

**Procedure Title:** COVID-19 Visitation – Judicial Timelines Protocol  
**Applies To:** All Child Welfare Operation staff  
**Replaces:** “DHS COVID-19 Court Order and Visitation” Communication from DHS Commissioner to All DHS Users, issued March 20, 2020 via email

**OVERVIEW:**

On April 16, 2020, the Supervising Judge of Philadelphia Family Court, the Honorable Walter J. Olszewski signed an order addressing visitation for children in the custody of the Department of Human Services (“DHS”). This order is intended to safeguard the well-being of children, youth and families, and of the staff who serve them. This replaces the order issued by Philadelphia Family Court on March 20, 2020. Pursuant to the court order, modifications are being made to monthly caseworker visits with children and youth in placement, caseworker visits with children receiving in-home services, and visitation between parents and children.

This protocol may be revised as the COVID-19 situation evolves.

**The initiation and the ongoing investigation of CPS and GPS reports must continue to occur in person, in order to assess the safety of children and youth.**

**DEFINITIONS** *(for terms that are new to staff)*

Term	Meaning
<b>Virtual Visitation</b>	Visitation occurring by other than in-person means. Virtual visitation includes videoconference, Skype, telephone calls and any other means of video or audio communication designed to effectuate meaningful and effective visitation or conferencing.
<b>Videoconferencing</b>	Conferencing that allows visual contact and may occur using videoconferencing technology. Videoconferencing technology includes devices and applications (e.g. Facetime, Skype, Google Hangout, Facebook video messenger, Zoom, Google Duo, etc.).

**PROCEDURES and PRACTICE CONSIDERATIONS**

**PROCEDURE SUMMARY**

Except as needed to assess and assure the safety of children and youth, all visits by CWO staff with children, youth and families, and of children and youth with parents and siblings, will take place as virtual visitation.

**ROLES AND RESPONSIBILITIES** *(what happens, who does it, what are the time frames, how is it documented)*

**Monthly Caseworker Visits for Children and Youth in Placement**

COVID-19 Visitation – Judicial Timelines Protocol

For questions about this policy or its related documents, please contact Policy & Planning at (215) 683-4108 or DHSPolicy@phila.gov.

Pursuant to the Philadelphia Family Court order and guidance issued by the federal Administration for Children and Families (ACF), Children's Bureau (see attached), DHS and Provider Staff must conduct **monthly visitation with children in placement by virtual visitation.**

- Visits are to be held by videoconferencing unless videoconferencing is not practicable.
- If videoconferencing is not practicable, conferences are to occur by telephone.

Caseworkers must conduct the videoconference in accordance with required timeframes and must closely assess the child's safety at each conference. If a child's safety in the out of home setting cannot be assessed adequately during the videoconference, an in-person home visit must occur to assess the safety of the child or youth.

The modification of the monthly in-person requirement to virtual visitation will occur as long as the court order remains in effect.

### **Weekly or Monthly Visits for Children and Youth receiving In-Home Services**

In-person visits with children receiving in-home services is a contract requirement of DHS. **As such, DHS is modifying the performance standard to permit visits for children and youth receiving in home services to be conducted by videoconferencing or video chat capabilities.**

If staff is unable to adequately assess safety of the child-youth via videoconference or video chat, an in-person home visit must occur to assess the safety of the child-youth.

### **Visitation between Children and their Parents and Siblings**

As set forth in the attached court order issued on April 16, 2020, **visitation between children in placement and their parents, guardians, prospective resource parents, and siblings shall occur via virtual visitation.**

- Virtual visits are to be held by videoconferencing unless videoconferencing is not practicable. If videoconferencing is not practicable, virtual visits are to occur by telephone.
- If a parent does not have videoconferencing or video chat capabilities, telephone contact between the parent and child is to occur.
- Virtual visits must be at least the equivalent (in time) to court-ordered visitation.
  - Virtual visits may occur in shorter, more frequent increments, as determined by the case management team (e.g. three twenty-minute visits instead of one sixty-minute visit).
  - If appropriate, virtual visits may be more frequent, and as arranged by the parties.
  - If court ordered, virtual supervised visits will be supervised by CUA.
    - By agreement of all parties, resource parents or residential staff may supervise virtual visits.
  - Previously unsupervised in-person visitation may be conducted as unsupervised virtual visits.

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DHS and provider agencies shall make any and all reasonable efforts to carry out virtual visitation and family contacts, keeping in mind the evolving COVID-19 public health advisories. Reasonable efforts include:

- Ensuring that parents/guardians, children and resource parents have reasonable access to videoconferencing technology, where practicable, to enable virtual visits.
  - Where necessary due to socioeconomic or environmental circumstances, reasonable access shall include 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.
- Where affording access to videoconferencing technology is not practicable, ensuring that all parties to visitation have reasonable access to operable cell phones with sufficient service to enable telephonic visitation.
- Developing individualized virtual visitation plans for each dependent child and/or family who is entitled to virtual visitation pursuant to the court order.

### **Emergencies**

In the event of an emergency involving a child, in-person contact by DHS or provider agencies continues to be required.

### **Judicial Timelines**

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

As such, all judicial timelines requiring DHS to file involuntary termination petitions (i.e., 15 of the last 22 months) and as applied to involuntary termination of parental rights (i.e., 23 Pa.C.S. 2511(a)(1), (2), (4), (5), (6), and (8)) are **tolled** from March 16, 2020, until further order by the Court.

Accordingly, all Child Welfare Operation Staff, must actively inquire and closely monitor treatment or service availability for parents / guardians. Encourage and assist parents / guardians in obtaining access to and using technological devices which enable reasonable access to treatment and services.

### **DOCUMENTATION REQUIREMENTS**

Individualized virtual visitation plans must be documented in the Single Case Plan (SCP) or Family Service Plan and Child Permanency Plan.

- SCPs and FSPs must identify which technologies and applications were used to facilitate videoconference and/or telephonic visits and how often visits will occur.

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- Plans should include strategies for engaging children who cannot effectively communicate verbally due to age or disability. It should incorporate developmentally appropriate strategies for bonding, nurturing, and educational engagement.

All virtual visits, including both caseworker visits and visitation between children and youth and their parents/guardians, siblings, and potential resource parents must be documented in a Structured Progress Note. Documentation must include how safety of children and youth was assessed virtually.

**Protocol**

**RELATED DOCUMENTS AND  
RESOURCES:**

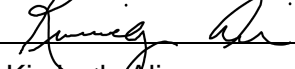
Attachments:	Juvenile Dependency Child Visitation Order
Forms:	
Related Policies or Procedures	DHS COVID – 19 Emergency Guidance for Investigations and Casework Contacts, April 20, 2020
Other Resources:	Commissioner’s Email- Administrative Order Concerning Visitation and Other Matters, April 21, 2020

***PROTOCOL REVIEW AND APPROVAL***

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**APPROVAL SIGNATURE**

*(Authorizing Leadership Name and title)*

Signature:   
Name: Kimberly Ali Title: Commissioner

Date: 05/07/2020