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**SUPERVISED VISITATION AND FAMILY FINANCIAL WELL-BEING:
BROADENING ACCESS TO COMMUNITY SERVICES FOR LOW-INCOME
PARENTS IN THE COURT SYSTEM**

Karen Oehme* and Mark Joseph Stern**

In the last two decades, judges throughout the United States have turned to supervised visitation programs to help maintain parent-child bonds in complex family court litigation.¹ A federally funded pilot program created to assist families affected by the recent economic crisis has demonstrated that these same visitation programs can also connect parents to local services in order to improve family economic well-being. The findings of the pilot program in Florida, where most families referred to visitation programs are low-income, has broad implications for supervised visitation programs, social services, and judges who both shape the local programs and make referrals to them. Part I of this Article describes supervised visitation, the great recession, and the federally-funded pilot program's goals in Florida. Part II outlines the client-level data of the study, its findings, and the new nationally applicable replication plan for the project. Part III proposes that judges urge their local supervised visitation programs—as well as other social services agencies that routinely receive court referrals—to include services to connect low-income families to agencies that can help them build financial self-sufficiency.

I. SUPERVISED VISITATION PROGRAMS, NEEDY CLIENTS, AND A FEDERAL SPECIAL IMPROVEMENT PROJECT

For many years, courts have used supervised visitation to provide a safe place for noncustodial parents to spend parenting time with their children when unsupervised contact may be dangerous or harmful to the child(ren)² or to the other parent. It is most frequently utilized in cases involving allegations of child maltreatment, domestic violence,³ mental illness, and substance abuse.⁴ Although supervised visitation programs exist in every state,⁵ Florida has one of the most comprehensive approaches to the service.⁶ Florida's visitation programs—numbering more than 70 statewide⁷—are housed in a variety of settings: faith-based groups, larger umbrella social services organizations, and non-profit 501(c)(3) stand-alone programs. The programs take

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1. See Robert B. Straus & Eve Alda, *Supervised Child Access: The Evolution of a Social Science*, 32 FAM. & CONCILIATION CTS. REV. 230, 231 (1997).

² See, e.g., *Supervised Visitation Programs*, THE EDUC. & ASSISTANCE CORP., <http://www.eacinc.org/supervised-visitiation-program> (last visited Oct. 26, 2012).

³ See, e.g., Nancy Thoennes & Jessica Pearson, *Supervised Visitation: A Profile of Providers*, 37 FAM. & CONCILIATION CT. REV. 460, 462 (1999), and Jill Davies, *Supervised Visitation Programs: Information for Mothers Who Have Experienced Abuse*, VIOLENCE AGAINST WOMEN ONLINE RES. (2007), <http://www.vaw.umn.edu/documents/supervisedvisitationprograms/supervisedvisitationprograms.html> (describing various types of supervised visitation programs and focusing on those created for domestic violence cases). The Safe Havens: Supervised Visitation and Safe Exchange Program (Supervised Visitation Program) was established by the Violence Against Women Reauthorization Act of 2000 (42 U.S.C. § 10420). By statute 42 U.S.C. § 10420 (a), funds under the Supervised Visitation Program may be used for the following purposes: provide supervised visitation and safe exchange of children by and between parents in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking.

⁴ See, e.g., *Supervised and Therapeutically Supervised Visitations Program*, FAMILY RES. CTR. OF SOUTH FLA., <http://frcflorida.org/family-resource/mental-health/supervised-and-therapeutically-supervised-visitations-program/> (last visited Oct. 26, 2012).

⁵ See SUPERVISED VISITATION NETWORK, www.SVnetwork.net (follow “Directory” hyperlink; then “Searchable Map” hyperlink; then “I understand, go to SVN directory now” hyperlink; then search by state), for a list of member of the international Supervised Visitation Network.

⁶ Other states such as California have written policies; see Cal. Stds. Jud. Admin., § 5.20, available at http://www.courtinfo.ca.gov/cms/rules/index.cfm?title=standards&linkid=standard5_20 (providing standards for professional and nonprofessional providers of supervised visitation).

⁷ See *List of Florida Supervised Visitation Programs*, INST. FOR FAMILY VIOLENCE STUDIES, <http://familyvio.csw.fsu.edu/clearinghouse/fl-programs/> (last visited Oct. 26, 2012), for a statewide list of programs.

court referrals in cases in which the children have been removed from the home, and cases in which the child resides with one parent or relative but can only spend time with the other parent under the supervision of trained monitors.⁸

Policymakers that help shape these programs in other states have acknowledged the importance of programs' ability to link families to community agencies that can help address the problems that resulted in the court's referral to the supervised visitation program. These agencies have traditionally included domestic violence victim assistance and substance abuse counseling centers, but have not typically included economically-linked agencies. For example, the New Hampshire Governor's Commission on Domestic Violence Subcommittee on Visitation stated:

Parent Aide supervised visitation providers shall be active members on the local domestic violence coordinating councils. If there is no local domestic violence council, a formal collaboration should be formed and maintained between community partners, such as domestic violence programs, batterer intervention providers, the court, law enforcement, mental health providers, substance abuse providers, and DCYF, as well as other community members."⁹

The Guiding Principle for the federally funded Safe Havens: Supervised Visitation and Safe Exchange Grant Program states that "visitation centers are well positioned to work with the broader community to identify the needs of families and community members in areas fundamental to safety and well-being (e.g., domestic violence and legal advocacy, housing,

⁸ See, e.g. Law Enforcement Guide to Supervised Visitation, Clearinghouse on Supervised Visitation, available at <http://familyvio.csw.fsu.edu/wp-content/uploads/2010/05/LawEnforcebook.pdf> (last viewed November 28, 2012)

⁹ GOVERNOR'S COMM'N ON DOMESTIC AND SEXUAL VIOLENCE SUBCOMM. ON VISITATION, STATE OF N.H., SUPERVISED VISITATION IN NEW HAMPSHIRE: DOMESTIC VIOLENCE 14 (2011), *available at* <http://doj.nh.gov/criminal/victim-assistance/documents/visitation-center-protocol.pdf>.

nutrition, income, employment, education, health, and transportation),”¹⁰ but no consistent or thorough tracking of such referrals has been previously accomplished.

In Florida, supervised visitation program linkages to these community agencies are also part of the broader framework for supervised visitation programs under the statewide Supervised Visitation Standards authorized by Florida Statutes 763, and created by a committee statutorily mandated to create a comprehensive set of standards for Florida’s programs.¹¹ The standards are organized around four guiding principles. Principle One is that safety is paramount at visitation; Principle Two is that training is essential for all program staff; Principle Three is that the dignity and diversity of clients must be respected by staff; and Principle Four is that programs should operate within a coordinated community network of agencies that seek to address common family problems.¹² Principle Four specifically mandates that supervised visitation programs engage in cross-training and outreach with local social service agencies, in order to address family problems and dysfunctions.¹³ However, no state has tested how such a recommended system of referrals would be accomplished. In addition, Florida programs had not made a concerted effort to provide connections to families and organizations that assist them specifically

¹⁰ U.S. DEP’T OF JUSTICE OFFICE ON VIOLENCE AGAINST WOMEN, GUIDING PRINCIPLES - SAFE HAVENS: SUPERVISED VISITATION AND SAFE EXCHANGE GRANT PROGRAM 33 (2007), *available at* <http://www.ovw.usdoj.gov/docs/guiding-principles032608.pdf>.

¹¹ Clearinghouse on Supervised Visitation, REPORT TO THE FLORIDA LEGISLATURE: RECOMMENDATIONS OF THE SUPERVISED VISITATION STANDARDS COMMITTEE 16 (2011), *available at* <http://familyvio.csw.fsu.edu/clearinghouse/standards-best-practices/>.

¹² *Id.* at 17.

¹³ Principle Four states:

At a minimum, cross-training should be sought from and offered to at least one of the following organizations each calendar year: The Local Certified Domestic Violence Center, The Local Guardian Ad Litem Office, The Local Child Advocacy Center, The Local Certified Rape Crisis Program, The Child Protection Team, Batterer Intervention Programs, Multicultural Outreach Groups, Community Substance Abuse Treatment Programs, and Community Mental Health Treatment Programs Resources.

Id. at 82.

in gaining economic stability. The economic “great recession”¹⁴ that began in 2008, adversely affecting many families, revealed this notable gap in economically-related services.

Economic data from 2008 reveal the devastating impact of the recession on families. The number of unemployed parents in the U.S. increased by 67% during 2009 according to a Brookings Institution estimate.¹⁵ In 2009, approximately 8.1 million children lived with one or two unemployed parents, and 31% of unemployed individuals were parents.¹⁶ Unemployment soared to 10.1% in October 2009. By June, 2012, it had only decreased to 9.5%.¹⁷ The poverty rate for children in 2009 was 20.7% (15.5 million children), which was a 2.7% increase from 2007 and meant that approximately one in five children lived in poverty.¹⁸ Nearly 7 million children (9.3% of all children under the age of 18) lived in extreme poverty in the United States, as their families earn less than 50% of the poverty threshold.¹⁹ The Supplemental Nutrition Assistance Program (SNAP) caseload grew by 140 percent from mid-2000 to mid-2010; at the end of that period over one in eight United States residents was a recipient of SNAP benefits.²⁰

Many families in Florida have suffered the strain of the economic crisis. The unemployment rate has been at times higher than the national rate: in 2010, the national

¹⁴See, e.g., FROM THE GREAT RECESSION TO LABOUR MARKET RECOVERY: ISSUES, EVIDENCE AND POLICY OPTIONS (Iyanatul Islam & Sher Verick eds., 2011); MICHAEL D. HURD & SUSANN ROHWEDDER, EFFECTS OF THE FINANCIAL CRISIS AND GREAT RECESSION ON AMERICAN HOUSEHOLDS (2010), available at <http://www.nber.org/papers/w16407>.

¹⁵ PHILLIP LOVELL & JULIA B. ISAACS, FAMILIES OF THE RECESSION: UNEMPLOYED PARENTS AND THEIR CHILDREN 1 (2010), available at http://www.brookings.edu/papers/2010/0114_families_recession_isaacs.aspx.

¹⁶ *Id.*

¹⁷ Elizabeth K. Anthony, Bryn King & Michael J. Austin, *Reducing Child Poverty by Promoting Child Well-Being: Identifying Best Practices in a Time of Great Need*. 33(10) CHILD. & YOUTH SERVICES REV. 1999, 2000 (2011).

¹⁸ CARMEN DENAVAS, BERNADETTE D. PROCTOR & JESSICA C. SMITH, U.S. CENSUS BUREAU, INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2009, 14 (2010), available at <http://www.census.gov/prod/2010pubs/p60-238.pdf>.

¹⁹ *Id.*

²⁰ Jacob A. Klerman & Caroline Danielson, *The Transformation of the Supplemental Nutrition Assistance Program*, 30(4) J. POL'Y ANALYSIS & MGMT. 863, 863 (2011).

unemployment rate was 9.6% while the unemployment rate in Florida was 11.3%. Despite a slight decrease in unemployment overall, this trend continued in 2011, when the national unemployment rate was 8.9%²¹ and the unemployment rate in Florida was 10.5%.²² The rate of growth in Florida's gross state product slowed markedly, with Florida's growth ranking 37th in the nation.²³ Almost half of the state's jobs are compensated at less than 150% of the federal poverty level, indicating the difficulty workers face in supporting themselves and their families.²⁴ Florida visitation program data from 2010 revealed that although parents had various reasons for being referred by the court to supervised visitation programs, they shared one overarching characteristic: they are predominantly low-income, with parents earning less than \$20,000 per year.²⁵

The Clearinghouse on Supervised Visitation, within Florida State University's Institute for Family Violence Studies (IFVS), provides technical assistance to Florida Supervised Visitation programs under Florida Statutes.²⁶ In an attempt to find new ways for supervised visitation programs to assist poor families with comprehensive services, the Institute applied for

²¹ U.S. DEP'T OF LABOR: BUREAU OF LABOR STATISTICS, EMPLOYMENT STATUS OF THE CIVILIAN NONINSTITUTIONAL POPULATION, 1941 TO DATE, 2 (2012), available at <http://www.bls.gov/cps/cpsaat01.pdf>.

²² Press Release, U.S. Dep't of Labor: Bureau of Labor Statistics, Regional and state unemployment – 2011 annual averages (Feb. 29, 2012), available at <http://www.bls.gov/news.release/pdf/srgune.pdf>.

²³ Jonathan E. Avery, Todd P. Siebeneck & Robert P. Tatem, *Gross Domestic Product by State Advance Statistics for 2010 and Revised Statistics for 2007–2009*, SURV. CURRENT BUS., July 2011, at 142, 153, available at http://www.bea.gov/scb/pdf/2011/07%20July/0711_gdp-state.pdf.

²⁴ FLA. CTR. FOR FISCAL AND ECON. POLICY, ANNUAL ECONOMIC REVIEW: TROUBLING TRENDS THREATEN FLORIDA'S WELL BEING 2 (2009), available at http://www.fcfe.org/attachments/022_FINAL%20WELL-BEING%20REPORT.pdf.

²⁵ The Clearinghouse keeps Access and Visitation Reports for the federal Access and Visitation grant that is awarded to Florida's Department of Children and Families (DCF) from the federal Office on Child Support Enforcement at the US Department of Health and Human Services, Administration for Children and Families. Each year, the Clearinghouse conducts the statewide report for the programs that receive Access and Visitation funding through DCF. The reports collect income data on parents, and reveals that the majority of parents are low income. Clearinghouse on Supervised Visitation, *Access and Visitation Funding Report 10/01/11-09/30/12* (2012), <http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/AV11-12FinalDCFSummary.pdf>.

²⁶ FLA. STAT. § 753 (2012).

and received funding in 2010 from the Department of Health and Human Services, Administration for Children and Families under a Special Improvement Project: Creating Family-Centered Approaches to Improve Child Support Enforcement Outcomes (SIP).²⁷ Although the grant was specifically linked to child support outcomes, the broader goals of the Clearinghouse on Supervised Visitation, within the IFVS were threefold:

1. Use two targeted supervised visitation programs, one in a rural area, and one in an urban area, to assist 40 participating low-income families at each site (80 total participants) in building family economic self-sufficiency.
2. Ensure every supervised visitation program in Florida is informed about project goals and achievements and is equipped with project replication suggestions and strategies.
3. Inform the Statewide Supervised Visitation Standards Committee of project progress and outcomes, and recommend changes in current Statewide Supervised Visitation Best Practices and Policies.²⁸

Two visitation programs, one in a rural area and one in an urban area, were used as the pilot sites for the project: The rural program chosen is the Judge Ben Gordon Visitation Program, with sites in both Okaloosa and Walton Counties, and the urban program is the Family Visitation Program in Hillsborough County (Tampa).²⁹ Both programs worked with the Clearinghouse to develop the comprehensive educational and referral project for needy clients to help involve both parents in child support processes and to coordinate referral of both parents to non-child support services that address multiple needs related to families' economic improvement.

²⁷ OFFICE OF CHILD SUPPORT ENFORCEMENT, ADMIN. FOR CHILDREN & FAMILIES, DEP'T OF HEALTH & HUMAN SERV., HHS-2010-ACF-OCSE-FI-0052, SPECIAL IMPROVEMENT PROJECT (SIP) — CREATING FAMILY-CENTERED APPROACHES TO IMPROVE CHILD SUPPORT ENFORCEMENT OUTCOMES (2010), available at <http://www07.grants.gov/search/search.do?oppId=52745&mode=VIEW>.

²⁸ Using Florida's Supervised Visitation Programs to Increase Economic Self-Sufficiency For Low-Income Families Grant # 90FI107; Project is administered by the Florida State University, Clearinghouse on Supervised Visitation, Administration for Children and Families, *General Terms and Conditions Mandatory Formula, Block and Entitlement Grant Programs*, http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/2012GeneralTermsConditions_AV.pdf (last visited Nov. 26, 2012).

²⁹

Under the SIP project, which was approved as a research project for human subjects by Florida State University's internal human subjects committee,³⁰ the two pilot programs first worked to identify the full range of local agencies and organizations that provide services to low-income families. This involved the SIP program administrators identifying and locating social services programs, sponsoring agency "open houses," and inviting local program staff, making unannounced calls and site visits to establish partnerships between agencies, and memorializing those partnerships in writing.³¹ The supervised visitation SIP pilot programs developed a new intake form for clients to ask about their present needs with regard to employment, barriers to employment (such as transportation, job training, stable housing, child care) child support, and gaps in services they are currently receiving.³² Client participation was completely voluntary, and data from case files were assigned case numbers and codes instead of client names for anonymous review.³³ A new client tracking form for the program level³⁴ was also developed to record the number of referrals that each client received.³⁵

Historically, statewide supervised visitation programs provide just over one referral (1.47) to other social services to each family served.³⁶ Under the SIP, the two pilot programs more than

³⁰ Approval for this study was granted by the human subjects internal review board at FSU. Memorandum from the Human Subjects Comm. to Karen Oehme (Jul. 20, 2011) (on file with author), *available at* <http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/SIPApprovalY1.pdf>.

³¹ Clearinghouse on Supervised Visitation, *SUPERVISED VISITATION AND LOW-INCOME FAMILIES: REPLICATING FLORIDA'S PILOT PROJECT TO IMPROVE FAMILY FINANCIAL STABILITY 22-25* (Draft May, 2012), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/03/DRAFT_ReplicationPlan.pdf.

³² *Child Support Enforcement Revised Intake Form*, INST. FOR FAMILY VIOLENCE STUDIES (FEB. 13, 2012), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Revised_Intake_Form_2-13-12.pdf.

³³

³⁴ FSU did not receive client-level data until names and identifying information was redacted.

³⁵ *Case Referral Tracking Form*, INST. FOR FAMILY VIOLENCE STUDIES (2012), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Revised_Intake_Form_2-13-12.pdf.

³⁶ See Karen Oehme, Clearinghouse on Supervised Visitation, *Using Supervised Visitation to*

tripled that number, providing 3.2 and 4.1 referrals, respectively, to each family.³⁷ Depending on the needs of each particular family, the SIP programs were prepared to make referrals to the following services/agencies/groups:³⁸

- Child Support Enforcement Office
- Housing Authority
- Workforce Program – Job Training, employment assistance
- Financial Literacy Assistance: Assets for Independence, money-training programs
- United Way
- Fatherhood Support Programs
- Early intervention programs, such as Daycare, Head Start
- Domestic Violence Advocacy Program for Victims
- Batterer Intervention Program for Perpetrators
- Health Services for Adults: Medical
- Health Services for Children: Medical
- Legal Services for Low Income People
- Educational Assistance: GED, high-school equivalency, loans for college, loans for training
- Local food banks and the Salvation Army
- Transportation Assistance
- Mental and Chemical Health Services for Adults: Psychological/counseling/support groups/Alcoholics Anonymous/Narcotics Anonymous
- Health Services for Children: Psychological/counseling
- Parenting Programs (not specifically Fatherhood)

The federal grant requires the supervised visitation pilot programs to educate parents about the state's child support enforcement processes and to address the financial barriers facing parents, referring them to employment services to help them obtain jobs so they can meet their financial obligations.³⁹ In Florida, the Department of Revenue (DOR) has administered the Child Support Enforcement Program since 1994. DOR provides child support services to individuals in

Promote Family Economic Self-Sufficiency, http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/2012_SVN_Conf_PresentationFINAL.pdf (last visited Nov. 26, 2012).

³⁷ See *infra* Table One: Overall Case Referral Data.

³⁸ See Clearinghouse on Supervised Visitation, *Supervised Visitation and Low-Income Families: Replicating Florida's Pilot Project to Improve Family Financial Stability* (2012), Table of Contents, http://familyvio.csw.fsu.edu/wp-content/uploads/2012/03/DRAFT_ReplicationPlan.pdf (last visited Nov. 26, 2012).

³⁹ OFFICE OF CHILD SUPPORT ENFORCEMENT, *supra* note 23.

all but two of Florida's 67 counties.⁴⁰ These sources, operated at the local child support enforcement office level, include comprehensive services: initial orders for child support; assistance locating non-custodial parents; establishing paternity, modifying child support orders; and educating parents about statutory parameters for child support responsibility.⁴¹ In order to link parents to child support officers through supervised visitation as part of the SIP project, the directors of both pilot programs attended orientation and training sessions at the local CSE officers to learn about the policies and procedures of those programs. According to the director of the Tampa program,

I've been a director for over ten years dealing with poor families with few resources. Learning how the child support system works was an epiphany for me. Connecting with that office, and introducing it to parents changed our program completely. So many social workers and social service providers could learn from this. We tell parents what to expect. We can demystify the process now.⁴²

A video produced by the DOR to educate parents about child support enforcement services was provided to the two pilot program directors for their staff. The video was later given to all of the program directors in the state.⁴³

In November 2011, Florida's Supervised Visitation Standards Committee recommended that the Office of Child Support Enforcement be added to the best practices list of community

⁴⁰ In Dade and Manatee Counties, the Clerk of the Courts administers child support enforcement services. *See* Clearinghouse on Supervised Visitation, *Supervised Visitation and Low-Income Families: Replicating Florida's Pilot Project to Improve Family Financial Stability Appendix D & E* 83-90 (2012), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/03/DRAFT_ReplicationPlan_AppendixDE.pdf (last visited Nov. 26, 2012).

⁴¹ *About the Child Support Enforcement Program*, FLA. DEP'T OF REVENUE, http://dor.myflorida.com/dor/childsupport/about_us.html (last visited Oct. 26, 2012).

⁴² *September 2012 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (Sept. 18, 2012, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Sep18_2012-Minutes.pdf.

⁴³ *See* Office of Child Support Enforcement, Fla. Dep't of Revenue, *Child Support Enforcement Introductory Video*, INST. FOR FAMILY VIOLENCE STUDIES, <http://familyvio.csw.fsu.edu/economic-well-being/> (last visited Oct. 31, 2012).

partners. Supervised visitation programs use these standards to shape service delivery. The approved new language is for Principle 4, Community:

Program staff should be able to connect clients to the following: ...10. The Local Child Support Enforcement Office: Supervised Visitation and monitored exchange program staff should understand the services and functions of the local Child Support Enforcement (CSE) office. The CSE offices can help parents establish paternity, establish child support payments, enforce support orders, locate parents, and modify orders. Such services increase family economic stability and alleviate poverty. It is valuable for supervised visitation programs to be able to provide meaningful linkages to families for assistance with financial improvement and sustainability strategies.⁴⁴

After establishing the linkage between child support agencies and the SIP services, the two SIP programs interpreted the grant requirement of providing linkages for clients to “employment services” much more broadly than just job placement services. The SIP programs decided that they would make meaningful linkages for clients to any local agencies that could assist parents in finding employment and increase their individual ability to sustain employment. Using too narrow a definition of employment services, the program directors believed, would leave large gaps through which clients would be deprived of the opportunity to gain the fundamental skills and resources necessary to keep a job. Thus, job placement programs were highlighted for clients, but the SIP programs also made connections with—and were able to also refer clients to—many other programs. For example, referrals were made to literacy programs so that parents would know how to read and fill out job applications; graduate equivalency diploma (GED) services to make parents eligible for better, higher paying jobs requiring a high school degree or GED; vocational rehabilitative services, fatherhood and mentorship programs to provide support; health services to address healthcare needs so that parents could be healthy

⁴⁴ See Clearinghouse on Supervised Visitation, *Supervised Visitation and Low-Income Families: Replicating Florida’s Pilot Project to Improve Family Financial Stability* (2012), Table of Contents, http://familyvio.csw.fsu.edu/wp-content/uploads/2012/03/DRAFT_ReplicationPlan.pdf (last visited Nov. 26, 2012).

enough to show up for work; legal aid for advocacy with legal issues; Head Start programs and daycare; and housing assistance, so that the family could have a safe place to live, along with a variety of other agencies and organizations.⁴⁵ One of the most striking aspects of the SIP, according to Sharon Rogers, the director of the Judge Ben Gordon Center, is the way in which the visitation staff expanded their understanding of *all* local resources.⁴⁶ In one of the monthly calls between the project's partners, Rogers noted that "last month we connected a client to immigration (legal) services, because we identified that issue as a fundamental problem for the client to get a job. A few years ago, we would have never asked about such a need. Now the client is really getting the help she needs, not just what we are accustomed to offering. It's a different way to look at clients."⁴⁷

Because so many clients of supervised visitation programs are poor, the Clearinghouse developed multimedia materials that encouraged clients to understand consumer issues, including the interest rates and fees charged by automobile title lenders;⁴⁸ payday check cashing

⁴⁵ *Replication Plan*, *supra* note 50.

⁴⁶ *November 2012 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (Nov. 19, 2012, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Nov19_2012-Minutes.pdf.

⁴⁷ *Id.*

⁴⁸ *Title Loan: Don't Risk Losing Your Car*, THE CTR. FOR RESPONSIBLE LENDING, <http://www.responsiblelending.org/other-consumer-loans/car-title-loans/> (last visited Oct. 26, 2012), describes the problems with car title loans as follows: "The short length of a car title load, usually only 30 days, requires borrowers to pay principal and interest in a single payment." The cycle of debt begins, with the borrower struggling to fully repay the debt, and sometimes surrendering the car's title, which presents a host of new problems for the lender. Florida does limit the interest that the business can charge to the client for interest, but many states do not. See *Car Title Lending by State*, THE CTR. FOR RESPONSIBLE LENDING, <http://www.responsiblelending.org/other-consumer-loans/car-title-loans/tools-resources/car-title-lending-by-state.html> (last visited Oct. 26, 2012), for a map and breakdown. See also Christopher Neiger, *Why Car Title Loans are a Bad Idea*, CNN (OCT. 8, 2008), http://articles.cnn.com/2008-10-08/living/aa.car.title.loans_1_car-title-loan-interest-rates-responsible-lending-for-title-loans?_s=PM:LIVING.

stores; and rent-to-own furniture stores,⁴⁹ which create a “turnstile of debt”⁵⁰ because of the terms and interest charged to borrowers. Often relied upon by low-income individuals,⁵¹ this type of lending has been described as predatory because it makes it harder for people to escape poverty.⁵² The Clearinghouse used SIP to encourage participants to make informed decisions about how best to utilize their scarce resources. The need is great: in 2011, a study by the Federal Deposit Insurance Corporation found that more than one in four households (28.3 percent) are considered either “unbanked”—without a bank account—or “underbanked”—using monetary transactions outside of the mainstream banking system for at least some of their financial dealings.⁵³ About 8.2 percent of U.S. households are unbanked. This represents 1 in 12 households in the nation, or nearly 10 million in total. Additionally, 18% of households,— 43 million people — are “underbanked” occasionally using Alternative Financial Services (AFS)

⁴⁹ Consumer Reports examined offers at several rent-to-own merchants and found that consumers easily end up paying two to three times the amount it would cost to buy an item outright from a traditional retailer, with equivalent interest rates of as much as 311 percent. *See Consumer Reports Investigation: Would you pay the equivalent of 311 percent interest to own a big-screen TV?*, CONSUMER REPORTS (last updated June, 2011), <http://www.consumerreports.org/cro/money/shopping/rentacenter/overview/index.htm>.

⁵⁰ *Payday Lending: How a Short-Term Loan Becomes Long-Term Debt*, THE CTR. FOR RESPONSIBLE LENDING, <http://www.responsiblelending.org/payday-lending/> (last visited Oct. 26, 2012), describes payday loans as small loans marketed for borrows to tide themselves over to the next payday, but because of high interest rates consumers get into a turnstile of debt. *See also* Armen Keteyian, *How Payday Lenders Pull off Crippling Rates*, CBS EVENING NEWS (Sept. 26, 2011, 7:16 PM), http://www.cbsnews.com/2100-18563_162-20111913.html.

⁵¹ CONSUMER REPORTS, *supra* note 33. Consumer Reports explains how a \$600 computer will end up costing close to \$1900 after less than a year’s worth of payments and advises “Low-income people, who can least afford the higher costs, are the ones most likely to shop at rent-to-own stores. If you’re among them, we advise finding alternatives, even if it means postponing purchases until you can better afford them.”

⁵² Philip Reed, *Beware of Car Title Loans, Predatory Loans Are Fueled by Desperation*, EDMUNDS (last updated Jan. 11, 2011), <http://www.edmunds.com/car-loan/beware-of-car-title-loans.html>, quoting Melissa Whittaker, a counselor at Consumer Credit Counseling in Augusta, Georgia, as saying that although the advertising from car title loan companies conveys the image that “they are doing the communities a favor because they go into high-crime, high-poverty areas and extend credit where banks won’t,” ... “They are making it harder for [people] to get out of bad financial situations.”

⁵³ Fed. Deposit Ins. Corp., 2011 FDIC NATIONAL SURVEY OF UNBANKED AND UNDERBANKED HOUSEHOLDS (2012), available at http://www.fdic.gov/householdsurvey/2012_unbankedreport.pdf, (“Unbanked households are those that lack any kind of deposit account at an insured depository institution. Underbanked households hold a bank account, but also rely on alternative financial services (AFS) providers. Fully banked households are those that have a bank account of any kind and have not recently relied on any of the AFS included in the survey.”).

providers: check-cashing companies, pawn shops, liquor stores, or other alternatives to cash checks, pay bills and borrow money.⁵⁴ According to the study, African Americans and Hispanics were much more likely to be unbanked or underbanked than whites.⁵⁵ Given these statistics, and the results of studies that show that families can spend hundreds of dollars each year just to cash paychecks,⁵⁶ SIP clients were referred to financial education programs like Assets for Independence to learn the mechanics of checking and savings accounts, how to balance a checkbook, and how credit cards work.⁵⁷

Efforts toward breaking the cycle of poverty for children of low-income parents were addressed in several ways for SIP clients. The Clearinghouse created and circulated to programs information about how SIP clients can encourage their children to learn about saving money and managing finances. For example, Clearinghouse staff created and circulated a guide entitled Kids and Money Skills, which lists children's normal developmental phases and suggests games and

⁵⁴ *Id.*

⁵⁵ *Id.*; Sandra Block, *Many Shun Bank Accounts But Pay More For Financial Services*, USA TODAY (Aug. 10, 2010, 3:23 PM), http://usatoday30.usatoday.com/money/industries/banking/2010-08-10-unbanked10_CV_N.htm.

⁵⁶ "A 2008 study by the Pew Charitable Trusts estimated that the average "unbanked" household in California spends \$700 a year just to cash checks." Block, *supra* note 38.

⁵⁷ OFFICE OF COMTY. SERV., ADMIN. FOR CHILDREN & FAMILIES, DEP'T OF HEALTH & HUMAN SERV., ASSETS FOR INDEPENDENCE PROGRAM SUMMARY (July 5, 2012), http://www.acf.hhs.gov/programs/ocs/afi/fact_sheet.html, describing that the AFI program enables community-based nonprofits and government agencies to implement an assets-based approach to assist low-income families.

The Assets for Independence (AFI) Act is authorized in title IV of the Community Opportunities, Accountability, and Training and Educational Services Human Services Reauthorization Act of 1998, P.L. 105-285. . . . AFI projects help individuals save earned income in special-purpose, matched savings accounts called Individual Development Accounts (IDAs). . . . AFI project families use their IDA savings, including the matching funds, to achieve any of three objectives: acquiring a first home; capitalizing a small business; or enrolling in postsecondary education or training. Additionally, AFI projects provide basic financial management training to clients, such as financial education on bank accounts and credit cards; credit counseling and refundable tax credits.

Id.

activities to stimulate and develop these interests during visits and at home.⁵⁸ The Clearinghouse also published an activity guide titled *A Handful of Coins*, designed to assist parents in teaching young children about finance.⁵⁹

This focus on financial education for low-income families may seem somewhat tangential to the mission of supervised visitation program. Yet financial self-sufficiency has been proven to be one of the most effective means of preventing child maltreatment. Parents with access to basic resources—food, clothing, housing, transportation—as well as services such as child care and health care—are less likely to abuse or neglect their children.⁶⁰ Moreover, economic well-being casts a penumbra of stability over all arenas of family life, one which contributes toward an overall dynamic of safety and contentment. Parental resilience to crises, nurturing and attachment, understanding of youth development, and social connections: all of these factors are linked to a lower risk of child abuse, and each is more likely to be present in an economically sound household.⁶¹

A holistic approach to preventing child abuse, then, must include measures to ensure financial self-sufficiency. This, of course, was the goal of SIP, and its merits and pitfalls have been indicated in a plenitude of studies. Previous projects focusing on the potential linkages between various social services have all praised the potential benefit of such connections—while bemoaning their perpetual unviability. In 2004, researcher Jodi Sandfort examined paired

⁵⁸ Clearinghouse on Supervised Visitation, *Kids and Money Skills Guide*, and *Handful of Coins Kit* <http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Kids-and-Money-Skills-Economic-Wellness.pdf> (last visited Nov. 26, 2012).

⁵⁹ *Id.*

⁶⁰ See, Protective Factors, at http://www.childwelfare.gov/pubs/can_info_packet.pdf (last viewed January 2, 2013).

⁶¹ *Id.*

welfare services that were required to work together to help clients, noting that the attitudes of the staff, as well as a lack of communication between each agency, doomed the project.⁶² Claire Smrekar uncovered similar issues in school-linked social services programs, explaining that while teachers may refer students to social services, there is startlingly little coordination between schools and their community agencies.⁶³ Similarly, J.A. Weiss found a systemic discord between social services due, in part, to a faulty cost-benefit analysis by individual agencies and an unwillingness by service directors to reach out to their colleagues in other agencies.⁶⁴

In recent years, however, some communities have succeeded in laying the foundation for greater dialogue between agencies. Community Connect, an agency in La Posada, Arizona, was created for the express purpose of linking those in need with the agencies designed to help them. Bill McCreery, the Director of Casa Community Services (an agency involved with Community Connect) noted that “there’s no way people can know about every service, and which to choose so they aren’t bounced around.”⁶⁵ Whereas previously a citizen of La Posada might find herself caught up in the tangled web of isolated community services, she now has a single resource which can connect her directly to the agency best suited to her needs. And a study in Canada by Browne et al. in 2001 proved the cost effectiveness of linked community services, which help

⁶² Jodi Sandfort, *Why is human services integration so difficult to achieve?*, 23 FOCUS 35 (2004).

⁶³ Claire Smrekar, *The missing link in school-linked social service programs*, 16 EDUCATIONAL EVALUATION AND POLICY ANALYSIS 4122 (1994).

⁶⁴ Janet A. Weiss, *Pathways to cooperation among public agencies*, 7 JOURNAL OF POLICY ANALYSIS AND MANAGEMENT 94 (1987).

⁶⁵ Kitty Bottemiller, *Center a one-stop shop for social services*, SAHUARITA SUN, Nov. 21, 2012, http://www.gvnews.com/sahuarita_sun/news/center-a-one-stop-shop-for-social-services/article_c032def0-36af-11e2-ab06-0019bb2963f4.html?mode=story.

families attain economic self-sufficiency with greater celerity and prevent them from floundering without aid while searching for an appropriate agency.⁶⁶

SIP was launched with these success stories in mind, using supervised visitation programs as a plausible starting point because of the high rates of low income, needy families already using services.

II. SIP CLIENT LEVEL DATA AND FINDINGS

The tables below describe SIP program referrals and data collected.

Table One: Overall Case Referral Data

<i>Supervised Visitation Program</i>	Total Cases Opened Under the Project	Total Number of Referrals Made to Clients	Average Number of Referrals per Case	Total Number of Referrals Utilized by Clients	Average Number of Referrals Utilized per Case
Children's Justice Center (Urban)	74	237	3.2	188 (95%)	2.5
Judge Ben Gordon (Rural)	20	83	4.1	71 (86%)	2.5

Table One reveals that the Children's Justice Center program opened 74 cases in the SIP project, and made 237 referrals, 188 of which were used by clients. The Judge Ben Gordon Center opened 20 cases, made 83 referrals, 71 of which were used by clients.

Table Two: Specific Referral Data

⁶⁶ Gina Browne, Carolyn Byrne, Jacqueline Roberts, Amiram Gafni, and Susan Whittaker, *When the bough breaks: provider-initiated comprehensive care is more effective and less expensive for sole-support parents on social assistance*, 53 SOCIAL SCIENCE AND MEDICINE 1697 (2001).

Supervised Visitation Program	Most Common Referrals Made to Clients	Referrals Most Utilized by Clients
Children’s Justice Center (Urban)	<ol style="list-style-type: none"> 1. Child Support Enforcement (Recommended in 90% of Cases) 2. Counseling (Recommended in 37% of Cases) 3. Employment Assistance (Recommended in 34% of Cases) 4. Legal Assistance (Recommended in 23% of Cases) 5. Housing Assistance (Recommended in 20% of Cases) 	<ol style="list-style-type: none"> 1. Child Support Enforcement (Utilized 93% of 58 times Referred) 2. Employment Assistance (Utilized 87% of 30 times Referred) 3. Counseling (Utilized 69% of 32 times Referred) 4. Legal Assistance (Utilized 95% of 20 times Referred) 5. Housing Assistance (Utilized 87% of 15 times Referred)
Judge Gordon (Rural)	<ol style="list-style-type: none"> 1. Child Support Enforcement (Recommended in 90% of Cases) 2. Employment Assistance (Recommended in 40% of Cases) 3. Mentoring Programs (Recommended in 30% of Cases) 4. Domestic Violence Programs (Recommended in 30% of Cases) 5. Financial Literacy Program (Recommended in 25% of Cases) 	<ol style="list-style-type: none"> 1. Child Support Enforcement (Utilized 100% of 18 times Referred) 2. Food Assistance (Utilized 100% of 4 times Referred) 3. Domestic Violence Programs (Utilized 67% of 6 times Referred) 4. Childcare (Utilized 100% of 3 times Referred) 5. Housing Assistance (Utilized 100% of 3 times Referred)

Table Two describes the most common referral made to clients and the most utilized referrals. Child support enforcement referrals were the most made and utilized referrals, but both programs also made referrals to many other programs.

Table Three: Child Support Enforcement Data

Supervised Visitation Program	Total Cases Opened for Project	Total Referrals to Child Support Agency	Total cases tracked by Child Support Agency	Total Cases in which payments were made during tracking	Total New Orders for Child Support
Children’s Justice Center (Urban)	74	57	41 (72%)	23	8

Judge Gordon (Rural)	Ben	20	17	11 (65%)	10	1
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As Table Three above reveals, a total of 84 families chose to participate in the SIP pilot project in Florida, nine new orders for child support were instituted, and the Child Support Enforcement office tracked 52 families, of which 33 had payments made at some point during the tracking. A complete listing of both programs and all clients/services and outcomes for each program is available online.⁶⁷ Overall, the urban Children’s Justice Center in Tampa had nearly three times the number of participants, a higher number of new orders for child support, more increases in child support, and a higher percentage of referrals to community services accepted by clients. Both programs were highly successful in encouraging clients to follow up on referrals: clients followed up on between 86% and 96% of the referrals made by the two SIP programs. It should be noted that due to its geographic location in predominately rural panhandle of Florida, the Judge Ben Gordon Visitation Program had fewer clients, fewer SIP participants, and fewer resources to which participants could be referred. These findings suggest that replication of this study may work more effectively in urban areas. Researchers have long noted that rural areas have higher and more persistent poverty than urban areas, and face difficulties “because their sparse population and fewer economies of scale make it hard to sustain a tightly

⁶⁷ The data descriptions are available on the Institute for Family Violence Studies Website, at <http://familyvio.csw.fsu.edu/economic-well-being/> (last viewed January 3, 2013).

knit net of services, and because rural areas have fewer philanthropies and a smaller tax base to fund and support the needed services.”⁶⁸

In order to broadly communicate the lessons of the project, all of Florida’s supervised visitation programs have been informed about the mission, goals, and procedures of the SIP pilot in statewide conference calls and electronic newsletters since its inception. The following scenarios are examples of the linkages made for clients and discussed by the pilot program directors during phone conferences:

- A family being linked to utility payment assistance⁶⁹ to get the power turned on
- A family linked to summer lunch program so the child doesn’t go hungry just because school is not in session⁷⁰
- A mother who had previously only received a bag of diapers from her infant son’s father as “support” began receiving child support payments
- Connecting clients to a Goodwill job training site⁷¹
- Providing Christmas gifts for client children provided by local non-profit groups⁷²
- Connecting disabled clients to local services⁷³
- Connecting clients to back to school supplies for their children⁷⁴

⁶⁸ Scott W. Allard & Jessica Cigna, *Access to Social Services in Rural America*, 5 RURAL POVERTY RES. CENTER’S PERSP.: ON POVERTY, POL’Y, AND PLACE 8, 8 (Winter 2008-09), available at <http://www.rupri.org/Forms/PerspectivesWinter09.pdf>. Other authors have noted that rural communities have other challenges including diminished access to health care. JOEL A. HALVERSON ET AL., AN ANALYSIS OF DISPARITIES IN HEALTH STATUS AND ACCESS TO HEALTH CARE IN THE APPALACHIAN REGION (2004).

“Preparing professionals to address psychosocial needs of rural patients in medically underserved areas presents a unique challenge for social work academia (Lennon-Dearing, Florence, Garrett, Click, Abecrombie, 2008, p. 93).” Robin Lennon-Dearing et al., *A Rural Community-Based Interdisciplinary Curriculum: A Social Work Perspective*, 47(2) SOC. WORK HEALTH CARE 93, 94 (2008).

⁶⁹ *May 2012 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (May 14, 2012, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/May-14_2012-Minutes.pdf.

⁷⁰ *Id.*

⁷¹ *March 2012 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (Mar. 12, 2012, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Mar12_2012-Minutes.pdf.

⁷² *January 2012 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (Jan. 9, 2012, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Jan9_2012-Minutes.pdf.

⁷³ *September 2011 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (Sept. 12, 2011, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Sep12_2011-Minutes.pdf.

⁷⁴ *August 2011 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (Aug. 8, 2011, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/Aug8_2011-Minutes.pdf.

- Helping a mother who had never been employed before get enrolled in a job training program⁷⁵

All of Florida's programs have also had access to the Clearinghouse's SIP Replication Plan.⁷⁶ The Clearinghouse's SIP Replication Plan contains a step-by-step guide with "the five W's of Outreach" between supervised visitation programs and community economic services, explaining why linkages between supervised visitation programs and local social/economic services should exist, where such economic services are located, what those linkages should look like, who (within the supervised visitation program) should make the linkages, and when programs should reach out to low-income families.⁷⁷ The Plan also provides information to overcome clients' frustration with finding services, dealing with program staff turnover, and the importance of client feedback.⁷⁸

In May, 2012, the Clearinghouse discussed the developing SIP project for the first time with the broader, non-Florida supervised visitation community at the annual Supervised Visitation Network Conference.⁷⁹ The Supervised Visitation Network is a non-profit international networking organization of supervised visitation programs and stakeholders,⁸⁰ and

⁷⁵ *May 2011 DHHS Phone Conference Minutes*, INST. FOR FAMILY VIOLENCE STUDIES (May 9, 2011, 11:00 AM), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/09/May9_2011-Minutes.pdf.

⁷⁶ Clearinghouse on Supervised Visitation, *SUPERVISED VISITATION AND LOW-INCOME FAMILIES: REPLICATING FLORIDA'S PILOT PROJECT TO IMPROVE FAMILY FINANCIAL STABILITY 22-25* (Draft May, 2012), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/03/DRAFT_ReplicationPlan.pdf. Throughout the project, the Clearinghouse kept the statewide group of supervised visitation programs informed of job placement and child support enforcement resources and information. *November 2012 DHHS Phone Conference Minutes*, *supra* note 46.

⁷⁷ Clearinghouse on Supervised Visitation, *Supervised Visitation and Low-Income Families: Replicating Florida's Pilot Project to Improve Family Financial Stability* (2012), http://familyvio.csw.fsu.edu/wp-content/uploads/2012/03/DRAFT_ReplicationPlan.pdf (last visited Nov. 26, 2012) [hereinafter *Replication Plan*].

⁷⁸ *Id.*

⁷⁹ See Conference Brochure, *Supervised Visitation Network 2012 Annual Conference*, SUPERVISED VISITATION NETWORK, <http://svnworldwide.org/attachments/Brochure2012.pdf> (last visited Nov. 7, 2012) (Workshop titled "Using Supervised Visitation to Promote Family Economic Self-Sufficiency").

⁸⁰ *About SVN*, SUPERVISED VISITATION NETWORK, <http://svnworldwide.org/about.asp> (last visited Nov. 7, 2012).

conference attendees were informed about the project's basic framework and early outcomes. In addition, the coordinator of Canada's child access programs (as supervised visitation programs are called in that country) invited Clearinghouse staff to present the SIP results to a group of Canadian program directors.⁸¹

III. A Call to Judges

The history of supervised visitation reveals that supervised visitation programs have been shaped not only by federal funding sources, but also by local factors. The values of the professionals who create them, order litigants to them, and serve on their advisory or governing boards can have an extremely strong effect on the success of supervised visitation programs. Perhaps no single figure exerts more influence on such programs than judges, who, in their position as leaders of the community, are uniquely qualified to connect underprivileged litigants with necessary social services. This section proposes that judges capitalize upon their expertise in order to emphasize that community social service providers understand how to link clients to services that can eventually help them escape the cycle of poverty.

Judges and magistrates have long played key roles in supervised visitation. In the past, judges have convened local groups to create supervised visitation services in their communities; helped to craft policies and guidelines about visitation orders; and even made films educating parents about supervised visitation.⁸²

⁸¹ Communication between Karen Oehme and Judy Newman, Program Manager of the Supervised Access Program, Ministry of the Attorney General (Nov. 14, 2012) (on file with the author).

⁸² Dauphin County judge creates DVD on supervised visitation, describing Pennsylvania judge Jeannine Turgeon's efforts to educate people about its importance. Sari Heidenreich, *Dauphin county judge creates DVD on supervised*

As stated by the New York Center for Court Innovation:

Courts can work with local {supervised visitation} providers to develop formal protocols...outline a strategy for maintaining a strong relationships between service providers and law enforcement, and require ongoing staff training...Courts and supervised visitation staff should meet regularly and establish a close working relationship.⁸³

These relationships have taken many forms. Judge Frances Q. F. Wong, for example, was one of the three authors of *Navigating Custody and Visitation Evaluations in Cases with Domestic Violence: A Judge's Guide*, produced by the State Justice Institute and National Council of Juvenile and Family Court Judges (NCJFCJ). The Guide includes information about how judges should approach supervised visitation.⁸⁴ A 2006 newsletter for judges by the National Court Appointed Special Advocate Association and the NCJFCJ describes a variety of judicial efforts around the U.S. in shaping visitation, because “judges can and should exercise a leadership role in facilitating the court, agencies, and the community coming together to develop a plan to identify and resolve barriers to successful visitation.”⁸⁵ In 2004, for instance, the Polk County Model Court in Kentucky, led by Model Court Lead Judge Constance Cohen, developed a visitation philosophy and accompanying guidelines that focused on providing increased visitation services crafted to meet the developmental needs of children while enhancing the

visitation, ABC 27 WHTM (July 24, 2012, 3:05 PM), <http://www.abc27.com/story/19101018/dauphin-county-judge-creates-dvd-on-supervised-visitacion>. In Oklahoma, judges may appoint supervised visitation teams to create local visitation programs. OKLA. STAT. tit. 43, § 110.1a (2004).

⁸³ *Id.*

⁸⁴ CLARE DALTON, LESLIE M. DROZD, & FRANCES Q.F. WONG, STATE JUSTICE INST. & NAT'L COUNCIL OF JUVENILE & FAMILY COURT JUDGES, NAVIGATING CUSTODY AND VISITATION EVALUATIONS IN CASES WITH DOMESTIC VIOLENCE: A JUDGE'S GUIDE 24 (2006), available at <http://www.afccnet.org/Portals/0/PublicDocuments/ProfessionalResources/BenchGuide.pdf>.

⁸⁵ J. Dean Lewis, *An Overview of Foster Care Family Visitation Issues*, JUDGES' PAGE NEWSL., June 2006, at 6, available at http://www.casaforchildren.org/atf/cf/%7B9928CF18-EDE9-4AEB-9B1B-3FAA416A6C7B%7D/0606_family_visitation_issue_0036.pdf.

parent-child bond.⁸⁶ Such a role for judges, though never envisioned by the early common law that helped to shape American jurisprudence, is a fundamental part of modern family law.⁸⁷ The complex role of the presiding judge today is assisted by myriad social workers, counselors, guardians ad litem, parenting coordinators, child protective investigators, and others who help to provide “therapeutic jurisprudence.”⁸⁸ Such assistance is vital, as judges are now faced with not just with divorce, but of child abuse and neglect, domestic violence, parental substance abuse and kidnapping, and a host of other complex problems.⁸⁹

The role of judges in local supervised visitation programs increased enormously under the Safe Havens Supervised Visitation Grant Program, which “provides an opportunity for communities to support the supervised visitation and safe exchange of children in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking.”⁹⁰ The grant program has been in operation since 2003, and between 2008 and 2011 it has funded over \$37 million into state and local governments for supervised visitation.⁹¹ One of the four statutory

⁸⁶ Constance Cohen, *Planning a Child's Tomorrow Today: Creating Visitation Guidelines*, JUDGES' PAGE NEWSL., June 2006, at 12, available at http://www.casaforchildren.org/atf/cf/%7B9928CF18-EDE9-4AEB-9B1B-3FAA416A6C7B%7D/0606_family_visitation_issue_0036.pdf.

⁸⁷ Bruce J. Winick, *Applying the Law Therapeutically in Domestic Violence Cases*, 69 UMKC L. REV. 33, 33 (2000).

⁸⁸ Therapeutic jurisprudence posits that legal rules and procedures and agents of the legal system (lawyers, judges) act as social forces that can produce positive, therapeutic effects or negative, antitherapeutic effects for the mental health and psychological functioning of the nonagents (victims, defendants, witnesses) involved. *See, e.g.*, Carolyn C. Hartley, *A Therapeutic Jurisprudence Approach to the Trial Process in Domestic Violence Felony Trials*, 9 VIOLENCE AGAINST WOMEN 410, 410 (2003). Dennis P. Stolle et. al., *Integrating Preventive Law and Therapeutic Jurisprudence: A Law And Psychology Based Approach To Lawyering*, 34 Cal. W. L. Rev. 15 (1997).

⁸⁹ *See, e.g.*, JUDGES' PAGE NEWSL., June 2006, available at http://www.casaforchildren.org/atf/cf/%7B9928CF18-EDE9-4AEB-9B1B-3FAA416A6C7B%7D/0606_family_visitation_issue_0036.pdf (describing visitation and the role of the judge in a variety of cases in which the child and non-offending parent are at risk. This includes domestic violence cases and child abuse and neglect cases.).

⁹⁰ *See* Office of Violence Against Women, U.S. Dep't of Justice, *Supervised Visitation and Safe Exchange Grant Program*, http://www.ovw.usdoj.gov/safehaven_desc.htm (last visited Nov. 7, 2012).

⁹¹ *See, e.g.*, OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, 2010 BIENNIAL REPORT TO CONGRESS ON THE EFFECTIVENESS OF GRANT PROGRAMS UNDER THE VIOLENCE AGAINST WOMEN ACT, available at

considerations that are taken into account when grants are awarded to local governments to create supervised visitation programs is “the extent to which the applicant demonstrates coordination and collaboration with state and local court systems”⁹² All grantees are “required to enter into formal collaborations with state, tribal, or local courts”⁹³ and those courts partnering on the project must have specified roles and responsibilities⁹⁴ with regard to the supervised visitation program. As the County of Dallas, Texas reported, the collaborative relationships formed locally as a product of the Safe Haven’s grant “resulted in the creation of a multidisciplinary training committee that includes a family law judge, a criminal court judge, attorneys, and domestic violence advocates...”⁹⁵

The courts, of course, are not immune from the dynamics of community economics. Judges understand that economic crises affect the courts, families, entire communities, and even large geographic regions.⁹⁶ In 2010, the California Bar Journal stated that trial courts are forced to address “mounting concerns with dwindling resources:”⁹⁷

<http://www.ovw.usdoj.gov/docs/2010-biennial-report-to-congress.pdf> [hereinafter OVW, *Biennial Report*]. From the year 2008 to the year 2011, the Office of Violence Against Women allotted \$37,616,195 to the Safe Haven: Supervised Visitation and Safe Exchange Grant Program. **Yearly Breakdown:** 2008 \$9,613,671.00; 2009 \$8,614,706.00; 2010 \$11,652,912; 2011 \$7,734,906. Office of Violence Against Women, *FY Grant Awards by Program*, <http://www.ovw.usdoj.gov/fy2011-grant-program.htm> (access each year by following appropriate year hyperlink under “FY Grant awards by program”) (last visited Nov. 7, 2012).

⁹² *Id.*

⁹³ See OFFICE ON VIOLENCE AGAINST WOMEN (OVW), U.S. DEP’T OF JUSTICE, OMB No. 1122-0020, OVW FISCAL YEAR 2012 SAFE HAVENS: SUPERVISED VISITATION AND SAFE EXCHANGE GRANT PROGRAM 15 (2012), available at <http://www.ovw.usdoj.gov/docs/FinalSVSolicitation2-10-2012.pdf>.

⁹⁴ *Id.*

⁹⁵ OVW, *Biennial Report*, *supra* note 78, at 188.

⁹⁶ See, e.g., ROBERT W. TOBIN, LEARNING FROM RECESSION (2003), available at http://www.ncsconline.org/WC/Publications/CS_BudPro_Recession_Lessons.pdf (discussing the impact of recession in the 1990s on state courts).

⁹⁷ See Diane Curtis, *Recession Related Suits a Drain on Courts*, CAL. ST. B.J. (June 2010), <http://www.calbarjournal.com/June2010/TopHeadlines/TH1.aspx> (quoting Los Angeles Superior Court Judge Robert Dukes in the court’s annual report as saying “We in the trial courts are forced to address these mounting concerns with dwindling resources.”).

[T]he recession has resulted in more foreclosures, more evictions, more contract disputes, more home burglaries, more petitions for expungement, more petty theft, more small claims, more requests for a change in alimony or child support, more domestic violence, more unpaid debts.⁹⁸

Several judges have publicly echoed these concerns, noting an increased responsibility to aid the community with a wider range of services:

“Society’s problems come to us,” New York’s Chief Judge, Jonathan Lippman, told the New York Times. “We are the emergency room for society...”⁹⁹ The Chief Justice of the New Hampshire Supreme Court, John T. Broderick, Jr., added that “many divorce, petty crime and domestic violence cases seem to have their roots in financial troubles.” One Florida judge’s warning about equal access to legal representation was dire: We are facing a crisis — there’s no other word for it — in funding legal services for low-income people throughout our country and in our state. I do not exaggerate when I say we teeter on the brink of a two-tiered justice system: one for the haves and one for the have-nots.¹⁰⁰

Due to their professional proximity to domestic violence, many judges also understand the interactions between economic problems and domestic abuse. The ability of some victims of domestic violence to escape abuse, for instance, is often limited by their financial dependence on the batterer. Although there are numerous complex reasons why victims may stay with a batterer, some victims simply do not have enough money to leave their abusive partners and survive.¹⁰¹

⁹⁸ *Id.*

⁹⁹ William Glaberson, *The Recession Begins Flooding Into the Courts*, N.Y. TIMES, Dec. 28, 2009, available at <http://www.nytimes.com/2009/12/28/nyregion/28caseload.html?pagewanted=all>.

¹⁰⁰ Gwynne A. Young, *Thou Shalt Not Ration Justice*, 86(7) FLA. B.J. 4 (2012), available at <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/Author/4CBCC95A8F44A36385257A28006CD0F3>.

¹⁰¹ See Los Angeles Police Department, *Domestic Violence: Reasons Why Battered Victims Stay With the Batterers*, http://www.lapdonline.org/get_informed/content_basic_view/8877 (last visited Oct. 24, 2012, 3:35 PM); Darrell Payne & Linda Wermeling, *Domestic Violence and the Female Victim: The Real Reasons Why Women Stay*, 3 J. MULTICULTURAL GENDER & MINORITY STUD. 1 (2009), available at www.scientificjournals.org/journals2009/articles/1420.pdf (Both articles recite some of the many, complex reasons why victims may choose to stay with an abuser, including fear of physical harm or death, fear of losing the children, fear of not being believed, the inability to survive financially, and the real threat of heightened violence upon separation.).

The current study strongly suggests that judges should take an active role in helping low-income clients get help from community services. Those judges who help to shape or develop new supervised visitation programs should advise that the program incorporate economic assistance referrals into their programming. In practice, this must translate into more than staff members handing community agency brochures to clients. Rather, program staff should understand the full range of services available in the community for poor families and families in crisis. In addition, in order to help families make meaningful linkages to economic assistance, programs should make an effort to understand the needs of clients and families. The basics of what this would entail are described below.

Every supervised visitation program that receives court referrals should have a thorough understanding of community resources available for clients. In every program, a highly ranked staff member (preferably someone in an administrative role who can share information with all staff and volunteers) should be thoroughly familiar with the services and limitations of—and basic procedures for accessing—existing local agencies and organizations that assist individual and families, specifically those designed to increase an individual’s ability to acquire and keep employment. An easily accessible listing of economically-related services (defined broadly), the limitations of such services, and information on how to access them should be a part of each visitation program’s publicly available resources. This is a part of a top-down message: If the program administrator believes it is important to link clients to services they need, he or she will ensure that the program will understand what resources are available and how to access them. The willingness to provide cross-training of staff, so that agencies are informed about what services are offered by other agencies, is essential.

Safety issues are critical. As the Violence Against Women Office states, the responsibility of balancing the safety needs of parents who use the visitation programs rests not only with the programs, but also with the communities in which they operate.¹⁰² Therefore, programs should work with their new partners so that the entire community network “acknowledges and responds to the individual safety needs of family members.”¹⁰³

Intake changes. When program staff first encounter clients at intake, they have a structured opportunity to review the court orders and case plans for a family, determine the risks involved in parent-child contact, and orient the families to the processes and procedures of the visitation program. Those responsibilities are undoubtedly crucial. However, by asking a few additional questions, supervised visitation staff can determine various issues, such as the parents’ access (or lack thereof) to other services. It is important that this additional assistance is offered to clients on a voluntary basis; clients must be allowed to decline further assistance from staff. When one director from the pilot program emphasized that the project was completely voluntary, only a few people declined; some were concerned that more help meant more court involvement, but most were enthusiastic to hear about other services from which they might benefit. When additional assistance is identified, staff members can help make those linkages for parents.

Although the previous recommendations are directed at supervised visitation programs, they are applicable to a wider range of services; in fact, judges should sound the call for the entire structure of community services to understand what other services exist, how to access them, and provide linkages to those other needed services including comprehensive financial

¹⁰² U.S. Dep’t of Justice Office on Violence Against Women, *supra* note 10.

¹⁰³ *Id.* <http://www.ovw.usdoj.gov/docs/guiding-principles032608.pdf>

well-being services to individuals and families.¹⁰⁴ After all, it is difficult to see how the overburdened court system—which reflects the community it serves—can effectively help litigants transition out of the system when those litigants have no resources or assistance to do so. And few, if any, members of the community are as well qualified to help guide community services toward greater cooperation. As indicated above, judges, in their role as community leaders, exert both direct and indirect influence over these services. A judge’s initial referral or court order can set the course of a citizen’s life, directing him toward well-integrated, holistic services or leaving him stranded with a single, isolated agency. As the results of SIP suggest, a referral to an agency that engages in dialogue with other services in the community may help a citizen achieve economic self-sufficiency and increase his family’s overall quality of life.

CONCLUSION

The reforms tested by SIP represent only the start of a long journey toward a more holistic view of social services. Integrating various agencies and encouraging greater coordination between them saves money, strengthens the community, aids the needy, and helps to prevent child maltreatment. Supervised visitation agencies in particular are extremely well qualified to spark dialogue between social services and construct a network between different agencies. Yet the success of such a network hinges upon the participation of judges; they cannot solve every problem, but can and should encourage their community agencies—starting with

¹⁰⁴ Such a call to judges will likely not exceed their authority. For example, in Florida a judge may serve as an officer, director, trustee or non-legal advisor of an educational, religious, charitable, fraternal, sororal or civic organization not conducted for profit, subject to certain limitations and the other requirements. Florida Supreme Court, *Code of Judicial Conduct for the State of Florida* (July 3, 2008), <http://www.floridasupremecourt.org/decisions/ethics/index.shtml>.

supervised visitation programs—to work closer together and function as part of a larger nexus of support for families.