) in cases involving custody/access (non-abuse/neglect) matters that involve issues of domestic violence, addiction, and/or mental health diagnoses (**Appendix B**). Programs varied in the number of families that they could supervise in a year. The results were alarming as to the very limited capacity of existing supervised visitation programs to provide this service given the needs of the communities. One program responded they could supervise twenty (20) families in one year based upon their staffing; another responded between thirty and forty (30-40) families; and another program responded their staffing would permit them to supervise up to two hundred (200) families in a year. In counties where there is an existing supervised visitation program, there is often a six (6) month to one (1) year waiting list for families requiring supervision by a safe, accessible supervised visitation program. Clearly, the number of custody petitions or motions in Supreme Court matrimonial cases involving domestic violence, substance abuse, or mental health issues of a parent that are filed in the Family Court, IDV Court, or Supreme Court reflect that existing supervised visitation/safe exchange programs cannot meet the needs of all the families that would greatly benefit from this important service.

Additionally, the Working Group has learned that commencement of supervised visitation in reunification cases where a child has not had access with a parent can be delayed for six to twelve months due to the lack of supervised visitation resources in a community.

The Children’s Law Center (CLC), a 25-year-old, not-for-profit organization that has represented over 130,000 children in custody and visitation, family offense, child welfare, guardianship, and paternity matters in the New York City Family Courts and the New York State Supreme Court Integrated Domestic Violence Parts (IDV) has provided information to the Working Group. The CLC along with Lawyers for Children (LFC) confirm that there are not enough organizations that provide supervised visitation to families engaged in custody, visitation litigation, or whose cases have concluded with a final order directing supervised visitation by an agency. Based on CLC’s significant experience, they have expressed to the Working Group that the resources available to effectuate supervised visitation orders in NYC custody/visitation cases are woefully insufficient to meet the existing need, or to help keep children safe and rebuild damaged parent-child relationships.

Legal services providers and the courts report the lack of access to supervised visitation programs also results in delays in completion of the parties’ litigation. Often when the court orders supervised visitation in an interim order during the pendency of a case, the delay in starting supervised visits will delay the entire litigation. These delays impact final resolution for the parties and result in further backlog of already overloaded Family Court caseloads. Interim orders of supervised visitation are entered not only to ensure the child’s safety during a visit, but also to help inform the court’s decision regarding what limitations, if any, should be imposed on a parent’s access to a child. Thus, court and counsel must wait to receive critical information regarding the quality of, and concerns about, parent-child interactions and relationships, which is necessary for resolution of the case.

Matrimonial judges are facing the same lack of resources of supervised visitation programs for families in these cases as well. Even if there are professional supervised visitation programs available in their counties, families involved in cases in IDV Courts, Family Courts, and Supreme Court matrimonial actions face significant waiting times for the supervised visitation services to commence.



When there are not available programs for supervised visitation, the default for supervised visitation is often supervision by a third party, who is usually a family member or friend. In addition to safety issues not being addressed with third party supervision, these third-party supervisors are not trauma-informed, they may not be able to control the conduct of the parent being supervised, and there is not independent reporting to the court as to the status of the supervised visits. Many courts report that when supervised visitation is to be conducted by a third party, the third party is not educated on domestic violence dynamics or other safety issues, is unable to safely supervise the parent, and/or has an allegiance to the parent being supervised over the children.

The Working Group was apprised of several examples of these serious concerns.

In a case in Niagara County IDV Court, supervised visitation was ordered by the court but there is no supervised visitation program available in the county. The defendant father had a history of committing domestic violence against the mother and was also not compliant with his mental health treatment. The paternal grandfather had agreed to supervise the father's access with the 5-year-old child. The Attorney for the Child met with the grandfather to clarify his role as supervisor. At the next court appearance, the court was advised that the grandfather was not always present during the supervised visits and that the father was exposing the child to inappropriate videos that were disturbing to the child. The Attorney for the Child reconfirmed the grandfather's role as supervisor and felt he could safely supervise the child. The child was ill for the next scheduled supervised visit. When the father arrived for that supervised visit and learned from the grandfather the child was not coming, he became extremely distraught, and the father killed himself at the grandfather's home. In addition to this tragedy, the third-party supervisor clearly had no control over the parent requiring supervised access.

A Nassau County Family Court Judge noted in abuse/neglect cases, the Nassau County Department of Social Services does not supervise direct placement cases. In one direct placement case, two children were living with the maternal grandmother. The parents came to the grandmother's home to allegedly visit with the children, wherein they killed the maternal grandmother and the children who were in the home.

A case in Tompkins County IDV Court involved the issue of safe exchange when the defendant father assaulted a third party exchanging the child. Supervised visitation was then ordered by the court in response to these facts, and the only available professional supervisors were social workers who would need to be privately paid by the father. The father refused to pay for supervised visitation. The lack of affordable supervised visitation resulted in the court being faced with the dilemma of ordering no access for the father or access that may not be safe for the child and the custodial parent.

Another NYC case involved a defendant-parent who is mentally ill. The court determined that there was a need for supervised visitation due to the parent's mental health status. Based on their history with the parent, none of the family members were willing to supervise the parent's access to the child. Due to a lack of professional supervised visitation resources, the child regrettably lost contact with the parent.

The Working Group also learned that there have been concerns with programs that have professed to run a safe, supervised visitation program, only for the court to learn that the program is not following safety protocols for domestic violence survivors and their children. These programs allowed offsite supervised access without having any safety protocols in place. Other issues were raised involving supervised visitation supervisors who become aligned with the parent being supervised without understanding domestic violence dynamics and resulting in further trauma to the domestic violence survivor and the children. Supervised visitation and safe exchange programs should be established and adopt the *OVW Guidelines for Supervised Visitation and Safe Exchange Programs* with *The Supervised Visitation and Safe Exchange Blueprint from Inspire Action for Social Change* (2022).



Examples of Benefits of Supervised Visitation Programs

The U.S. Department of Justice Office on Violence Against Women has developed *Guiding Principles: Safe Havens: Supervised Visitation and Safe Exchange* (2007). The goals of a supervised visitation program are to ensure the safety of adult survivors of violence and their children during supervised visits and exchanges; protect children from the trauma of witnessing domestic or dating violence; and reduce the risk of further abuse, injury, or abduction of the children during supervised visits and monitored exchanges.

There are many benefits to having a safe, accessible, supervised visitation program. In a NYC Family Court case, the court ordered the father of the eight- and eleven-year-old children to participate in Observed and Evaluated (O&E) Visits due to safety concerns regarding his interactions with the children. Multiple times during the O&E visits, the father engaged in inappropriate behavior towards the children, berating them and ranting about the mother. Given the father's inappropriate behavior and the distress that it obviously caused the children, the visitation supervisor repeatedly attempted to intervene and redirect the father, but his efforts were unsuccessful. The supervisor then provided a thorough report to the court regarding the O&E visits. That report helped to inform the court's decision regarding the appropriate limitations to place on the father's access with the children, who were simultaneously struggling with the trauma of the breakdown of their family unit.

Supervised visitation programs can also assist with the reunification of families. A NYC Family Court case involved the mother of seven and eight-year-old children. Their mother was a first responder during the height of the pandemic. While laboring under tremendous pressure at home and at work, the mother had a breakdown. She was psychiatrically hospitalized for several weeks, after which time she stabilized and engaged in mental health treatment. Given the mother's fragile psychological state and the children's reticence to visit her in an unsupervised setting, the court ordered supervised visitation. Although the mother could not afford to pay for those supervised visits, the father agreed to do so, as he understood the important role that the mother played in the children's lives.

The mother and children diligently attended their supervised visits over a several-month period, where they were able to rebuild their relationship. The mother and the children also continued to attend their own therapeutic services, separate from each other. Eventually, they were able to resume normalized, unsupervised access. This outcome would not have been possible without the mother and children first engaging in supervised visitation over an extended period. In this case, the father was willing and able to pay for those services, an uncommon occurrence for many families involved in the court system.

Supervised visitation programs also provide safety and support to children who may feel uncomfortable having access with a parent. Kings County IDV Court noted a case involving long-term domestic violence by their father towards the mother in a family with four children. The two older children (ages 16 and 12) did not want any contact with the father. The IDV Court ordered supervised visitation for the two younger children (ages 7 and 5). The two older children agreed to accompany the younger children to the supervised visit that took place at a court-approved supervised visitation program. The 16-year-old son began the visit by confronting the father about the violence he had witnessed and endured from the father. The father attempted to order the 16-year-old son from the supervised visit, but the supervisor intervened and calmed the situation. The supervisor, who was trained in domestic violence dynamics and addressing trauma, created a safe environment for the 16-year-old to confront the father calmly. The court also received a comprehensive report from the supervised visitation program, which helped the court make informed decisions for this family in the IDV Court.



Current Status of the Cost and Economic Support for Supervised Visitation in New York State

The Working Group surveyed existing supervised visitation programs in New York State.

The surveys revealed the most affordable supervision service providers charge the parties \$50- \$75/hour as the lowest cost on their sliding fee scale. Many of the agencies also include an orientation cost for each parent at various rates between \$30- \$120 per person. For many families, these costs result in supervised visitation programs being inaccessible. Also, in some cases, supervision can last for years, and a low-income parent who marshals resources to pay for visits in the short term is unlikely to be able to do so over an extended period.

A few of the programs receive grant funding through private foundations; however, grant funding is limited and, if not continued, often results in the discontinuation of the programs. There is also start-up grant funding for supervised visitation in domestic violence cases through the Office on Violence Against Women Justice for Families grant program. This grant funding is limited to very few programs throughout the entire country and is not usually continued after the initial award. Some programs have received limited funding from the NYS Office of Children and Family Services (OCFS) or NYS Office of Temporary Disability Assistance (OTDA). All supervised visitation programs continue to struggle with issues of financial sustainability on an annual basis.

The Children's Law Center advises that during the pendency of a custody/visitation case, NYC Courts have ordered O&E visits pursuant to Family Court Act §251 at no cost to parents who are deemed eligible because they qualify for assigned counsel. Nevertheless, the O&E visits should not exceed six sessions, as they are intended to be evaluative. In many cases, six visits may be insufficient to assess the issues that exist in a particular case or permit a child to rebuild a damaged relationship with a parent. Further, when those six visits demonstrate a need for continued supervision during the pendency of the litigation, there is no other to provide those visits at no cost to the litigants.

The Working Group also learned that in some counties, when supervised visitation is ordered by the court during the pendency of the custody cases, the cost of the supervised visitation may be funded through County Law 722 (c). However, the funding of supervised visitation in custody cases pursuant to County Law 722 (c) is not consistently applied throughout counties in the state. Moreover, this funding ceases upon issuing the final order of custody/access. At that time, the litigants are responsible for payment of the supervised visitation services if it is to continue.

Several counties have also noted that while there may be one supervised visitation agency within their county, the challenges posed by the lack of public transportation, especially in rural communities, result in this one resource being inaccessible to many families within the county.

Examples of the current availability, cost to litigants, and funding for supervised visitation programs:

The Working Group reviewed the available statistics from the Unified Court System's dashboard concerning the number of custody petitions and family offense petitions filed by county. The information revealed the majority of family offense petitions were filed by a female who had a child(ren) in common with the respondent male. The Working Group further reviewed the number of custody petitions filed in each county. The statistics referenced earlier in this report indicate in 2019, there were 17,589 family offense petitions filed or pending in New York State Family Courts that also had custody petitions concerning the same parties. (NYS Unified Court System *Family Court Act Annual Report*). Based upon the allegations of interpersonal violence in these cases, there is often a need for supervised visitation. These numbers do not reflect all cases that may require supervised visitation. Supervised visitation may also be needed in cases where there is no family offense petition pending but safety issues may have been raised in custody/visitation petitions or in divorce proceedings.

Kings County's population is 2,782,348 as of 2022. In 2019, there were 15,200 custody petitions and 8000 family offense petitions filed in the Kings County Family Court. Safe Horizon provides onsite supervised visitation in the Children's Center in the courthouse in Brooklyn for custody cases in the Family Courts and IDV Court. In 2022, Safe Horizon accommodated about 100 families for supervised visitation.

The visits are usually scheduled between 5:00 p.m. and 7:00 p.m. and held in a courthouse, which is regularly open until 7:00 p.m., with court officers providing security throughout the building when it is open to the public. The program is free to litigants and is funded through an OVW Justice for Families Grant.

Safe Horizon also reported receiving funding from the NYC Mayor's Office to End Domestic and Gender-Based Violence for their programs located in **Queens, Bronx, and Richmond Counties.**

Erie County has a population of 961,276 in 2022. In 2019, there were 11,216 custody petitions and 2093 family offense petitions filed in Erie County Family Court. Catholic Charities provides therapeutic supervised visitation in Buffalo and charges on a sliding scale based on income and resources. Catholic Charities Therapeutic Supervised Visitation Program receives some limited funding from the NYS Office of Temporary Disability Assistance (OTDA,) which is available throughout NYS. Catholic Charities Therapeutic Supervised Visitation Program advises they can accommodate between 30-40 families a year, for one hour visits each week with a wait list between 3-12 months. The Working Group was advised that court referrals to Catholic Charities for supervised visitation in Erie County were often not occurring due to the waitlist realistically being at least 6 months before the supervised visitation services could begin. Catholic Charities charges a \$30 orientation fee that each parent is required to pay. Thereafter, each supervised visit is \$150 with a sliding scale based on poverty guidelines that can reduce the fee. Catholic Charities also provides monitored exchange services with a \$30 orientation fee charged to each parent and \$75 per exchange that both parties pay, subject to a sliding scale based on poverty guidelines that can reduce the fee for one or both parties.

Pathways Supervised Visitation services charge an intake fee of \$120 per person and charge \$75/hour. They also have a minimum 3-month waitlist.

Westchester County has a population of 1,015,525 in 2022. In 2019, there were 8167 custody petitions and 2908 family offense petitions filed in Westchester County Family Court. The courts in this county refer cases for supervised visitation to the YWCA of Westchester supervised visitation program, which charges on a sliding scale based on income and resources.

The supervised visitation program can accommodate 200 families on an annual basis. The average wait list is approximately one month. There are also privately paid social workers available to provide supervised visitation at a higher cost of approximately \$75-\$250/hour.

Even with the availability of these limited resources in some counties, many litigants cannot afford these services and/or do not have transportation to the supervised program location. Private social workers may be available to supervise visits at a cost of \$75-\$250/hour. Social workers who privately supervise visits do not conduct the supervision in a dedicated program area with safety protocols in place. Additionally, most of the litigants requiring these services cannot afford the cost of private social workers. Many of the supervised visitation programs that do exist have a waitlist; the wait can be six to 12 months. Current supervised visitation program staffing resources in most areas cannot accommodate the large number of cases that require supervised visitation. Due to the lack of available, accessible, and affordable supervised visitation resources, the courts face the dilemma of ordering a third-party supervisor when this may not have been the safest alternative for the family.

Critical Need for Dedicated State Funding for Each County to Provide Supervised Visitation Exchange Programs

The Working Group strongly advocates for safe, affordable, accessible, and sustainable supervised visitation programs in every county in New York State.

A few counties in New York State previously had a supervised visitation program at one time funded by startup grants or foundation funding, but after the grant funding expired, the programs were not sustainable and closed (See Appendix A). Other programs closed due to issues concerning the ability to provide safety within the supervised visitation centers. One example was the only supervised visitation program in Niagara County, which closed several years ago. In addition to funding concerns, the agency determined that they could no longer run a supervised visitation program after a fatality occurred at their program location in New Hampshire. A non-custodial parent visiting with their child shot and killed the child at the center and then turned the gun on himself. The agency determined that they did not have adequate onsite security to address safety issues that are so often involved in these cases.

The need for dedicated funding to support supervised visitation programs is also based on the reality that most of the existing supervised visitation services are inaccessible to low-income families who seek to effectuate a final order of supervised visitation in a custody/visitation case. In 2021, almost 2.7 million New Yorkers lived in poverty, or 13.9 percent, compared to 12.8 percent of all Americans (NYS Comptroller's Message, 12/22).

Dedicated funding is also needed to provide onsite security for supervised visitation programs. The Working Group learned of an example of a situation where a visiting parent came to the supervised visitation center with a weapon. The program had onsite security and was able to safely deny the parent admission before a tragedy occurred. However, many supervised visitation programs do not have the financial resources to maintain onsite security.

The courts also noted the need for interpretation services for supervised visitation programs. Specifically, New York County IDV Court noted a recent case needing supervised visitation with a Bengali interpreter. There was a very long wait list for the interpreter services to be linked with the supervised visitation program.

Cost of Providing a Supervised Visitation Program in a Safe, Secure Setting

The Working Group surveyed several supervised visitation programs to better understand the costs needed to provide safe, responsive, and reliable supervised visitation for all counties in the state. Programs reported that the cost of providing supervised visitation services is estimated at \$2500 - \$3000 per family for up to six (6) months of supervised visitation; however, if the need for supervised visitation exceeds six (6) months, the cost would be greater. The ability to receive consistent and reliable funding would allow supervised visitation programs to offer no-cost visitation and safe exchange to families who require this essential service. These funds would help to cover large portions of the salaries for key staff, direct and indirect costs, rent, supplies, safety, and security measures, as well as the ability for programs to offer these services without a charge to the most vulnerable families.

For counties that do not presently have any supervised visitation program, dedicated funding estimated in the amount of \$200,000 would cover start-up costs for year 1 to allow for meaningful planning, development, and training. Additionally, these start-up funds would allow supervised visitation programs to work with key community partners, including, but not limited to, the courts, victim services providers, civil and criminal legal professionals, as well as other key stakeholders, to build a sustainable program that is reflective of their unique community needs.

Conclusion

The Working Group recognizes the critical need for safe, affordable, accessible, and sustainable supervised visitation programs in every county in New York State. While there are private and government startup grants available for the establishment of programs, there is a profound need for dedicated, institutionalized state government funding to sustain these important resources in communities.

The Working Group fully supports and advocates for dedicated state funding to support supervised visitation programs in all counties for custody cases that are not attendant to an abuse/neglect proceeding. Abuse/neglect cases do have some legislated funding through the NYS Office of Children and Families Services (OCFS) or the NYS Office of Temporary Disability Assistance (OTDA) to provide resources for supervised visitation for families in these cases, and most counties have these resources in place.

Many domestic violence cases involving children do not result in abuse/neglect petitions being filed when the parties are apart due to the issuance of a temporary order of protection. Safety issues clearly remain in these matters, but resources to provide safe supervised visitation and/or safe exchanges for children and survivors of abuse do not exist. Accordingly, the Working Group supports an amendment to the NYS Social Services Law to establish a supervised visitation initiative funded by New York State to provide a supervised visitation program in every county. This initiative would be administered by OCFS or OTDA to provide safe, responsive, and reliable supervised visitation for approximately \$2500- \$3000 per family; however, if the need for supervised visitation exceeds six (6) months, the cost would be greater.

The Working Group supports and advocates for the adoption of statewide protocols for all supervised visitation and safe exchange programs to follow and the establishment of minimum qualifications for supervisors incorporating *OVW Guiding Principles of the Safe Havens: Supervised Visitation and Safe Exchange Grant Program*.

Additionally, there is a need for uniformity and clarity in reporting to the courts of supervised visitation/safe exchanges ordered by the courts. The Working Group supports and advocates for the development of statewide reporting forms to be used by supervised visitation programs to regularly report to the ordering court the status of supervised visitation/safe exchange on individual cases.

The Working Group recognizes the importance of any supervised visitation program to focus on the safety and welfare of the children and parents. Supervised visitation that is not focused on these critical components can adversely impact children and can also result in danger to the children and parents. The Working Group recommends and advocates for all supervised visitation and safe exchange programs to adopt the *OVW Guiding Principles of the Safe Havens: Supervised Visitation and Safe Exchange Grant Program (Guiding Principles)* with the *Supervised Visitation and Safe Exchange Blueprint from Inspire Action for Social Change (2022)* (See attached). The Blueprint recommends that for families to truly be safe with each other in supervised visitation and safe exchange (SV&SE) settings, programs must engage in the crucial work of understanding how to center the safety of interpersonal violence survivors and children. Supervised visitation programs must also ground their services in equity-centered, compassionate, trauma-informed approaches, which are crucial to increasing safety and well-being. The Supervised Visitation and Safe Exchange Blueprint can support newly developing or existing programs to stay on track in planning and offering supervised visitation services. Implementing this Blueprint successfully requires a strong collaborative network of courts, legal, and community stakeholders that can foster critical inquiry and connection.



The Working Group also recommends and advocates for the Office of Court Administration to develop its technology to record the number of court orders for supervised visitation in abuse and neglect cases and in other matters involving custody in Supreme, Family and IDV Courts. This information is critical to more fully plan for future supervised visitation resources to accommodate the needs within each county.

The need for safe, accessible, and sustainable supervised visitation and safe exchange programs is critical for families dealing with issues of domestic violence, substance abuse, or mental health issues of parents. The lack of these resources for families in need is a statewide crisis, leaving domestic violence survivors and their children unprotected, unsafe, and at risk of suffering further injury and trauma. Without such resources, jurists may be pressed to order unsupervised visits or visits supervised by a third party who is not trained in domestic violence dynamics, which may place children in danger. In cases involving the mental health or substance abuse of a parent, children may suffer emotional harm while waiting long periods to see a parent who, despite their struggles, provides love, support, and important family connections to their children. Dedicated funding to implement and sustain these critical resources in every county in New York State is essential for the immediate and long-term safety and well-being of children and families.



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APPENDIX A

REPORT from THE WORKING GROUP on the FUTURE of SUPERVISED VISITATION in NEW YORK STATE

Judicial District	County	Agencies	Status	Hours of Operation	Populations of
1st JD	Manhattan	NY Society for the Prevention of Cruelty to Children	(Open)		
1st JD	Manhattan	Comprehensive Family Service	(Open)		
1st JD	Manhattan	18 B Social Workers	(Open)	9AM - 9PM	1.632 million
2nd JD	Brooklyn	Comprehensive Family Service	(Open)		
2nd JD	Brooklyn	Safe Horizon	(Open)		
2nd JD	Brooklyn	NYSPCC	(Open)		
2nd JD	Brooklyn	18B Social Workers	(Open)	9AM - 9PM	2.59 million
3rd JD	Sullivan	Hudson Valley Family Services	(Open)	8 AM - 9 PM	75,116
3rd JD	Sullivan	Dispute Resolution Center	(Open)	9 AM - 5 PM	75,116
3rd JD	Ulster	Bridges of Hope of the Hudson Valley, Inc.	(Open)	(Appointment Only)	177,573
3rd JD	Ulster	Family of Woodstock, Inc. Kingston, NY.	(Open)	9 AM - 5 PM	177,573
3rd JD	Ulster	(2 locations) Family of Woodstock, Inc. Woodstock, NY	(Open)	8:30 AM- 5 PM	177,573
3rd JD	Greene	Catholic Charities of Columbia & Greene Counties	(Open)	8 AM - 4 PM	47,424
3rd JD	Columbia	Catholic Charities of Columbia & Greene counties	(Open)	8 AM- 4 PM	59,461
3rd JD	Schoharie	Schoharie County Community Action Program	(Open)	8 AM- 4 PM	30,999
3rd JD	Albany	St. Catherine's Center for Children Access & Visitation	(Open)	8:30 AM - 4 PM	317,000
3rd JD	Rensselaer	None	N/A	N/A	158,714
4th JD	Hamilton	None	N/A	N/A	4,515
4th JD	Essex	Child Care Coordinating Council of the North Country	(Open)	8 AM - 4 PM	37,459
4th JD	St. Lawrence	Three Sisters Program	(Open)	8 AM - 5 PM	107,740
4th JD	Franklin	CCCCNC	(Open)		
4th JD	Franklin	Three Sisters Program	(Open)	8 AM - 5 PM	50,022
4th JD	Clinton	Child Care Coordinating Council of the North Country	(Open)	(8 AM- 4 PM)	80,485
4th JD	Warren	Kassia's Playdates	(Open)	Appointment via website	63,944
4th JD	Fulton	None	N/A	N/A	53,383
4th JD	Saratoga	The Storybook Place	(Limited)	Visiting limited 5:30PM- 7:30 PM	229,863
4th JD	Washington	None	N/A	N/A	61,204
4th JD	Schenectady	Family Priorities Mediated Solutions	(Closed)	(No active #, No web.)	155,299
4th JD	Montgomery	None	N/A	N/A	49,221
5th JD	Oswego	Oswego County Opportunities SV Center	(Open)	8:30- 4:30 PM	117,124
5th JD	Onondaga	Mary Nelson's Center	(Open)	9 AM- 2 PM	460,528
5th JD	Onondaga	Salvation Army/SAVES Program	(Open)	8 AM - 4 PM	460,528
5th JD	Onondaga	Children's Consortium	(Open)	8:30 AM - 4:30PM	460,528
5th JD	Jefferson	Resolution Center of Jefferson & Lewis Counties	(Open)	8 AM - 4 PM	117,000
5th JD	Lewis	Resolution Center of Jefferson & Lewis Counties (Must go to Jefferson County)	(Open)	8 AM- 4 PM	26,572
5th JD	Oneida	(ICAN) Program	(Open)	8:30 AM - 4:30 PM (Also Night & Weekend appts)	228,671
5th JD	Herkimer	None	N/A	N/A	61,319
6th JD	Madison	None	N/A	N/A	70,941
6th JD	Cortland	None	N/A	N/A	47,581
6th JD	Tompkins	None	N/A	N/A	102,180
6th JD	Schuyler	Horseheads Family Resource Center Inc	N/A	10AM - 2PM	17,920
6th JD	Chemung	None	N/A	N/A	83,456
6th JD	Tioga	None	N/A	N/A	48,203
6th JD	Broome	None	N/A	N/A	190,488
6th JD	Chenango	None	N/A	N/A	47,909
6th JD	Otsego	None	N/A	N/A	59,493
6th JD	Delaware	None	N/A	N/A	44,995
7th JD	Steuben	Nonnie Hood Parent Resource Center, Inc.	(Open)	12 PM - 7 PM	95,379
7th JD	Yates	Catholic Charities Finger Lakes	(Open)		
7th JD	Yates	Child & Family Resources, Inc.	(Open)	8:30 AM - 4:30 PM	24,913

7th JD	Livingston	None	N/A	N/A	62,914
7th JD	Cayuga	Community Action Programs	(Open)	9 AM - 5 PM	76,576
7th JD	Cayuga	Catholic Charities Finger Lakes	(Open)	8 AM - 4 PM	76,576
7th JD	Seneca	Catholic Charities Finger Lakes	(Open)	8 AM - 4 PM	34,000
7th JD	Seneca	Community Action Programs	(Open)	9 AM - 5 PM	34,000
7th JD	Ontario	Angels Monitoring- off site services	(Open)	(24 hour service)	109,777
7th JD	Ontario	Salvation Army	(Open)		
7th JD	Ontario	Catholic Charities Finger Lakes	(Open)	8 AM - 4 PM	109,777
7th JD	Wayne	Catholic Charities of Wayne County	(Open)	8 AM - 4 PM	89,918
7th JD	Monroe	Society for the Protection and Care of Children, Mt. Hope	(Open)	Varies	741,770
8th JD	Allegany	None (ACCORD Corp SV program closed due to funding issues)	(Closed)	N/A	46,106
8th JD	Cattaraugus	None	N/A	N/A	76,117
8th JD	Chautauqua	YWCA Jamestown	(Open)	8AM-5:30 PM	126,903
8th JD	Erie	Pathways Supervised Visitation	(Open)		
8th JD	Erie	Restoration Society Inc. of WNY (Mental Health clients)	(Open)		
8th JD	Erie	Catholic Charities of Buffalo	(Open)		
8th JD	Erie	Angels Monitoring- off site services	(Open)		918,702
8th JD	Wyoming	Pathways Supervised Visitation Program, EC (must travel to Erie County)	(Open)	(Appointment)	40,305
8th JD	Genesee	None	N/A	N/A	57,280
8th JD	Orleans	None	N/A	N/A	40,352
8th JD	Niagara	None (YWCA of Niagara SV program closed due to funding and safety issues)	(Closed)	N/A	209,281
9th JD	Dutchess	Family Services, Inc.	(Open)	8 AM - 9 PM	294,218
9th JD	Dutchess	Bridges of Hope	(Open)		
9th JD	Orange	Hudson Valley Family Services	(Open)	8 AM - 9 PM	384,940
9th JD	Putnam	*Supervised Visitation Experts	(Open)	(Appointment only)	98,320
9th JD	Putnam	Gary Mirkin, SV Provider	(Active)	(Appointment) \$90 per hour	98,320
9th JD	Rockland	Rockland Youth Empowerment Services	(Open)	9 AM - 6:30 PM	325,789
9th JD	Rockland	*Supervised Visitation Experts	(Open)		
9th JD	Westchester	White Plains YWCA,Gary Mirkins	(Open)	7:30 AM - 6:30 PM	1.015 million
9th JD	Westchester	*Supervised Visitation Experts	(Open)		
10th JD	Nassau	EAC SV Program	(Open)	Register Online	1.357 million
10th JD	Nassau	Kids in Common, Inc.	(Open)	Appointment	1.357 million
10th JD	Suffolk	Long Island Visitation and Family Services	(Open)	Appointment only	1.477 million
11th JD	Queens	Comprehensive Family Services	(Open)		
11th JD	Queens	Safe Horizon	(Open)		
11th JD	Queens	18 B Social workers	(Open)	9 AM - 5PM	2.287 million
12th JD	Bronx	Comprehensive Family Services	(Open)		
12th JD	Bronx	Safe Horizon	(Open)		
12th JD	Bronx	NYSPPC	(Open)		
12th JD	Bronx	18B Social Workers	(Open)	9 AM - 9PM	1.435 million
13th JD	Richmond	Comprehensive Family Services	(Open)		
13th JD	Richmond	Safe Horizon	(Open)		
13th JD	Richmond	18 B social workers	(Open)	9AM - 9PM	500,000
*	Richmond	Families on the Move	(Open)		
*		* = Virtual only			

APPENDIX B

REPORT from THE WORKING GROUP on the FUTURE of SUPERVISED VISITATION in NEW YORK STATE

OCA Supervised Visitation Program/ Monitored Exchange Program Survey

The OCA Supervised Visitation Sub-Committees are gathering data to submit in the report that will be sent to OCA leadership and also to N.Y.S. legislative and executive leadership. Your responses are very important to this project and time is of the essence in submitting the report. *Please reply to this survey no later than Thursday, March 30, 2023.* Thank you for your cooperation and assistance in completing this survey.

Required

1. What geographic location does your supervised visitation program and/ or monitored exchange program serve?

Enter your answer

2. Does your program provide monitored exchange services in addition to supervised visitation services?

Yes

No

3. For Supervised Visitation Programs: Number of families referred to your supervised visitation program by the courts in custody cases, family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement) in 2019 and in 2022 (Please include info for both years).

Enter your answer

4. Number of families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement) that your supervised visitation program is able to accommodate on a yearly basis.

Enter your answer

5. After your program receives a referral from the court for supervised visitation for families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement) and the parties have been in contact with your agency, how long before your agency schedules the first visit with the family?

Enter your answer

6. If your program has a wait list for supervised visitation for families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement), what is the average length of time these families may be on a wait list before the supervised visitation services begin?

Enter your answer

7. What is the cost per supervised visit for for families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement)? If there is no direct cost to the family in these cases, please identify the funding source for these supervised visitation services.

Enter your answer

8. For Monitored Exchange Programs: Number of families referred to your monitored exchange program by the courts in custody cases, family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement) in 2019 and in 2022. (Please give info for both years)

Enter your answer

9. Number of families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement) that your monitored exchange program is able to accommodate on a yearly basis.

Enter your answer

10. After your program receives a referral from the court for monitored exchange for families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement) and the parties have been in contact with your agency, how long before your agency schedules the first monitored exchange with the family?

Enter your answer

11. If your program has a wait list for monitored exchange services for families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement), what is the average length of time these families may be on a wait list before the monitored exchange services begin?

Enter your answer

12. What is the cost per monitored exchange for families involved in custody cases or family offense cases in Family or IDV Court or divorce cases (not cases with DSS involvement)?

If there is no direct cost to the family in these cases, please identify the funding source for the monitored exchange services?

Enter your answer

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