



# Supporting Remote Family Time during the Pandemic and Beyond: The Judge's Role

ABA Center on Children and the Law

National Council of Juvenile and Family Court Judges

## Quick Overview

This alert highlights:

- ✓ trends in use of remote family time by the legal child welfare community during the pandemic;
- ✓ benefits and drawbacks of using remote family time approaches;
- ✓ keys to effective remote family time;
- ✓ how judges can support remote family time; and
- ✓ the future of remote family time.

**“In many jurisdictions, family time will be no more meaningful than the expectations set by the presiding judge.”**

—Judge R. Michael Key,  
*Troup County Juvenile Court, LaGrange, GA*<sup>1</sup>

Family time, also referred to as parent-child visits, is one of the most important services offered to families in the child welfare system. Family time allows children to maintain relationships and bonds with parents, siblings, and other family members, helps parents improve their parenting skills, and plays a key role in helping families reunify. Family time mimics normal everyday parent-child interactions like sharing a meal, engaging in school activities, and having playtime. Such contact lessens the disruption to the parent-child relationship caused by their separation and supports the child's emotional well-being.<sup>2</sup>

Dependency court judges are essential to ensure family time is arranged for families, clear expectations and roles are set, and routine court monitoring occurs to gauge progress. The Covid-19 pandemic creates new challenges for this role as courts and government agencies have faced closures, navigated shelter-in-place orders that limit in-person visits, and had to quickly shift to remote and hybrid approaches combining remote and in-person visits.

Remote or virtual family time allows families to maintain consistent family contact, keeps families on track towards achieving reunification when that is the permanency goal, and leverages the family's support system during an especially challenging time. Remote family time options include computer, video, phone, or other means of communication. Greater reliance on remote family time during the pandemic offers an opportunity to assess its strengths and weaknesses and refine its use, both during the pandemic and as a supplement to in-person visits.

## How is the legal community handling family time during the pandemic?

Recognizing the importance of family contact for children in the child welfare system, in March 2020 the U.S. Children's Bureau issued a letter<sup>3</sup> to legal and judicial leaders encouraging continued use of family time

## Key Resources

[The Judge's Role in Ensuring Meaningful Family Time](#)

[Family Time/Visitation: Road to Safe Reunification](#)

[Information Memorandum on the Importance of Family Time and Visitation for Children in Out-of-Home Care](#)

[Family Justice Initiative Covid-19 Legal Tools](#)

[NACC Covid-19 Resource Hub](#)

[Virtual Parent-Child Visitation in Support of Family Reunification in the Time of COVID-19](#)

[Tips for Supporting Virtual Family Time](#)

[Tips to Ensure Your Child Clients Have Access to Technology](#)

[Virtual Visits Recommendations by Age and Access Resources](#)

during the Covid-19 public health emergency. The letter discouraged court orders that suspended family time and requested case-by-case determinations of suitable child-parent contact while balancing the Covid-19 safety and health concerns. Several state jurisdictions responded by drafting emergency court orders and rules implementing the letter's recommendations<sup>4</sup> to ensure local shelter-in-place orders did not interfere with family time, whether in-person or remote.

An ABA survey<sup>5</sup> of 1,529 child welfare legal professionals in all 50 states and the District of Columbia sought input about solutions to Covid-19 induced legal challenges across the country. At the time of the survey (August-September 2020), many jurisdictions that had halted in-person visits as an immediate response to Covid-19 shelter-in-place orders had started resuming in-person visits in some form with precautions and guidance in place. Some jurisdictions continued offering remote family time approaches, either exclusively or in combination with in-person visits. In jurisdictions using remote family time, respondents reported the following approaches:

- virtual visits via video conferencing, Skype, Facetime (87%)
- phone calls (85%)
- written communication (43%)
- text messaging (34%)
- video or audio recordings (16%)
- other (2%)

With new surges of Covid-19 cases and differing state responses throughout the country, using remote family time throughout the pandemic to support family contact, either as the main approach or as a supplement to in-person contact, is likely to continue to be supported by the legal community.

### What are the benefits and drawbacks of maintaining family time through remote approaches?

In-person family time is preferable to remote options because it allows family members to interact face to face and to benefit from physical interactions that are harder to replicate through remote approaches. In-person family time also allows families to engage in normal parenting and family activities directly. Remote family time options, especially those using virtual visual communication rather than phone calls, can be a useful supplement to in-person visits and a backup option when in-person contact is not possible.<sup>6</sup>

#### Benefits<sup>7</sup>

- Promotes parent-child attachments and healthy child development.
- Lessens the traumatic impact of removal and family separation. Helps child deal with separation and loss during placement.
- Allows the parent to maintain an active role in the child's life and improve parenting skills.

## Family Time During Times of Crisis

In a [March 2020 letter](#) to the child welfare legal community, the federal Children's Bureau stressed the importance of family time during times of crisis and issued the following guidance:

- Discourage or refrain from issuing blanket court orders reducing or suspending family time;
- Be mindful of the need for continued family time, especially in times of crisis and heightened anxiety;
- Remain cognizant that interruption or cessation of family time and parent-child contact can be traumatic for children;
- Continue to hold the child welfare agency accountable for ensuring that meaningful, frequent family time continues;
- Become familiar with ways in which in-person visitation may continue to be held safely;
- Encourage resource parents to provide transportation to, and supervision of, family time in order to limit additional people having to be involved to limit possible exposure to COVID-19;
- Consider the use of family members to supervise contact and to engage in visitation outdoors, where feasible;
- Inquire whether parents and resource parents have access to cell phones and computers with internet access to ensure virtual connections where in-person family time is not possible;
- Encourage use of technology such as video conferencing, phone calls and other readily available forms of communication to keep children, parents, and siblings connected;
- Ask parents their preference when deciding how to proceed with family time as some parents may prefer to meet via technology due to health concerns; and
- Consider whether children may be reunified with their parents in an expedited manner if the child's safety would not be jeopardized.

- Allows the parent to witness the child's growth and development.
- Allows the child to see, hear, and engage with the parent.
- Helps the child adjust to out-of-home placements, reduces behavioral problems, and supports their transition back home.
- Can increase the chances of successful reunification and help professionals gauge the family's progress in meeting reunification goals.

### Drawbacks<sup>8</sup>





- Limits direct parent-child interactions.
- Can create adjustment difficulties for child when going from in-person to remote visits, especially young children who are unlikely to understand the reasons for the change.
- Creates challenges for parents to bond with infants (infants unable to recognize parent, easily distracted, lack of human touch and smells).
- Difficulties with remote access/communication can affect family time quality.
- Limits professionals' ability to assess quality of parent's engagement with child and understanding of and ability to meet child's needs.
- Raises questions about reunification timeframes and if they are achievable when only remote visits are offered.
- Successful visits may depend on the presence of a motivated caregiver or support person, especially for very young children and children with special needs.



## What are some keys to effective, quality remote family time?

Quality remote family time depends on the following elements:

- **Consistent, clear schedule** that values the parent’s and child’s other commitments, such as work and school, and is held at times of the day when they are most receptive to contact and can make effective use of the time (considers mood, alertness, energy level, etc.).
- **Flexible, spontaneous contact.** While there should be a schedule in place with more structured activities, a benefit of remote contact is that it can be used more spontaneously. This allows a parent and child to connect for a question or problem, saying “goodnight,” quick check-ins, and other less-structured activities. Using remote tools “outside the schedule” should be encouraged as they mimic natural parent-child interactions.
- **Clear supervisor** to facilitate family time, prepare the child and parent, set expectations, and move the parent and child forward. The supervisor could be the caseworker, resource parent, family member, or other trusted individual. The need for a supervisor will need to be assessed case-by-case and may only be needed during the early stages of the case. With remote approaches, resource parents are likely to take on the supervisor role, on top of many new duties during Covid-19, making it critical that they receive support and guidance. The relationship between the resource parent and biological parent will need to be considered, including any reservations each may have relating to family time participation.<sup>9</sup> Sometimes the parent and resource parent will need support in creating a trusting relationship, but once established, such a relationship will benefit the child.<sup>10</sup>
- **Age/developmentally-appropriate interactions and activities.** Family time activities must be suitable for the child’s age and developmental level. Virtual approaches can be used with all children, even infants, but the kinds of activities, level of interaction, and need for supervision will differ.<sup>11</sup> (See “Developmental Considerations for Virtual Visitation,” pp. 5-6, for guidance.)
- **Easily accessible technology tools and support for technology-related issues.** Parents, children, other family members, and resource families need access to the Internet, computers, tablets, smartphones and virtual platforms that allow them to meet remotely. They also need access to training and support on using and troubleshooting technology and interactive platforms if they are not familiar with them. The [NACC Covid-19 Resource Hub](#) includes many helpful resources on accessing and using technology during the pandemic and guidance for conducting effective virtual visits. Keeping technology simple can avoid challenges that can interrupt remote family time.
- **Clear guidance for conducting remote visits.** Each family time participant—parent, child, resource parent, visit supervisors, caseworkers—must know their and others’ roles and expectations. Guidance should be provided that details the location, duration, and logistics of

## Developmental Considerations for Virtual Visitation

Developmental Stage	Consideration	Parental/Caregiver Assistance Required	Relevance to Virtual Visitation
<b>Newborn/Infant*</b> 	<p>Able to make eye contact on screen look at/recognize faces.</p> <p>An infant who can sit in a highchair may be able to interact using a tablet.</p> <p>Consistency is key. Virtual contact should occur regularly so it seems normal to the child.</p>	<p>Highest degree of assistance required for newborn/infant to participate in virtual visitation.</p> <p>Parents should be coached about their expectations—even if an infant only engages 40% of the time, it doesn't mean she's not interested.</p>	<p>Mobile vs desktop technology is preferred as buttons may distract child.</p> <p>The parent can make faces at the child, exchange looks and smile, play peek-a-boo, read a book on video, dance, or make fun noises.</p> <p>Parent can respond to baby's signals: smile back, verbally respond, praise actions.</p>
<b>Toddler Child (18 months - 3 years)</b> 	<p>Beginning to use computers for educational and noneducational games with assistance.</p>	<p>Highest degree of assistance required for toddler to participate in virtual visitation.</p>	<p>Cognitive, emotional, language, physical, and moral development in this stage suggest that virtual visitation can occur, since the toddler is beginning to make links between self and family, put words together to form sentences, etc.</p>
<b>Preschool Child (3 – 5 years of age)</b> 	<p>Computer use for educational and noneducational games.</p>	<p>Child has more ability to operate basic technology, but would still require parental assistance for tasks such as typing.</p>	<p>Likely to get good use out of video conferencing where typing is minimally required.</p> <p>Use of technology is increasing in this developmental stage; better ability to initiate interactions, engage, participate, and expand on virtual visitation interactions.</p>
<b>School-age Child (6 - 8 years of age)</b> 	<p>Use of computers in home (homework and video games).</p> <p>Increased use of computer in school curriculum.</p>	<p>Moderate degree of parental support required.</p> <p>Parents still required to arrange virtual visitation times and ensure child is present.</p>	<p>Instant messaging and email can be introduced, given children's ability to type, read, and write.</p> <p>Greater emotional expression during virtual visitation.</p>

<p><b>Preadolescence</b> (9- 12 years of age)</p> 	<p>Proficient use of TV, DVDs, and video games.</p> <p>Very adept at computer use (homework and video games).</p> <p>Increased use of social networking such as Facebook.</p>	<p>Child could be more involved in the scheduling of virtual visitation times.</p> <p>Children of this age would have an increased ability to use messaging, email, Facebook, Skype, and have independent use of a phone for phone calls and texting.</p>	<p>Virtual visitation can easily be maintained at this stage as children use the internet and often have extensive knowledge on how to use it.</p> <p>Opportunity for elaborate discussions using virtual visitations; this can help child develop deep sense of loyalty to family and friends.</p>
<p><b>Adolescence</b> (13 - 18 years of age)</p> 	<p>Adept at multitasking with a variety of technologies.</p> <p>Significant increase in the use of social networking media, with this being the preferred method for adolescents to stay connected.</p>	<p>Little to no parental assistance required for virtual visitation. Teens are increasingly in charge of their own scheduling.</p> <p>Teens likely require little to no assistance in operating the technology and programs required for virtual visitation.</p>	<p>Important for other parent to maintain visitation to avoid negative consequences, or disruptions in parent-child relationships.</p> <p>Ability to see perspective of other parent is an important concept for child when engaging in virtual visitation and in understanding the purpose and benefits of virtual visitation.</p>

Source: [Summary of Developmental Considerations for Virtual Visitation](#) (reprint from Saini, Michael & Sheli Polak. "Virtual Parent Time," AFCC 49th Annual Conference Chicago Illinois June 6-9, 2012.)

\*This chart was modified to include information on newborns/infants drawn from Barr, Rachel. "Activity Suggestions for Videochats Checklist" undated, on file with author; and Wentz, Rose. [Virtual Visits Recommendations by Age and Access Resources](#), March 31, 2020.

conducting remote visits, including technology access and platforms. Many best practices<sup>12</sup> exist that can serve as a framework for developing a family time protocol tailored to each family.

### What is my role?

- ✓ **Value family time.** You can set the tone for family time and its role in helping families reunify by stressing the importance of family time for families from the start of the case. Showing you value family time and expect it to occur regularly and in a high-quality way sends a positive message to families and the professionals and others supporting them that helps with their buy-in and commitment to it.
- ✓ **Ensure family time is occurring in your jurisdiction.** Covid-19 travel and contact restrictions may limit parent-child visits in your jurisdiction. As mentioned above, the Children's Bureau has called on legal and judicial leaders to prioritize family time in child welfare cases during the pandemic and to take steps to avoid suspending

parent-child visits.<sup>13</sup> Judicial leadership is key to maintaining regular family time to ensure children have contact with family during an especially vulnerable time and families can continue working towards reunification.

- ✓ **Ensure family time is arranged promptly after the child’s removal.** Ideally the first parent-child visit will occur within 48 hours after the child’s removal from the home.<sup>14</sup> If necessary, this may require a court order. Removal is a traumatic experience for the child and parent and early contact can help alleviate the sense of loss and fears surrounding separation.
- ✓ **Set clear expectations for family time.** You can be influential in ensuring the plan for family time clearly sets the goals, schedule, logistics, activities, roles, and expectations during visits. Involve parents, children, resource parents, caseworkers, supervisors, and others who may be involved in developing this plan, so they have buy-in and feel invested in the process and its success. Use this plan to review progress and adjust as needed. When appropriate, allow flexibility in the plan for parents and children to use remote tools for spontaneous contact.
- ✓ **Ask the parent and child about family time at hearings.** Ask how remote visits are working. Ask about the nature of parent-child interactions, activities, favorite moments, progress, and challenges. Determine if family time is having a positive role in maintaining the parent-child relationship. Identify any barriers and solutions, including those relating to technology access and challenges.
- ✓ **Seek others’ input about family time.** Invite input from the family time supervisor, resource parent, caseworker, family members and others who may be involved in family time. These individuals may have different perspectives and helpful insights to share.
- ✓ **Ensure family time is occurring regularly, is age-appropriate and developmentally sensitive, and promotes meaningful parent-child contact.** Is the schedule being followed consistently? Are activities matched to the child’s age and development? Are the parent and child engaging during activities and are interactions positive and strengthening their relationship?
- ✓ **Recognize family time successes and progress.** Success and progress will differ for each family, but some general areas to recognize include consistent visits (e.g., no missed visits over a set period), meaningful engagement and interactions (e.g., a parent helping a child with a homework problem), growth moments (e.g., a parent being present to watch their child’s first step), and collaboration (e.g., a resource parent facilitating a parent’s involvement in a family meal).

### What is the future of remote family time?

Widespread use of remote family time during the pandemic has led many jurisdictions to embrace virtual approaches and develop the

Funding for this alert was provided by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention through Award #2018-CT-BX-K001 to the National Council of Juvenile and Family Court Judges. Points of view or opinions expressed are those of the report contributors and do not necessarily represent the official position or policies of the funder or the National Council of Juvenile and Family Court Judges.

infrastructure to support its use to maintain family contact. This investment creates opportunities to incorporate remote approaches into family time well into the future. While not a replacement for in-person family time, remote approaches can supplement it and serve as a backup when in-person contact cannot be arranged (incarcerated parent, parent located out of state, scheduling and transportation challenges, etc.), as well as allow for more spontaneous contact between families. Your oversight role can help ensure remote family time is used effectively as a reunification tool.

### Endnotes

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3. Milner, Jerry. Letter to Child Welfare Legal and Judicial Leaders. Washington, DC.: U.S. Children's Bureau, March 2020.
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7. Casey Family Programs, May 2020; JBS International, Inc. CSFR Round 3 Report for Legal and Judicial Communities, January 2021.
8. *Ibid.*; *See also* Eli Hager. "These Parents Had to Bond with Their Babies over Zoom—Or Lose Them Forever." The Marshall Project, April 14, 2021 (highlighting negative experiences of parents during virtual visits during the pandemic, including difficulty bonding with infants, tendency of infants to be distracted and not recognize parent, and technology challenges).
9. *See* Singer and Brodzinsky, 2020, 159, citing Neil, E., R. Copson & P. Sorensen. "Contact During Lockdown: How are Children and their Birth Families Keeping in Touch? Nuffield Family Justice Observatory/University of East Anglia, 2020 (discussing research conducted in the U.K. on resource parents and biological parents' view the role and impact of virtual family time during the pandemic).
10. Resources on building relationships between parents and caregivers.
11. Wentz, Rose. Virtual Visits Recommendations by Age and Access Resources, March 31, 2020; Barr, Rachel et al. Virtual Family Time: How Families Connect Via Video Chat, Zero to Three, December 2020.
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14. Laver, Mimi. "Family Time/Visitation: Road to Safe Reunification," *Child Law Practice Today*, March/April 2017.