
KEEPING CHILDREN SAFE ACT & DYNAMICS OF SEXUAL ABUSE

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Chapter 39, Florida Statutes, was amended during the 2007 Legislative Session to provide further protection in the dependency process to children whose parents or other caregivers have histories of certain crimes, most of which involve sexually deviant behavior, or who have been reported to the child abuse hotline for sexual abuse of a child. The Keeping Children Safe Act created § 39.0139, effective July 1, 2007. The act places the burden on a parent or other caregiver who has a criminal record of certain crimes (listed below) or who has been the subject of a child abuse hotline report alleging sexual abuse, to provide clear and convincing evidence that visitation by that person will not endanger the safety, well-being, and physical, mental, and emotional health of the child. This rebuttable presumption of detriment also applies to a parent or other caregiver who has been convicted of removing minors from the state or concealing minors contrary to court order or who has been designated as a sexual predator. Furthermore, this act seeks to protect a child from attempts to influence the child's testimony and to assure that any therapy the child is receiving due to being sexually abused is not impeded by visitation with the abuser. Grandparents who seek visitation in a Chapter 39 proceeding and who fit the § 39.0139 criteria will also have to rebut the presumption of detriment before being allowed visitation with the child.

INTENT OF KEEPING CHILDREN SAFE ACT

To protect children and to reduce the risk of further harm to children who have been sexually abused or exploited by a parent or other caregiver by placing additional requirements on judicial determinations related to visitation and other contact. § 39.0139(2).

REBUTTABLE PRESUMPTION

The Rebuttable Presumption of Detriment to a Child is Created in §39.8013(3)

- when the parent or caregiver has been the subject of a report to the child abuse hotline alleging sexual abuse *of any child* as defined in § 39.01(66). This is not limited to the child who is the subject of the dependency proceeding.
- when the parent or caregiver has been found guilty of, *regardless of adjudication*, or has entered a plea of guilty *or nolo contendere*, to charges under the following Florida statutes or substantially similar statutes of other jurisdictions:
 - section 787.04, relating to removing minors from the state or concealing minors contrary to court order;

- section 794.011, relating to sexual battery (Note that this is the general sexual battery statute and is not limited to child victims. A father with a 10 year old sexual battery conviction against an adult woman might easily overcome the presumption of detriment.);
 - section 798.02, relating to lewd and lascivious behavior (Note: The behavior need not have occurred in the presence of children.);
 - chapter 800, relating to lewdness and indecent exposure (Section 800.04 deals with lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age. The first two sections, 800.02, unnatural and lascivious act, and 800.03, exposure of sexual organs, need not involve a child.);
 - section 826.04, relating to incest (sexual intercourse with a person to whom the defendant is related by lineal consanguinity, or a brother, sister, uncle, aunt, nephew, or niece);
 - chapter 827, relating to the abuse of children (This chapter makes child abuse a crime, as well as nonsupport of dependents and misuse of child support money. It is questionable whether the Legislature intended that a conviction under this chapter would trigger section 39.0139.).
- when a parent or caregiver has been determined by a court to be a sexual predator as defined in section 775.21 or has received a substantially similar designation under laws of another jurisdiction. (There is no definition of sexual predator in § 775.21, but instead there are “sexual predator criteria” at § 775.21(4). A Florida Sexual Offenders and Predators’ website is maintained by FDLE at <http://offender.fdle.state.fl.us/offender/homepage.do>.)

ADDITIONAL REQUIREMENTS

At the shelter hearing, it is possible that the Department of Children and Families (the department) will have information about one or more of the parents or caregivers obtained from the department’s child abuse hotline reports and a criminal history from the Florida Department of Law Enforcement (FDLE). At this early stage in the case, this information may not have been gathered on all parents or caregivers.

The court should determine whether any person before the court fits the criteria listed in the Keeping Children Safe Act. If so, visitation with the child who is the subject of the dependency proceeding should be denied until there has been a hearing at which the court determines whether there is clear and convincing evidence that the safety, well-being, and physical, mental, and emotional health of the child is not endangered by visitation with the parent or caregiver. § 39.0139(4). The burden is on the parent to rebut the presumption of detriment. § 39.0139(4)(c). It is possible that the matter could be resolved during the shelter hearing, for example, if the child abuse hotline report was closed with no indicators that the sexual abuse had occurred.

At the hearing on the issue of visitation, the court may receive and rely upon any relevant and material evidence submitted, including written and oral reports, to the extent of its probative value

in the court's effort to determine the action to be taken with regard to the child, even if these reports and evidence may not be competent in an adjudicatory hearing. § 39.0139(4)(b).

If the presumption of detriment is not rebutted, the court must enter an order prohibiting or restricting visitation or other contact with the child (see discussion of the conditions that must be placed on the visitation below). § 39.0139(4)(d). If the presumption is rebutted by clear and convincing evidence, the court should enter an order allowing visitation or other contact with any conditions it finds necessary to protect the child. § 39.0139(4)(c).

Visitation is also an issue at arraignment and disposition hearings. Any order for visitation or other contact entered at these hearings must conform to the provisions of § 39.0139. § 39.506(6), § 39.521(3)(d).

The court is required, pursuant to § 39.822, to appoint a guardian ad litem at the earliest possible time to represent the child in any child abuse, abandonment, or neglect judicial proceeding. The new statutory language adds the requirement that guardians ad litem be appointed to cases which fit the criteria of § 39.0139 must have special training in the dynamics of child sexual abuse. The court has the option to appoint an attorney ad litem, and this person must also have training in the dynamics of child sexual abuse.

PRACTICE TIP: The Clearinghouse on Supervised Visitation has developed a training manual on child sexual abuse referrals for training its staff. While this manual has extraneous material that deals specifically with the operation of supervised visitation centers, it also has extensive materials about the dynamics of sexual abuse. A certificate can be obtained after completion of the training materials. These training materials can be found at <http://familyvio.csw.fsu.edu/SV/Manuals.php>

CONDITIONS PLACED ON THE PARENT'S VISITATION

When a parent or caregiver does not overcome the presumption of detriment, certain conditions must be placed on the visitation including as described in § 39.0139(5):

- supervision by a person who has received special training in the dynamics of child sexual abuse; or
- conducting the visit in a supervised visitation program, provided certain requirements are met by the program. (Programs that accept sexual abuse cases must have the following on file: agreements with the court regarding child sexual abuse cases, annual Affidavits of Compliance, agreements with the department, documentation of staff training through the Clearinghouse on Supervised Visitation specifically in child sexual abuse dynamics, and protocols for obtaining background information on sexual abuse case referrals.)

§ 39.0139(5). A judge is not able to appoint a family member or other person to supervise a parent or other caregiver who is required to have supervised visitation pursuant to § 39.0139, unless that person has received special training in the dynamics of child sexual abuse. It would be incumbent on the judge to make an inquiry of any proposed supervisor as to that person's training in this area.

PRACTICE TIP: For information about supervised visitation programs, their locations, and contact information, the Clearinghouse on Supervised Visitation at Florida State University (850/644-6303) or visit the website at <http://familyvio.csw.fsu.edu>.

PROTECTION AGAINST INFLUENCING TESTIMONY

A party or participant who has firsthand knowledge of, or who has been told by the child about attempts by, a person to influence the child's testimony may inform the court of such an incident. § 39.0139(6). The court should immediately suspend visitation or other contact. The court must then have a hearing and determine whether it is in the best interests of the child to continue to prohibit or restrict visitation or other contact. Id.

PROTECTION OF A CHILD'S THERAPY PROGRESS

If the child's therapist reports that the visitation or other contact between the child and parent or caregiver is impeding the child's therapeutic progress, the court should convene a hearing within 7 business days to review the terms, conditions, or appropriateness of continued visitation or other contact. § 39.0139(6).

GRANDPARENTS' VISITATION

Presently, pursuant to § 39.509, a grandparent whose grandchild has been adjudicated dependent and is not in the physical custody of a parent is entitled to reasonable visitation unless the court finds that such visitation is not in the best interests of the child or the visitation would interfere with the goals of the case plan. Under the Keeping Children Safe Act, if a grandparent fits the criteria in § 39.0139(3)(a), the rebuttable presumption would be created and the court would conduct the same type of hearing described in this chapter.

GUARDIAN AD LITEM PROGRAM

Only guardians ad litem with specialized training in the dynamics of sexual abuse training can be assigned to cases which arise under § 39.0139.

PRACTICE TIP: The program attorney should review any information available at shelter, arraignment, or disposition hearings, looking for evidence that a parent or caregiver fits any of the criteria in § 39.0139(3)(a). This information will most likely be available only through the department. Further investigation may uncover additional information which the program attorney will need to bring to the court's attention.

If the guardian ad litem receives information from a child which indicates that a person is attempting to influence the testimony of the child or has other firsthand knowledge that this is occurring (for example, the guardian ad litem might overhear a conversation between a child and another person about the child's testimony), the program attorney should file a motion to immediately suspend visitation or other contact, pursuant to § 39.0139(6). Since this motion should be granted by the judge without a hearing, it is suggested that a sworn affidavit signed by the guardian ad litem be attached to the motion, along with a proposed order immediately suspending visitation or other contact. To enable the judge grant the motion without a hearing, request a hearing be scheduled as soon as possible for the court to make the determination as to whether it is in the child's best interests to continue to prohibit or restrict visitation or other contact. Note that the language in §39.0139(6)(a) is not restricted to parents or other caregivers who attempt to influence a child's testimony, but uses the word "person." Thus, it would seem that

a child's contact with anyone who attempts to influence the child's testimony could be stopped pursuant to this section.

It is likely to be the guardian ad litem volunteer who hears from a child's therapist that the child's therapeutic progress is being impeded by visitation with the abuser. If this occurs, the program attorney should file a motion, with the therapist's written recommendation attached, requesting a hearing within 7 business days to allow the court to review the terms, conditions, or appropriateness of continued visitation or other contact, pursuant to § 39.0139(6)(b).

DYNAMICS OF CHILD SEXUAL ABUSE: AN OVERVIEW

<p>PRACTICE TIP: This overview should be used in conjunction with the online Child Sexual Abuse Curriculum for supervised visitation Providers available at http://familyvio.csw.fsu.edu/SV/Manuals.php</p>
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If the court orders supervised visitation between a parent and child under § 39.0139, such visitation can only be with a person who has had special training in the dynamics of sexual abuse or at a supervised visitation program that has complied with certain requirements. Programs that accept sexual abuse cases must have the following on file:

- Agreements with the court regarding child sexual abuse cases
- Annual affidavits of compliance
- Agreements with department
- Documentation of staff training through the Clearinghouse on Supervised Visitation specifically in child sexual abuse dynamics
- Protocols for obtaining background information on sexual abuse case referrals

THE RISK OF CONTACT

When considering family reunification, the Association for the Treatment of Sexual Abusers standards state: "Renewed contact between clients and family members at risk for being sexually abused requires careful monitoring and supervision. Clients continue to pose some level of risk for reoffending even after completing treatment or supervision. The main priority in considering family reunification is the emotional and physical safety of potential victims. [Mental health professionals] should only recommend contact with familial victims or family member under the age of 18 when a nonoffending parent or another responsible adult is adequately prepared to supervise the contact, the victim or minor is judged to be ready for such contact by another professional who can monitor their safety, and clients have made substantial progress in their treatment." Association for Treatment of Sexual Abusers Standards, 2001 p.6.

INAPPROPRIATE BEHAVIOR DURING VISITATION

Florida's supervised visitation providers have observed a number of examples of inappropriate behavior by alleged sexual offending parents during scheduled visits. These behaviors include the parent:

- Attempting to whisper to the child or to speak privately to the child so that the visit monitor

can't hear what is said.

- Playing with toys or other objects near the offending parent's genitals or in the lap of the parent so the child will reach for them and have physical contact.
- Tickling the child, or encouraging other physical contact.
- Exposing genitals.
- Leaving pants unzipped "accidentally."
- Using apparent code words.
- Masturbating.
- Choosing certain toys that have meaning to the child's abuse and/or were used to sexually abuse the child.
- Displaying photographs of individuals, trips, or locations to the child that depict aspects of the child's victimization experience.

Also cause for concern among Florida's supervised visitation providers has been behaviors observed in children with histories of child sexual abuse during court-ordered visits with their alleged offending parent including:

- Toileting accidents (not developmentally expected) during, immediately prior to, or immediately after court-ordered visits.
- Crying beyond what typically occurs during the provision of court-ordered supervised visitation services.
- Exhibiting unusual clinging behavior towards residential, non-offending parent or caretaker.
- Engaging in head banging, or other types of self-injurious behavior.
- Exposing genitals in a developmentally inappropriate manner.
- Attempting to engage in sexually explicit play with other children, visiting parent, or staff during visits.
- Using sexually explicit language during visits.
- Drawing sexually explicit pictures during visits or using dolls or toys in a sexually suggestive manner.

EFFECTS OF CHILD SEXUAL ABUSE ON CHILD VICTIMS

Children who have experienced sexual abuse often display physical, behavioral, and emotional effects of their experiences. Some of these effects are listed in the following chart. While these effects are consistent with child sexual abuse, they may also be attributed to other conditions as well.

PHYSICAL, BEHAVIORAL, AND EMOTIONAL EFFECTS OF CHILD SEXUAL ABUSE		
Physical	Behavioral	Emotional
Genital injuries	Nightmares	Fear
Sexually transmitted diseases	Sleep disturbances	Depression
Urinary tract problems	Changes in behavior	Guilt

Difficulty walking or sitting	Withdrawal	Shame
Preoccupation with genitals	Lack of interest in activities	Numbness
Toileting accidents	Self-injurious behavior	Dissociation
	Fears (of taking baths, of being alone)	Post-Traumatic Stress Syndrome
	Eating disorders	
	Acting out	
	Unusual sexual knowledge for age	
	Promiscuity	

ACCOMODATION SYNDROME

Children who have experienced sexual abuse often display a pattern of behavior and emotional response to help them deal with their abusive experiences. Researcher Roland Summit (1983) referred to this pattern as the Child Sexual Abuse Accommodation Syndrome. Summit’s work was groundbreaking in that it allowed readers to see sexual abuse from the point of view of the child. The sequence of behaviors of the offending parent and the child’s reaction are presented below. It is important for guardians ad litem, attorneys, judges, and supervised visitation providers to become familiar with this syndrome.

CATEGORY ONE		
Secrecy	Offender’s Behavior	Child’s Reaction
	The offender, either overtly or covertly, informs his or her victim that his/her sexual behavior is a secret. Overtly, the offender may say things like “If you tell, they’ll put me in jail,” or “If you tell, I will kill your mother.” In a more covert manner, the offender may remind the victim either through words or behavior of the stigma associated with sexual behaviors. The offender uses isolation and intimidation and takes advantage of a child’s helplessness in the face of an authoritative adult.	The victim may be confused, scared, or ambivalent. She may feel guilty about enjoying the special attention that she has received, or frightened that “something bad will happen” if she tells anyone. The victim may comply with her abuser’s demands out of fear that whatever the overtly or covertly implied consequences of telling are, they will indeed come to pass.
CATEGORY TWO		
Helplessness	Offender’s Behavior	Child’s Reaction

	Offender takes advantage of the natural power and authority that adults hold over children. He exerts power and control over his victim, telling her that “no one will believe you” or that no one cares.	As a result of the adult’s power and authority or in response to the threats made by the offender, the victim feels helpless or powerless to stop the abuse.
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CATEGORY THREE

Entrapment & Accommodation	Offender’s Behavior	Child’s Reaction
	Offender lies about or distorts his actions towards victim, telling her that this is something all daddies do, or that he is only teaching her how to be a good wife. He repeatedly engages in the sexual victimizing behaviors.	Trying to survive, the child tries to “get used to” the abuse. Accommodation is part of the child’s survival skills. It is her response to repeated sexual victimization. She may “accommodate” to the abuse by denying her feelings, withdrawing, denying what is happening, dissociating from abuse. This may explain why some sexually abused children may interact with an abusive parent at supervised visitation in a seemingly appropriate manner.

CATEGORY FOUR

Disclosure	Offender’s Behavior	Child’s Reaction
	Offender may deny abuse if disclosure is made, calling victim liar, mentally ill, or manipulated by other parent into creating a story. Further threatening of victim may occur.	<p>Much sexual abuse is never disclosed. Disclosure may be accidental, may come through anger, or may result from prevention education. As Summit wrote: “Unless specifically trained and sensitized, average adults...can not believe that a normal, truthful child would tolerate incest without immediately reporting...” This is the crux of the Accommodation Syndrome.</p> <p>During this stage, victim may “drop hints” to the non-offending parent, to her relatives, friends, or teachers about the abuse. Depending on the reaction she receives, she may fully disclose, or stop any discussion.</p>

CATEGORY FIVE

Recantation	Offender's Behavior	Child's Reaction
	Offender may continue to deny allegations, convince non-offending parent that abuse did not occur. Offender may also put increasing pressure on child to "take it back," blaming her for problems now facing family.	Not all child victims recant or change their account of the abuse, but some do, in part because they are not believed, or because by disclosing they are subject to out-of-home placement, medical exams, constant interviews with protective service workers and/or law enforcement. Thus, the child faces deep loss with disclosure: loss of peace in her life, security, her familiar environment, her friends, and her family.

NON-OFFENDING PARENTS

Characteristics of non-offending parents include:

- Drug and alcohol dependency problems,
- Heightened levels of depression, and
- Heightened levels of anxiety.

These problems may have *developed in response to the circumstances* under which the non-offending parent resided and the abuse occurred. Clinical research does not support the view that the non-offending parent should be blamed for the abuse.

POSSIBLE REACTIONS OF NON-OFFENDING PARENTS	
Reaction	Reaction to Investigation and Supervised Visitation
Denial of Sexual Abuse	Even with findings of sexual abuse, the parent may make statements saying there has been a big mistake, someone is making all of this up, etc. The parent may also try to convince the visit monitor that the alleged abuse couldn't have happened. The non-offending parent may express denial of any knowledge of the sexual abuse of the child(ren) to visit monitors.
Rationalization	Even with confirmation of sexual abuse, non-offending parents exhibiting rationalization may try to involve the staff in convincing DCF or the court that the allegations are inaccurate by statements such as, "Can you please tell the judge or my DCF investigator how nice my husband is to Casey? He's just a very affectionate father."
Minimization	Minimization may be demonstrated by the non-offending parent in statements they make to supervised visitation staff which indicate an effort

	<p>to diminish the sexual abuse. For example, statements like, “it only happened once or twice,” “it was only fondling, it could have been much worse” indicate minimization of the abusive experience.</p>
Defensiveness	<p>Non-offending parents may also exhibit signs of defensiveness to visit monitors.</p> <p>They may tell staff repeatedly that they had no role in the abuse nor were they aware that it was happening and seek some kind of affirmation from staff about their parenting skills.</p>
Guilt	<p>Parents may experience guilt for not recognizing symptoms of sexual abuse in their children, and may express this guilt to supervised visitation staff.</p> <p>Parents may tell staff that they feel just terrible. “How could the abuse happen?” they may ask staff.</p>
Ambivalent Feelings Toward Offending Parent	<p>Non-offending parents may still have ambivalent feelings toward their offending partner. They may express anger, fear, disgust as well as caring, concern and protectiveness toward the other parent.</p> <p>They may fear what will happen to their relationship as a result of the abuse investigation.</p> <p>During investigations and supervised visitation services, this ambivalence may result in a nonoffending parent being angry toward the other parent one week and tearful the next.</p>
Ambivalent Feelings Toward Child(ren)	<p>Non-offending parents may also exhibit ambivalent feelings toward their children.</p> <p>Investigators, GALs, attorneys, and visitation staff may observe the non-offending parent being both very concerned and at times frustrated and angry toward the child(ren) for reporting the abuse, having to come to a visitation program, etc.</p>
Sadness or Depression	<p>Non-offending parents may express sadness or exhibit signs of depression (weeping, flat affect, sighing, slowed body motions) during their interactions with staff. They may start crying as they leave their child for a visit.</p>
Fear	<p>Non-offending parents may be very fearful that their child(ren) will not be protected during visits with the offending parent. They may make such statements as “Are you sure your staff will not let anything happen?” and “What if my spouse tries to do something else during the visit?”</p>
Anger	<p>Non-offending parents may also be very angry at both the offending parent as well as the child(ren) reporting the abuse. This may result in angry outbursts during interviews, intake at visitation programs, or at other times.</p>

THE GUARDIAN AD LITEM AT SUPERVISED VISITATION

The guardian ad litem may:

- Request that the court order supervised visitation.
- Review records.
- *Observe* visits.
- Interview supervised visitation staff.

If a guardian ad litem requests to observe a supervised visit, the program will do the following prior to the first observed visit:

Obtain a copy of the court paperwork appointing the guardian ad litem. The Order of Appointment and the Oath of Acceptance are two documents which are essential for visitation program records.

Contact the guardian ad litem to review program rules. The guardian ad litem should have a clear understanding of the supervised visitation program's goal: to facilitate safe contact between the parent and child. The guardian ad litem's presence at the visit should not in any way interfere with the visit, unless otherwise ordered by the court.

The guardian ad litem should be wary of drawing conclusions about the visit.

PRACTICE TIP: Standard 4.4(4) of the Guardian ad Litem Program Standards of Operation states that: "While assigned to a case as the guardian ad litem, Program representatives shall not assume direct responsibility for providing services to the children in that case or their families, including but not limited to: ... conducting or being responsible for supervised visits for the children in their cases."

PROTOCOL FOR VISIT OBSERVATIONS

Guardians ad litem, the department, caseworkers, therapists, parenting evaluators, and others may ask to observe the visits at the supervised visitation program. In the absence of a court order to the contrary, their presence should not interfere with the visit. During a visit, these personnel *should not*:

- Interview the child, or ask questions relating to the court case.
- Interview the parent or ask questions relating to the court case.
- Interact with the parent or child – the visit is the *parent's* time to interact with the child.
- Talk with staff in the presence of the child, except when absolutely necessary.
- Redirect parent-child interaction – it is the supervised visitation staff's responsibility to facilitate and redirect interaction.
- Supervise the visit. Unless the court has ordered otherwise, supervised visitation staff, not other personnel, are responsible at all times for controlling the visit –the presence of other personnel does not change the level of supervision required by the Supervised visitation program for a particular case.

During a visit, guardians ad litem, caseworkers and other personnel *should*:

- Remain passive observers to the visit.
- Stay as unobtrusive as possible.

SUPERVISED VISITATION RULES

Any supervised visitation program accepting referrals of cases involving sexual abuse must have specific visit rules already established and available for review by all parties. Typical visit rules for cases involving child sexual abuse include:

RATIO OF STAFF TO VISITING FAMILIES: There should be one visit monitor to each visiting family in child sexual abuse cases. In cases of large families, a supervised visitation program may use more than one monitor to ensure that all family members are supervised adequately.

Rationale This visit rule allows: the monitor to focus on one family, reducing distractions; the monitor to remain in the room at all times; the monitor to see and hear all interaction between parent and child; the child to feel protected; the allegedly abusive parent to be aware of the close scrutiny; the non-abusive parent to feel more comfortable with the visit; and the court to know that the child is being adequately protected.

LANGUAGE REQUIREMENTS: The visit supervisor should have fluency (both spoken and understanding) in the language of the child and the visiting parent. If the parent or child is hearing impaired, the program should obtain the services of a neutral sign-language interpreter for every visit. The issue of language should be discussed at intake, so parents are put on notice as to prohibitions on the use of a language that the monitor does not understand.

Rationale: It is imperative that the visit monitor understand what is being said between a visiting parent, residential parent, and child in order to prevent possible victim-blaming, threats, etc.

PHYSICAL SEPARATION: Families in which a sexual abuse allegation has been made should not be in the same room as non-sexual abuse cases. The potential for involving other families in the abusive family's dynamics is greatly lessened with physical separation from other families.

Rationale: By having families with sexual abuse histories in a private room, the visit monitor is less likely to be distracted, any potential for involvement with other children is reduced, and the risk for other children is minimized.

PHYSICAL CONTACT: Physical contact between the visiting parent and the child should be closely scrutinized, and subject to the following restrictions:

Any physical contact should be brief and should only be, if at all, initiated by the child. However, any physical contact which appears inappropriate or sexualized will be stopped by staff immediately, even if the child does not appear distressed. Children who have been "groomed" as part of their sexual abuse experience may initiate physical contact. Grooming is the process by which the abuser uses secrecy and power and control over their victims –as well as rewards—to condition a child to accept increasing levels of sexual contact. This can begin with such contact as backrubs, hair combing, bathing, stroking, lap sitting, etc. Staff should be aware of this dynamic.

No object – furniture, office equipment, toys, etc – should block the view of the visit monitor.

The following types of physical contact should be prohibited:

- Tickling
- Lap-sitting
- Rough-housing
- Prolonged hugging or kissing
- Tongue kissing
- Kissing on any area below the chin
- Stroking
- Hand holding
- Hair combing
- Changing diapers or clothes

Rationale: This rule reduces the possibility of sexual abuse or physical abuse occurring during visits or of misinterpretations of contact (e.g., false allegations of abuse).

The following additional behaviors should also be prohibited:

- Whispering
- Passing notes
- Hand signals or body signals
- Photographing the child
- Audio taping or videotaping the child
- Exchanging gifts, money, or cards

Rationale: This reduces the possibility of verbal threats, minimizes trigger events for the child and enhances staff control of the visit environment. Triggers can include reminders of the sexual abuse and can be as varied as the abuse experience itself. They may include anything from the cologne or clothing the abuser wears to books, songs, references, or any other item associated with the abuse.

PROHIBITIONS ON ITEMS BROUGHT TO VISITS. The visitor should not bring any items to the visit, including:

- Toys
- Games
- Books
- Written material
- Food
- Additional clothing
- Photographs
- Drinks
- Music
- Tapes (audio or video)
- Dolls
- Jewelry
- Pets (except necessary service animals)
- Household items

Rationale: This reduces the possibility of a perpetrator bringing to the visit covert or overt reminders of the child’s abusive experience. It also reduces the possibility of “bribes” to the child for recanting.

TOILET RULES: Each program should have written rules relating to the use of toilet facilities during visits, and parents and the child (depending on the age of the child) should be made aware of these rules prior to the first visit.

- Children must use the toilets on their own, or, if a child is not old enough to use the toilet on his/her own, he/she should be accompanied by staff. Parents may not accompany their children to the toilet in sexual abuse cases.
- Children may not accompany their siblings or other children to the bathroom.

- Babies who wear diapers or training pants (i.e. Pull Ups) should be changed by staff in a room separate from the visiting parent.

Rationale: This reduces the possibility of physical or sexual abuse incidents during visits or the misinterpretation of the visiting parent's behavior during toileting.

OFF-SITE VISITS: There should be no off-site visits in cases with sexual abuse allegations.

Rationale: This rule reduces a heightened risk of the child being re-victimized in an uncontrolled setting; reduces exposure to an uncontrollable and unpredictable environment outside of a program; and reduces the potential for the monitor to be unable to effectively intervene if anything prohibited happens.

CASE EXAMPLE

Crayons

A father was court-ordered to a visitation program with his 4-year old daughter. There was an allegation of sexual abuse, but the program was not provided with any details or background information. At each visit, the father brought over-sized crayons for his daughter to use during the visit. He sought permission from the program director to bring crayons and construction paper, and she allowed their use. At each visit the man and his daughter sat quietly at a table and drew pictures. Staff believed the interaction was positive. Sometime later, the department staff informed the supervised visitation staff that the father had used such crayons to penetrate his daughter's rectum.

Guardians ad litem should endeavor to learn about and understand the dynamics of child sexual abuse in order to help insure that children who are in the dependency system are not further victimized by a parent or caregiver during visitation or other contact. Being aware of the signs of sexual abuse could save a child from continuing victimization.