

## APPENDIX B

### CRITERIA FOR VISITATION RECOMMENDATIONS

PREPARED BY THE GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE  
COMMITTEE ON SUPERVISED VISITATION

STATEMENT OF PURPOSE: This document provides parameters for establishing safe contact in domestic violence cases between children and the parent with whom they do not reside. The following information and criteria is offered as best practice for determining type of contact which provides victims of domestic violence and their children with the most protection while allowing visitation for the non-custodial parent.

**No Visitation** is warranted when the following factors are present. The degree to which visitation exposes a parent or the children to physical or psychological harm as indicated by the following factors should be considered:

- Homicide or attempted murder of any family member;
- Threats of suicide;
- Homicidal ideation;
- History of sexual abuse of any family member whether it be adult or children;
- Death threats or threats of extreme possessiveness;
- History of violation of protective orders and/or stalking;
- Level of demonstrated physical and/or psychological cruelty or terror within the family;
- Level of willingness to hurt the children as a deliberate or incidental aspect of hurting the adult victim;
- History of sexual assault, inappropriate sexual behavior or exposure of the children to explicit sexual materials;
- Attempt or actual abduction of the children or adult victim.

RED FLAG BEHAVIORS of alleged perpetrators:

1. threatening to kill victim and/or children
2. injuring the victim's pets or property
3. controlling access to money, friends and family
4. injuring victim while pregnant
5. previously violating an Order of Protection
6. non-compliance with Court Orders

**Fully Supervised Visitation** is warranted in high risk situations; therefore, visitation must occur in a professional visitation setting.

The court shall consider the degree to which fully supervised visitation exposes a parent or a child to physical or psychological harm as indicated by the following factors:

- Credible allegations of child sexual abuse;
- Findings of abuse or neglect;
- Credible allegations of emotional or verbal abuse;
- History of parental mental health problems that would affect the safety or well-being of the child;
- Commission of a violent crime against the adult victim;
- High risk threats of abduction of the child by the parent;
- Credible threats toward the victim that cannot be mitigated through less restrictive visitation options;
- Interrogation of the children regarding the abused parent's activities;
- Has engaged in tirades aimed at the children about the abused parent's behaviors.

Other concerns:

- The need to monitor interactions between the visiting parent and child to ensure that the visiting parent does not solicit confidential information or information concerning the victim;
- Less restrictive visitation has failed to ensure the safety and well-being of the child or adult victim;
- An ongoing pattern of harassment of the adult victim by the alleged perpetrator;
- There has been non-compliance with previous visitation arrangements.

Consider whether the risk of physical or psychological harm can be removed by ordering supervised visitation through the availability of a secure facility or environment that will ensure safe supervised visitation. Supervised visitation requires a neutral third party as supervisor and access to security and/or police enforcement.

**Semi-Supervised Visitation** may be appropriate in the absence of direct abuse towards the children if the following conditions exist. Strong concerns from the abused parent should influence the choice between fully supervised and semi-supervised visitation in domestic violence situations.

These concerns include:

- Exposure of the children to abuse (or the alleged perpetrator's willingness to expose the children to the abuse);
- Threats of abduction;
- The children's lack of familiarity with the visiting parent;
- Inappropriate parenting;
- Dramatic change in interest in the children post-separation;
- Concerns regarding substance abuse or alcohol abuse;
- The visiting parent has demonstrated any of the following behaviors:  
engaged in tirades aimed at the children about the abused parent's behavior; demanded inappropriate visitation; or continues to harass the adult victim during monitored exchanges.

**Monitored Exchanges** may be appropriate in some domestic violence cases. Input from the abused parent should influence the decision regarding how visitation may occur. The frequency and severity of any of the following behaviors by the alleged perpetrator should also be considered:

- Current or past history of harassment of the adult victim;
- Use of exchange as an opportunity to harass the victim;
- Current or prior restraining order(s);
- Concerns regarding substance use and alcohol use;
- Unmonitored exchanges have failed to ensure victim safety;
- Concerns regarding mental health issues that would affect the current exchange.

**Unrestricted Visitation** is appropriate when there is no domestic violence or child abuse and the parents agree on the conditions of the shared parenting.