

# **SUPERVISED VISITATION CENTERS IN MASSACHUSETTS A GUIDE FOR ATTORNEYS IN DOMESTIC VIOLENCE CASES**

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## **INTRODUCTION**

Supervised visitation centers provide a safe, neutral, child-friendly environment for parent-child contact. The judges of the Probate and Family Court order parent-child contact at supervised visitation centers where considerations of domestic violence, child sexual abuse, substance abuse, mental illness, or minimal prior parent-child contact are critical to the safety and well-being of all participants, including the children. The Massachusetts Department of Children and Families (DCF) contracts with most supervised visitation centers to provide services that comply with safety requirements.

Supervised visitation centers strive to create a stress-free experience for the children through informal settings that are independent from the legal case, the parents, lawyers, social service providers, and state agencies.

The centers that are members of the [Massachusetts Coalition for Supervised Visitation \(MCSV\)](#) under contracts with DCF are particularly well-suited to providing supervised visitation in these circumstances. The MCSV was established in 1991 “to provide and promote, according to the highest professional standards, emotionally and physically safe, supervised contact between children and family members from whom they are separated.” Some member centers provide services only where there is a court order. Others, without a court order, accept self-referrals from parents and referrals from DCF, therapists, and other social services. Appendix One contains [contact information](#) for DCF-funded supervised visitation centers that are members of the MCSV.

This guide, which focuses on using supervised visitation centers in domestic violence cases, has four sections:

Section One – Overview of MCSV supervised visitation centers services

Section Two – Overview of MCSV supervised visitation centers’ policies and procedures

Section Three – Supervised visitation orders

Section Four – Best practices for attorneys seeking supervised visitation orders

## **SECTION ONE – OVERVIEW OF MCSV SUPERVISED VISITATION CENTERS**

## **A. Supervision services**

Supervised visitation centers offer a range of supervision services: *supervised transfer*, *supervised visits*, *supportive supervised visits*, *therapeutic supervised visits*, and *transitional supervised visitation*. These services (except for *transitional supervised visitation* described below) are defined in the [Guidelines for Court Practices for Supervised Visitation](#), issued by the Probate and Family Court and posted on the Court's website. Categories within the Guidelines, as practiced, are fluid.

The most minimal service provided is *supervised transfer*, where the center supervises only the drop-off and pick-up of the child, and the visiting parent is free to take the child off-site without supervision during the visit itself.

When the court orders *supervised visitation* during the entire visit, a trained supervisor monitors, documents, and is present during the parent-child contact and during drop-off and pick-up. In most situations the visits initially occur inside the center. The visiting areas are child-friendly and look like places where children belong, with toys, games, and books. In some cases visits may progress to the point where the parent, child, and supervisor go outside for all or part of the visit. In a basic *supervised visitation* format, the supervisor does not intervene except where the visiting parent needs to be redirected to more appropriate parenting, or reminded of center rules, places the physical or emotional safety and well-being of the child at risk.

Enhanced services include more active *supportive supervised visitation*, which is defined as supervised contact between a parent and child where the supervisor is actively involved in teaching the parent how to interact with the child and modeling positive, appropriate behavior to foster the parent-child relationship. *Therapeutic supervision*, rarely available, provides the therapeutic interventions provided by a licensed mental health professional in addition to the protective and/or supportive functions of supervised visitation. Since few centers provide all of these enhanced services, attorneys should [contact a center](#) to find out about its enhanced services before going to court. See Appendix One for DCF-funded MCSV member contact information.

Supervised visitation centers may also offer *transitional supervised visitation* services, which address the transition from supervised to unsupervised visitation, and are critically important. Transitional services include partially supervised visits, extending the length of the supervised visit, off-site or community-based supervised visits, and monitored exchange (*supervised transfer*, above). In cases involving a transfer from supervised visitation at a center to unsupervised visitation, the center may have recommended methods for transitioning that are tailored to the specific case. Where the only danger is risk of flight, some centers offer on-site unsupervised visits where a parent may visit but not leave the center with the child.

## **B. Fees**

Supervised visitation centers charge for their services on a sliding scale based on the income of the visiting parent. There are two kinds of fees: an intake fee and a fee charged for each visit or exchange. Some centers receive funding from DCF to specifically serve families affected by domestic violence and thus are able to further

lower the cost. The Court may apportion fee payments between the parties. Generally DCF funded programs do not require parents who are survivors of domestic violence to pay a fee. Usually, the visiting parent pays the fees. The party who is the victim of domestic violence might not be determined until after an intake is completed.

### **C. Safety and security**

To provide safety and security for abused parents and children affected by domestic violence, the centers have on-site security personnel, and do safety planning with victims about traveling to and from the center. Some centers have metal detectors. The tasks and roles of security personnel vary from center to center.

The centers are organized so that the parties have no contact at the center and have no need to interact. The parties arrive at staggered times, and the visiting party remains at the center for a period of time after the custodial party and child leave. Where the victim is the visiting party, safety planning and additional measures are taken to provide the necessary protection from the offender.

## **SECTION TWO – OVERVIEW OF MCSV SUPERVISED VISITATION CENTERS’ POLICIES AND PROCEDURES**

Below are some of the typical rules, guidelines, and procedures of the various centers. Attorneys should contact the specific center for details and provide clients with information about the visitation center’s practices before going to court.

### **A. Intake**

Each center has an intake procedure that must be completed prior to the commencement of visitation. Initial contact with a center should be by telephone, as the centers do not want “walk ins”. Each party does an individual intake, which usually includes questions regarding domestic violence, sexual assault, mental and medical health issues, involvement with DCF and contact information. Older children may also be interviewed. Necessary documents such as photo ID’s, copies of court orders, vehicle registrations, authorization for release of information, and documentation of protective orders (c. 209A), may be requested and should be produced and/or signed before visits begin.

### **B. Introduction to the center**

The centers’ introduction to all participants focuses on safety protocols. They offer orientation to the child, sometimes separately from the parties. Children may be introduced to the center before a visit occurs so that they become comfortable with the site, meet the supervisor, have a chance to ask questions, and feel more at ease.

### **C. Arrival and departure**

The centers’ procedures designate parking areas for the residential parent and the visiting parent. Typically, they do not permit waiting in the parking area or near the building during the visit. They require staggered arrival and departure times so that the parties do not encounter each other: The visiting parent arrives first, at a specific time, usually 15 minutes before the visit begins. The residential parent arrives about 5

minutes before the visit and leaves the center with the child immediately after the visit is concluded or after conferring with the staff, as necessary. The visiting parent waits for a mandated period of time before leaving to prevent him or her from following the residential parent. Where the visiting parent is the survivor of domestic violence, other arrangements may be made.

**D. Fees**

Fees are due upon arrival of the visiting parent. Where there was a cancellation with insufficient notice or where the visit was cancelled because of a parent's tardiness, there may be back, cancellation, or late fees owed. The centers have a sliding fee scale in order to accommodate parents regardless of their income. Fees may be as little as \$5.00. Parties should contact the center to find out what forms of payment are accepted.

**E. Language**

Centers accommodate language needs of clients to the best of their abilities. The visitation supervisor needs to be proficient in the family's language.

**F. Photographing and recording**

Centers usually do not permit cameras, video or audio recording, or cell phones. The center may permit a disposable camera at a specific visit with prior approval.

**G. Restrooms**

If a young child needs to use the restroom, he or she will be accompanied by a supervisor, not by the visiting parent alone.

**H. Gifts and food**

The centers tend to allow cards and unwrapped gifts on specific occasions. Staff approval and/or the consent of the residential parent are required prior to giving cards or gifts. Cards and gifts are inspected before they are given to the child. Some centers permit food; others do not.

**I. Documentation and reports**

Each center has a protocol pertaining to documentation and report content, access, dissemination, and use. Reports contain factual observations, but they do not contain opinions. A few centers may make recommendations, for example where a case is moving from supervised visiting to unsupervised off-site visiting, and the victim is in danger of further abuse. Centers provide information to courts, parents, legal guardians, and their attorneys only. They do not provide information to relatives, friends, or acquaintances. Some centers may provide information to other third parties with a written and signed authorization for release of specific information. Centers require advance notice from parents and attorneys seeking copies of observation notes or other records.

**J. Communication**

The centers do not permit visiting parents to whisper, convey messages to the residential parent through the child, pass notes, or promise future visits; initiate discussion about their relationship with the residential parent, child support or financial issues; or ask questions about members of the residential parent's family, relationships, or household.

Most centers allow children to express their emotions verbally. Visiting parents are prepared beforehand by center staff about appropriate and inappropriate responses to children's talking about their emotions. In general, however, visiting parents are discouraged from bringing up past events.

**K. Grounds for immediate termination**

If a center finds weapons, staff will call the police and terminate the services immediately. The center also may terminate visits for nonpayment of fees, hitting, yelling, or inappropriate discipline, suspected alcohol or drug use, fighting, harassment, intimidation, or loitering. Centers abide by all federal and state mandated reporting laws.

**L. Cancellations**

Cancellation policies are designed to avoid continually disappointing or hurting a child by a "no show" parent, and to protect victims from harassment. Centers require advance cancellation, usually 24 hours, in order to provide timely information to parents and children and to enhance safety for victims with early notification of changes in the visitation schedule. A 24 hour advance notification of a cancelled visit also releases the parent from a special fee for "no shows" and late cancellations. The center may terminate services where there have been three consecutive cancellations by the visiting parent or three cancelled and/or "no shows" over a pre-determined period of time (e.g., two months).

**M. Ground rules infractions**

The center may respond to the first infraction with a warning; the second infraction of the same rule with a written warning and communication with the court; and the third infraction of the same rule with a suspension of the visits.

**SECTION THREE – SUPERVISED VISITATION ORDERS: APPLICABLE STATUTES AND GUIDELINES**

**A. Introduction**

Supervised visitation may be the best remedy in cases where the well-being of the child is served by continuing his or her relationship with an abusive parent. It may be preferable to the drastic step of terminating parent-child contact altogether.

The applicable statutes and guidelines are

- [G.L. c. 208, § 31A](#); [G.L. c. 209, § 38](#); [G.L. c. 209A, § 3](#); and [G.L. c. 209C, § 10](#);
- [Guidelines for Judicial Practice: Abuse Prevention Proceedings](#) (Administrative Office of the Trial Court, 2011); and
- [Guidelines for Court Practices for Supervised Visitation](#) (Probate and Family Court, 2005).

Note further that the [Guidelines for Court Practices for Supervised Visitation](#) refer to a *Supervised Visitation Risk Assessment for Judges*. The *Risk Assessment*,

developed by the Probate and Family Court in 2005, offers a practical and conceptual framework for focusing on risk assessment when considering parent-child contact.”

**B. G.L. c. 208, § 31A; G.L. c. 209, § 38; G.L. c. 209A, § 3; G.L. c. 209C, § 10**

In families where a pattern or serious incident of abuse has occurred, judges of the Probate and Family Court must, if ordering visitation, “provide for the safety and well-being of the child and the safety of the abused parent.”

“The court may consider ...

- (a) ordering an exchange of the child to occur in a protected setting or in the presence of an appropriate third party;
- (b) ordering visitation supervised by an appropriate third party, visitation center or agency;
- (c) ordering the abusive parent to attend and complete, to the satisfaction of the court, a certified batterer’s treatment program as a condition of visitation;
- (d) ordering the abusive parent to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding visitation;
- (e) ordering the abusive parent to pay the costs of supervised visitation;
- (f) prohibiting overnight visitation;
- (g) requiring a bond from the abusive parent for the return and safety of the child;
- (h) ordering an investigation or appointment of a guardian ad litem or attorney for the child; and
- (i) imposing any other condition that is deemed necessary to provide for the safety and well-being of the child and the safety of the abused parent.

In the cited sections: “‘abuse’ shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and child: (a) attempting to cause or causing bodily injury; or (b) placing another in reasonable fear of imminent bodily injury. ‘Serious incident of abuse’ shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and child: (a) attempting to cause or causing serious bodily injury; (b) placing another in reasonable fear of imminent serious bodily injury; or (c) causing another to engage involuntarily in sexual relations by force, threat or duress. For purposes of this section, ‘bodily injury’ and ‘serious bodily injury’ shall have the same meanings as provided in section 13K of chapter 265.”

In c. 209A proceedings, the Probate and Family Court should only issue visitation orders if the plaintiff requests them. See [Guidelines for Judicial Practice: Abuse Prevention Proceedings](#) 12:00 (p.197). The [Complaint for Protection from Abuse form, page 2](#), has a section where the Plaintiff can request orders relative to visitation, including orders for supervised visitation.

**C. Guidelines for Court Practices for Supervised Visitation**

The Probate and Family Court has issued [Guidelines for Court Practices for Supervised Visitation](#). “These Guidelines ... are intended to protect the safety and welfare of children, adults, and supervisors of supervised visitation.”

These Guidelines (p. 5) state what must be included in each supervised visitation order.

All orders for supervised visitation shall contain the following provisions:

1. The reason for the supervision, including any specific concerns for the safety of the parties or children;
2. The type of supervision, if specialized supervision is required (i.e., Supportive Supervised Visitation, Therapeutic Supervision);
3. The name of the supervisor;
4. The frequency and duration of visits and restrictions on location, if any;
5. A specific review date, unless the order requiring supervision is for a date certain; and
6. The assignment of responsibility for payment, if applicable.

The Guidelines state (p.2) that judges should consider the following factors in deciding whether to order supervised visitation:

- The **risks** parent-child contact presents to members of the family
- The **protection** provided by a supervised visitation service
- The **qualifications** of the supervisor and the capacity of that supervisor to provide the type of service being considered

The [Guidelines](#) also state that the *Supervised Visitation Risk Assessment for Judges* (see C., below) should be used to assist in making those determinations.

The [Guidelines](#) (pp. 3 and 4) describe four kinds of supervised visitation:

1. **Supervised Transfer** – refers to supervising or monitoring the exchange of a child between a custodial and non-custodial party at the start and end of a parent–child contact.
2. **Supervised Visitation** – refers to parent-child contact that is overseen by a supervisor.
3. **Supportive Supervised Visitation** – refers to supervised contact between a parent and child where the supervisor is actively involved in teaching the parent how to interact with the child and modeling positive, appropriate behavior to foster the parent-child relationship.
4. **Therapeutic Supervision** – refers to combining the therapeutic interventions provided by a licensed mental health professional with the protective and/or supportive functions of supervised visitation.

#### **D. *Supervised Visitation Risk Assessment for Judges***

The Probate and Family Court has developed a bench guide for judges called the *Supervised Visitation Risk Assessment for Judges*. The [Guidelines for Court Practices for Supervised Visitation](#) (p. 2) cites the *Supervised Visitation Risk Assessment for Judges*, stating that when judges consider ordering supervised visitation they should use the *Risk Assessment* to assist them in making the determinations about parent-

child contact risks, supervised visitation service protections, and supervisor qualifications and capacities described in Section Three, B, above.

The *Supervised Visitation Risk Assessment for Judges*, among other things, describes circumstances suggesting the need for supervised contact and factors for the court to consider in assessing the potential risk of harm posed by parent-child contact. See Section Four, A and B, below.

## **SECTION FOUR – BEST PRACTICES FOR ATTORNEYS SEEKING SUPERVISED VISITATION ORDERS**

### **A. Consider whether circumstances that indicate a need for supervised contact are present**

The *Supervised Visitation Risk Assessment for Judges* describes situations which suggest the need for court ordered supervised contact.

The *Risk Assessment* also lists factors for judges to consider in connection with each of the following situations:

1. Situation: Parent with minimal prior contact or parent wishing reconnection after prolonged visitation interruption.
  - (a) Factors about the nature of the lack of contact or interrupted contact
    - what are the reasons for or circumstances surrounding the lack of contact or interruption of contact
    - documentation of the reasons
    - the frequency and duration of interrupted contact
  - (b) Factors about the child
    - the child's understanding of the period without contact
  - (c) Factors about the parent with minimal or no contact
    - whether he/she is in treatment
    - if so, what is the treatment?
    - whether being in treatment is the reason for the lack of contact
      - whether that parent had the opportunity for contact
  - (d) Factors about the other parent
    - how this parent views resuming/increasing contact
2. Situation: A parent has parenting skills and/or cognitive deficiencies
  - (a) Factors to consider about the nature of the alleged deficiency
    - the nature of the alleged deficiency
    - documentation of the deficiency
    - presentation by the parent with the alleged deficiency
    - frequency and duration of the difficulties; whether they are global or specific to certain areas of functioning
  - (b) Factors to consider about the parent with the alleged deficiency
    - whether the parent is aware of his or her limitation
    - whether the deficiency has led to neglect
  - (c) Factors to consider about the other parent

- how he/she is around the child's ongoing care
  - whether this parent has adequate skills/cognitive processing
3. Situation: Parental conflict without violence
- (a) Factors to consider about the nature of the alleged conflict
- the nature of the alleged conflict
  - intermittent? continuous? Related to a specific issue?
  - documented?
  - frequency; duration; intensity
- (b) Factors to consider about the alleged parental conflict relative to each parent
- how angry is each parent
  - whether others (e.g., family, friends) are supporting the conflict
  - whether the parent tells the child about the conflict with the other parent
  - whether the parent puts the the child in the middle
  - whether the parent questions the child about and/or uses the child to get information about the other parent
4. Situation: Visitation refusal by child or custodial parent interference with visitation
- (a) Factors to consider about the nature of the refusal or interference
- the stated reasons for refusal/interference
  - corroborating information for the stated concerns
  - the duration of refusal or interference
  - the frequency of refusal or interference, e.g., some or all of the time
- (b) Factors to consider about the child
- whether, if there is more than one child, all of them are having disputed visitation
  - whether the child has been exposed to parental conflict
  - whether the quality of the relationship with a parent has changed
- (c) Factors to consider about the alleged interfering parent
- that parent's view of the situation
  - whether that parent is able to differentiate his/her view from that of the child
  - whether that parent has any insight into how the behavior affects the parent/child relationship
- (d) Factors to consider about the other (non-custodial) parent
- that parent's view of the situation
  - whether that parent is able to differentiate his/her own view from that of the child
  - how that parent responds to visitation refusal or interference
5. Situation: A parent has mental illness and/or substance abuse
- (a) Factors to consider about the nature of the alleged mental illness and/or substance abuse

- the nature of the alleged mental illness and/or substance abuse
  - whether the illness or abuse has been documented
  - the presentation of the illness or abuse
  - the frequency and duration of the illness or substance abuse
- (b) Factors to consider about the allegedly mentally ill and/or substance abusing parent
- whether he/she is in treatment
  - what the treatment is
  - the effectiveness of the treatment
- (c) Factors to consider about the other parent
- whether mental illness or substance abuse issues are present in this parent as well
  - whether this parent understands the mental illness and substance abuse issues
- (d) Factors to consider about the child
- whether the child is old enough, or of sufficient intellectual development to learn about the signs and nature of the mental illness
  - whether, if the visiting parent has difficulty during a contact, the child is capable of finding ways to get support and be safe, e.g., by finding another adult who can help
6. Situation: Partner abuse.
- (a) Factors to consider about the nature of the alleged abuse
- the nature of the alleged abuse and evidence for it
  - history of controlling or abusive behavior including emotional abuse, threats and/or intimidating behavior
  - history of controlling or abuse behavior towards prior partners
  - frequency; most recent; most severe
- (b) Factors to consider about the child
- the extent of child witnessing the violence
  - whether the child has been used to control the parent
  - whether the child has been hurt or neglected
  - whether and to what extent the Department of Children and Families has been involved
- (c) Factors to consider about the alleged abusive parent
- whether the alleged abusive parent claims to be the victim
  - whether the alleged abusive parent uses systems such as DCF, the police, or the courts to control or have contact with the victim
  - whether the alleged abusive parent has a history of restraining orders, criminal activity or violent behavior
  - whether there is information that the alleged abusive parent has been able to accept limits
- (d) Factors to consider about the alleged victim
- whether the parent is currently safe
  - whether the parent has sustained injuries
  - whether the alleged victim can separate his or her needs from those of the children

- whether there is a history of prior victimization, mental illness or substance abuse
  - the extent of the parent's level of fear
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7. Situation: Physical abuse and neglect of the child
- (a) Factors to consider about the nature of the alleged abuse
- the nature of the alleged abuse/neglect
  - whether the abuse/neglect has been documented
  - the frequency and duration of physical abuse or neglect
  - when the abuse or neglect allegedly last occurred
- (b) Factors to consider about the child
- whether the child has been traumatized
  - whether the child is suffering from post-traumatic stress disorder
  - whether the child has become aggressive or withdrawn
8. Situation: Sexual abuse of child
- (a) Factors to consider about the nature of the alleged abuse
- the nature of the alleged abuse
  - the evidence of the alleged abuse
  - the frequency and duration of alleged sexual abuse
  - when the abuse allegedly last occurred
  - whether the Department of Children and Families is involved; whether an evaluation has been completed or pending
- (b) Factors to consider about the child
- the impact on the target child(ren)
  - the child's current need for protection
- (c) Factors to consider about the other parent
- whether this parent is a survivor of sexual abuse
  - whether this parent is vulnerable in other ways
9. Situation: Threat of abduction
- (a) Factors to consider about the nature of the alleged threat
- the evidence for and nature of the alleged threat
  - the frequency and history of threats to abduct
  - what, if not a direct threat, led the parent to be concerned
- (b) Factors to consider about the child
- whether the child has been exposed to threats before
  - what the child knows now
- (c) Factors to consider about the alleged threatening parent
- whether he/she has the resources to carry out the threat, e.g., a place to go, ties to other locations

**B. Identify and clarify the needs of your client and child(ren)**

The *Supervised Visitation Risk Assessment for Judges* lists factors for the court to consider with respect to assessing the potential risk of harm to each child posed by parent-child contact.

Thus, the *Risk Assessment* directs judges' attention to relevant factors to consider that clarify the needs each child:

1. How old is the child?  
For example, the *Risk Assessment* points out that preverbal children cannot report their experiences and feelings.
2. Are there siblings that might be present during the parent-child contact?  
The *Risk Assessment* notes that the presence of a sibling during parent-child contact can be a protective factor.
3. What are the child's behavior and psychological reactions to contact with the non-custodial parent?  
The *Risk Assessment* directs judges to consider emotional, physical, and behavioral reactions.
4. What is the quality of the relationship between the child and the residential parent?  
The *Risk Assessment* points out that having a trusted and caring residential parent can make a difference in a child's capacity to withstand stress.
5. How good is the overall functioning of the child?  
The *Risk Assessment* points out that a child who is functioning well is more likely to have internal strengths to withstand the stresses associated with supervised visitation. Judges are advised to consider whether the child is having any academic, social, emotional, medical, or developmental difficulties.
6. Does the child have a therapist?  
The *Risk Assessment* points out that having a therapist, particularly one that is a mandated reporter, can be a safeguard for a child.

The *Risk Assessment* directs judges' attention to factors to consider that clarify the capacities of each parent:

1. Does the parent take responsibility for the situation leading to the need for supervised contact?  
The *Risk Assessment* says that a parent who can take responsibility for his/her part in a situation is more likely to be able to consider the child's experience than one who blames others and that one should be very concerned about a parent who believes that the child is responsible for the situation that led to requesting supervised visitation. Also, the *Risk Assessment* points out that victims of domestic violence should not be asked to take responsibility for an abusive parent's behavior.
2. Is the parent aware of the impact of negative behavior on the child?  
The *Risk Assessment* points out that parents who cannot empathize with their children present a greater risk of harm to their children than those who can.
3. Is the parent in appropriate therapeutic treatment?  
The *Risk Assessment* has some useful guidance on this point:  
(a) When considering treatment for a batterer, appropriate treatment needs to be specific to partner abuse. Certified batterer's intervention may be appropriate, while anger management is not likely to be appropriate.

- (b) Obtaining treatment for a problem is an important step towards ameliorating the problem.
- (c) The factors to consider in evaluating the prognosis of a parent's treatment include
  - the parent's motivation
  - amenability to treatment
  - skill of the treatment provider
  - the seriousness of the problem
  - the frequency, consistency, and type of treatment.
- 4. Does the parent's behavior over time give confidence of improved functioning?
- 5. Does the parent have a realistic view of the child's safety needs?  
The *Risk Assessment* points out that a parent with little or no parenting experience may not appreciate the need for constant supervision of very young children and that a parent with impaired judgment as a result of substance abuse or mental illness may need supervision until the problem(s) are under control or the child is old enough to learn to understand the parent's limitations.
- 6. Are parental supports available and is the parent willing and able to seek help when needed?
- 6. What is the nature of the primary parent's level of fear?  
Because a primary parent who is very frightened with a reasonable basis for their fear may convey that fear to the child, and because conveying such apprehension to the child can interfere with the child's ability to enjoy the contact with the other parent, the *Risk Assessment* suggests that an order that provides appropriate protections will reassure the primary parent and allow him or her to better support the child's relationship with the other parent.
- 8. What is the parent's criminal history?  
Because a parent's past wrongful behavior can help one more accurately predict future behavior, the *Risk Assessment* says that judges should be particularly concerned about indications of recent violence crime and/or substance abuse or any reports of kidnapping or child molestation.

**C. Identify a supervised visitation center that can meet those needs**

Before going to court and asking for a supervised visitation order [identify the center\(s\)](#) that are appropriate for your case with respect to location, hours of operation, rules of operation, waiting lists, fee scale, language access, and services offered. [www.MassLegalHelp.org](http://www.MassLegalHelp.org) has [contact information](#) for the centers.

Attorneys can ascertain that the identified center is the optimal one by reviewing this information with the client before submitting a request to the court.

Attorneys can increase the likelihood of the court's ordering supervised visitation by being familiar with the relevant information concerning the center whose services they are proposing. Some basic information will be reflected on each center's flyer or website. More specialized, including current waiting list, language access, and services

addressing specific concerns such as mental health or substance abuse, may be obtained by contacting the center directly.

Attorneys can increase the effectiveness of supervised visitation orders by bringing a copy of the ground rules of a proposed supervised visitation center with them when they go to court. By doing this attorneys can effectively respond to judges' questions about the operations of the proposed supervised visitation center. Attorneys can request that the court order the parties to comply with the ground rules.

**D. Draft and serve a proposed order**

“Every motion shall be accompanied by a proposed order, which shall be served with the motion.” Mass. R. Dom. Rel. P. 6(c).

Use the Prototype Proposed Order for Visitation at a Supervised Visitation Center (See Appendix Two) as a guide.

Refer to the circumstances that most often present situations suggesting the need for supervised contact and the factors for the court to consider with respect to assessing the potential risk of harm to each child posed by parent-child contact discussed in the *Supervised Visitation Risk Assessment for Judges* and described in Section Four, A and B, above, as a guide to articulating the reasons for supervised visitation in the proposed order.

Address the risk factors in affidavits (Mass. R. Dom. Rel. P. 6(c)) supporting the motion for supervised visitation.

As attorneys draft proposed orders, familiarity with the proposed center's contact information, fees, availability, appropriateness, rules, and protocols is essential. This information can help attorneys negotiate a detailed order. The name of the proposed supervised visitation center should be included in the proposed order. In addition, attorneys should consider including a provision in the proposed order that the parties comply with the visitation center's rules.

Detailed proposed orders and comprehensive affidavits can increase the likelihood that the court order will meet needs of the client and will provide for the safety of the client and children. Detailed proposed orders and comprehensive affidavits:

1. Help the client avoid reengagement.  
Including the required elements in the proposed order relieves the abused parent from the need to reengage with the abusive parent to resolve unaddressed issues (e.g., payment responsibility or frequency and duration of visits). Reengagement can be dangerous for victims of domestic violence and can unjustifiably dilute the effect of “no contact” provisions in abuse prevention orders.
2. Contribute to court efficiency.  
Including all the visitation provisions relieves judges and court staff from having to, sometimes continuously, referee the implementation of its supervised visitation order.

3. Result in clear and readable court orders.

Handwritten orders that are unreadable or unclearly drafted can lead to (1) unnecessary and potentially dangerous reengagement of the parties or (2) use of court resources to clarify or referee implementing the terms of the order. Include all of the required provisions even if the supervised visitation order is a handwritten stipulation entered into at court.

## **CONCLUSION AND ACKNOWLEDGMENTS**

In families affected by domestic violence, child sexual abuse, substance abuse, mental illness or minimal prior parent-child contact, professionally monitored parent-child contact at a supervised visitation center may be the best, or indeed only, remedy for preserving a parent-child relationship in a manner that is safe for the child as well as for the non-abusive parent.

The authors profoundly hope that attorneys will be able to use this Guide effectively to advocate in the Probate and Family Court for safe and secure supervised visitation.

The authors wish to thank the members of the Massachusetts Coalition for Supervised Visitation for their numerous and thoughtful contributions to the development of this Guide.

## **APPENDIX ONE**

Each of the centers listed here receives state funding through the Department of Children and Families to serve families affected by domestic violence and child sexual abuse and is a member of the **Massachusetts Coalition for Supervised Visitation**.

There are also individual and organizational members of the Coalition that do not receive funding from the state. You can contact the programs listed below for details.

### **Barnstable County**

- **Community & Family Resources Visitation Center - Hyannis**  
35 Winter Street Suite 100B, Hyannis, MA 02601 p 508-778-1980 fax 508-771-1935

### **Berkshire County**

- **Elizabeth Freeman Center**  
43 Francis Avenue, Pittsfield, MA 01201 p 413-499-2425 fax 413-443-3016

### **Bristol County**

- **Seven Hills Behavioral Health Safe Child Visitation Center**  
1402 Pleasant Street, Fall River, MA 02723, p 508-646-3521
- **Community and Family Resources Visitation Center - Taunton**  
152 Dean Street, Suite 1, Taunton, MA 02780 p 508-824-1342 fax 508-824-1342

### **Dukes County**

- **Martha's Vineyard Community Services**  
11 Edgartown Road, Vineyard Haven, MA 02568 p 508-693-7900 fax 508-693-7192  
TTY 508-684-8176 info@mvcommunityservices.com

### **Nantucket County**

- **A Safe Place, Inc. Supervised Visitation Program**  
24 Amelia Drive, Nantucket, MA 02554 p 508-228-0561 fax 508-228-8825

### **Essex County**

- **Alternative House — Haverhill**  
PO Box 2100, Lowell, MA 01851 p 978-937-5777 fax 978-937-5595

### **Franklin County**

- **Franklin County Children's Visitation Program, a program of the New England Learning Center for Women in Transition**  
479 Main Street, PO Box 520, Greenfield, MA 01302 p 413-772-0871 x119  
fccvp@nelcwit.org

### **Hampden and Hampshire Counties**

- **YWCA Visitation Centers**  
1 Clough Street, Springfield, MA 01118 p 413-732-3121 fax 413-747-0542
- **YWCA Visitation Center — North**  
1 Clough Street, Springfield, MA 01118 p 413-732-3121 fax 413-747-0542
- **Specialized Counseling Services, Inc.**  
380 Union Street, West Springfield, MA 01089 p 413-731-5582 fax 413-731-7999

### **Middlesex County**

- **Alternative House — Lowell**  
PO Box 2100, Lowell, MA 01851 p 978-937-5777 fax 978-937-5595
- **Family Skill Building Program Visitation Program Council of Social Concern**  
2 Merrimac Street, Woburn, MA 01801 p 781-935-6495 fax 781-935-1925
- **SMOC Kidspace**  
300 Howard Street, Framingham, MA 01702 p 508-962-2643 fax 508-872-4264
- **Childsafe Visitation Center**  
945 Concord St., Framingham, MA 01475 p 978-660-1065 fax 617-249-0224  
[rchildsafe@comcast.net](mailto:rchildsafe@comcast.net)
- **The Guidance Center - Meeting Place**  
5 Sacramento Street, Cambridge, MA 02138 p 617-354-2275, Ext.145  
fax 617-547-4356
- **Jeanette McCue, MA, LMHC**  
Somerville, MA, p 617-997-6645

### **Norfolk County**

- **Community and Family Resources Visitation Center - Quincy**  
180 Old Colony Ave., Quincy, MA p 617 472 1389 p 508 584 2185 fax 508-588-6186

### **Plymouth County**

- **Community and Family Resources Visitation Center - Brockton**  
500 Belmont Street Suite 302, Brockton, MA 02301 p 508-584-2185 fax 508-588-6186
- **Community and Family Resources Visitation Center - Brockton**  
250 Belmont Street, Brockton, MA 02301 p 508-584-2809 fax 508-584-1030
- **Seven Hills Behavioral Health - Family Center**  
64 Industrial park Road, Plymouth, MA p 508-927-8888

### **Suffolk County**

- **Children's Services of Roxbury Family Visitation Program**  
520 Dudley Street, Roxbury, MA 02119 p 617-445-6655, Ext. 314 fax 617-445-0940

### **Worcester County**

- **New Hope, Inc. MJ Leadenham Family Visitation Center**  
91 Prescott Street, Worcester, MA 01605 p 508-753-3146 fax 508-753-3148

**APPENDIX TWO**

**PROTOTYPE PROPOSED ORDER FOR VISITATION  
AT A SUPERVISED VISITATION CENTER**

The authors developed this prototype proposed order for unrepresented litigants to use when they ask for a supervised visitation order. Attorneys can use the prototype as a model to prepare proposed orders that cover all the necessary issues related to visitation

**COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT  
PROBATE AND FAMILY COURT**

\_\_\_\_\_ Docket No. \_\_\_\_\_  
(county)

\_\_\_\_\_, )  
Plaintiff )  
v. )  
\_\_\_\_\_, )  
Defendant )

**PROPOSED ORDER FOR SUPERVISED VISITATION**

Submitted by  Plaintiff  Defendant

**REASONS**

After hearing, this Court orders supervised visitation because it is not safe for the child(ren) to be alone with  Plaintiff  Defendant, \_\_\_\_\_,  
(name of visiting parent)

for these reasons:

- To protect the child(ren) from physical abuse during visits.
- To protect the child(ren) from verbal abuse during visits.
- To protect the child(ren) from physical abuse during visits.
- To protect the child(ren) from \_\_\_\_\_'s abuse of alcohol and drugs.  
(name of visiting parent)
- To allow the child(ren) to feel safe based upon their prior exposure to violent behavior.
- To protect the child(ren) from physical abuse during visits.



\_\_\_\_\_  
\_\_\_\_\_

**CHILD(REN):**

This Order applies to the following minor children:

\_\_\_\_\_  
(children's names, dates of birth)

\_\_\_\_\_  
(children's names, dates of birth)

**PARENT/GUARDIAN**

The custodial parent/guardian of the child(ren) is \_\_\_\_\_

and the visiting parent is \_\_\_\_\_

**SUPERVISED VISITATION**

Visits shall take place at the following supervised visitation center

\_\_\_\_\_  
(name and address of supervised visitation center)

or at such other supervised visitation center that the parents/guardian may agree upon in writing.

Both parents/guardian shall contact the supervised visitation center to arrange for visitation by \_\_\_\_\_.  
(date)

**SUPERVISED VISITATION CENTER ROLE AND DUTIES**

- Visitation shall be closely supervised at all times. The supervisor shall remain close enough throughout each visit to observe and hear all interactions between the child(ren) and the visiting parent, to protect the child(ren), and to intervene if necessary.
- Visitation shall be supportive. The supervisor shall be actively involved in providing parent education and model appropriate behavior for the visiting parent.

- Visitation shall be therapeutic. The supervisor shall provide professional mental health services to address the emotional issues affecting the relationship between the child(ren) and the visiting parent.
- Visitation shall not be supervised but the exchange of the child shall be supervised.

**SCHEDULE**

The schedule for supervised visitation under this Order shall take place as follows, depending on the availability and resources of the supervised visitation center.

Frequency (how often)and day of week \_\_\_\_\_

Duration (how long each visit will be) \_\_\_\_\_

**FEES AND COSTS:**

- The visiting parent is fully responsible for all costs and fees of the supervised visitation center.
- The custodial parent/guardian is fully responsible for all costs and fees of the supervised visitation center.
- The parties will share costs and fees of the supervised visitation center as follows:

The visiting parent will pay \_\_\_\_\_percent.

The custodial parent/guardian will pay \_\_\_\_\_percent.

**REVIEW**

Visitation under this Order will continue until the next review, which shall occur on the following event:

- Visitation pursuant to this Order shall be reviewed by the court on \_\_\_\_\_ (date).
- The Court will review visitation after \_\_\_\_\_supervised visits have taken place.
- The visiting parent is responsible for requesting review.
- The custodial parent/guardian is responsible for requesting review.

**ADDITIONAL PROVISIONS**

Visitation will not be transitioned from supervised to unsupervised without providing the supervised visitation center with the opportunity to follow its practices for preparing the child(ren) for the transition.

- The costs of transporting the child to and from the visitation site shall be allocated as follows:

The visiting parent will pay \_\_\_\_\_ percent and  
the custodial parent/guardian will pay \_\_\_\_\_ percent.

- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

So ordered,

\_\_\_\_\_  
Justice of the Probate and Family Court

\_\_\_\_\_  
Date