

**IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY, PENNSYLVANIA  
FAMILY DIVISION, JUVENILE DEPENDENCY BRANCH**

**In Re: Juvenile Dependency Child Visitation**

**AMENDED ORDER**

AND NOW, this 16<sup>th</sup> day April, 2020, in accordance with the General Statewide Judicial Emergency Orders issued by the Pennsylvania Supreme Court on March 18th, 2020 (Nos. 531 and 532 Judicial Administration Docket) extended by Supplemental Order issued April 1, 2020, directing the closure of court facilities in all judicial districts authorizing in-person court proceedings in some emergency matters involving essential functions, and this Court's Declaration of Emergency issued on March 16, 2020 and extended on April 1, 2020, **IT IS HEREBY ORDERED AND DECREED** effective immediately:

**Visitation**

Consistent with the overarching goal of the Juvenile Act to preserve the unity of the family whenever possible, the Court is requiring separated families to maintain regular and meaningful contact with each other during the COVID-19 pandemic. The Court recognizes the importance of visitation to the well-being and development of children, as well as the impact positive visitation experiences have on the goal of reunification.

Nevertheless, the Court finds that it is necessary to implement precautionary and mitigating measures in all dependency cases to protect the health, safety, and welfare of dependent children and reduce the spread of the novel COVID-19 virus and its adverse effects on Philadelphia's children, families, and communities.

Accordingly, all visitation by Court Order and/or pursuant to 55 Pa. Code §§ 3130.68 and 3490.235 between an adjudicated dependent child or youth in placement with their parent(s), guardian(s), sibling(s), or prospective placement resource(s), *Guardian ad Litem*, and Philadelphia Department of Human Services and its provider agencies' staff shall be modified as follows:

**1. All Visits Shall be Modified to Virtual Visits**

- a. All visits shall be modified to virtual visitation.
- b. All such visits shall be held by videoconference, unless such videoconference is not practicable.
- c. Where videoconferencing is not practicable, all virtual visits shall be telephonic.
- d. All virtual visits shall be at least equivalent in time to court-ordered visits, provided that virtual visits may occur in shorter increments on a more frequent basis, to be determined by individual case teams. Nothing in this order precludes more frequent family time, as arranged by the parties, and where appropriate. *For example:* if the trial court ordered weekly visits at the agency for two hours per

visit, the virtual visit may occur in four thirty-minute virtual visits throughout the week.

- e. Virtual supervised visits may be supervised by the CUA if the most recent court order so requires. However, where CUA supervision was previously required by the court, upon agreement of parties, resource parents or residential staff may instead supervise visits.
- f. Visits that were previously unsupervised in-person visits may now be unsupervised virtual visits.

## **2. Reasonable Efforts to Facilitate Virtual Visitation.**

- a. DHS and its provider agencies shall make any and all reasonable efforts to carry out virtual visitation and family contacts, mindful of the evolving public health advisories concerning COVID-19.
- b. Reasonable efforts shall include:
  - i. Ensuring that all parties to visitation—the parent(s)/guardian(s), child(ren), and resource caregiver—have reasonable access to videoconferencing technology, including, where practicable, devices and applications (*e.g.* Facetime, Skype, Google Hangout, Facebook video messenger, Zoom, Google Duo, etc.), to enable virtual visits in accordance with this Order. Reasonable access shall include, where necessary to facilitate virtual visitation due to socioeconomic or environmental circumstances, the direct provision of devices (*e.g.* cell phones, tablets, or computers) and/or internet, where funding is available to do so, or assistance in obtaining free or low-cost options.
  - ii. Where affording access to videoconferencing technology is not practicable, ensuring that all parties to visitation have reasonable access to operable cellular phones with sufficient service to enable telephonic visitation in accordance with this Order.
  - iii. Developing individualized virtual visitation plans for each dependent child and/or family who is entitled to virtual visitation pursuant to this Order, which shall include individualized strategies for engaging preverbal, nonverbal, and children who are developmentally-unable to effectively verbally communicate due to age or disability in virtual visitation. This plan shall incorporate developmentally-appropriate strategies for bonding, nurturing, and educational engagement, such as online learning tools, videos, etc. Such individualized plans shall document which technologies and applications will be used to facilitate virtual or telephonic visits, and how often virtual or telephonic visits will occur.

### **Right to Judicial Review**

Where agreements regarding visitation or reunification cannot be reached, or where a party avers that reasonable efforts have not been made to ensure visitation in accordance with this Order, any party may petition the Court for a contested hearing. Such proceedings shall be convened in combination with Advanced Communication Technology.

## **Judicial Timelines**

In light of the court closure, the limitation on in-person visitation, and the temporary closure of many agencies providing court-ordered services to families (*e.g.* parenting classes, family school, drug and alcohol and mental health treatment, etc.), and consistent with the goals of the Juvenile Act, it is **ORDERED AND DECREED** as follows:

Lack of, or inability to access, treatment or services due to provider closures during the COVID-19 pandemic, or other barriers caused by the public health circumstances, governmental responses, and economic consequences, **shall not** be interpreted as a lack of compliance with court-ordered services or treatment and/or permanency plan objectives.

DHS/CUA shall provide reasonable efforts to ensure that parent(s) and guardian(s) are able to meaningfully participate in mandated services during the COVID-19 pandemic.

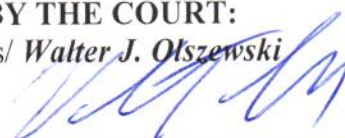
### **Reasonable efforts shall include:**

- Inquiring actively about, and closely monitoring, the availability of treatment and other services for parent(s)/guardian(s);
- Encouraging the use of technology to continue treatment and services where in person services or treatment may temporarily be unavailable, including providing reasonable efforts to assist parent(s)/guardian(s) in obtaining access to technological services and devices which enable reasonable access to treatment and services. Reasonable efforts shall include, where necessary to facilitate access to necessary services, the direct provision of devices (*e.g.* cell phones, tablets, or computers) and/or internet, where funding is available to do so, or assistance in obtaining free or low-cost options.

Consistent with the Order of the Supreme Court of Pennsylvania, which, in pertinent part, tolled judicial timelines during the statewide judicial emergency, all judicial timelines established under the responsibility of DHS for filing termination petitions under the Adoption and Safe Families Act (*i.e.*, 15 of the last 22 months) pursuant to 42 U.S.C.A. § 675(5)(E)(ii) and 42 Pa. C.S. § 6351(f)(9) for purposes of involuntary termination of parental rights under the Adoption Act, 23 Pa.C.S. §§ 2511(a)(1), (2), (4), (5), (6), and (8) are **TOLLED** from the date of March 16, 2020 until the date on which this Order is lifted by the Court.

**BY THE COURT:**

/s/ *Walter J. Olszewski*

  
Walter J. Olszewski, Supervising Judge