

ACWS Position on Safe Visitation

December 2003

ACWS believes that supervised visitation and access centers are an essential component of an integrated community intervention system to eliminate violence and protect its victims¹ and that the provincial government, in collaboration with appropriate partners/stakeholders, needs to develop and fund supervised visitation programs throughout Alberta.

Current custody and access practises put women and children at risk. When family violence leads to separation and divorce, custody and access disputes arise where children are involved. Too often, court decisions pertaining to custody and visitation are weighted in favour of the assumed value of "parental right of access to the child" without considering the safety of the child and victimized parent. This can have tragic consequences including:

- death of the child as in the case of Cole Harder (2001)
- death of mother and child as in the case of Betty and Alex Fekete (2003)
- escalation of violence during separation
- abusive individuals using visitation and exchange as opportunity to follow through on their threats to abduct children.
- intentional violations of court orders by frightened parents or even fleeing with the child to avoid the dangers of sending the child on an unsupervised visit with an abusive parent.
- women being declared an "unfit parent" and losing custody of children to the abusive partner.

Recommendations:

In any program of court-ordered supervised visitation the safety of children and custodial parents needs to be the overriding consideration and domestic violence risk assessment must be provided. Supervised visitation and monitored exchange programs are services created to provide protected settings for the safe transfers and visitation of children with non-custodial parents. Providing safe visitation opportunities including supervised visits and monitored exchanges for families affected by domestic violence is a way to minimize tragic consequences and ensure the safety of the abused parent and children.²

¹ Model Code on Domestic Violence, 1994 National Council of Juvenile and Family Court Judges, U.S.A. as referenced in the ACWS Submission "Domestic Violence: Child Custody, Access and Recommendations for Reform" to the Ministry of Children's Services.

² It must be stated, however, that ACWS understands that such a system is only one part of an integrated response plan which includes necessary changes to family law legislation, broad based training on domestic violence, routine screening for spousal abuse in all custody and access cases, and court use of sheltering agency expertise.

Benefits of safe visitation and access centers include:

- increased safety for parents and children during visits and exchanges,
- provision of a healthy environment for supervised visits between children and non-custodial parents,
- decreased stress for both parents and children
- professional reports completed by qualified staff
- referrals for both children and parents to appropriate treatment and community resources as required.³

In a 24 page submission to the Ministry of Children's Services, entitled "Domestic Violence: Child Custody, Access and Recommendations for Reform", prepared with the assistance of the Calgary YWCA Family Violence Prevention Centre and Sheriff King Home, ACWS addressed concerns related to Custody and Access and made recommendations relative to the need for the development of new laws and services. The following is a summary of the ACWS recommendations made in the report.

- That the Alberta provincial government develop and fund supervised visitation programs throughout Alberta.
- That representatives from ACWS and other Alberta experts in the field of domestic violence form a "Supervised Visitation Advisory Council" to work in collaboration with the Alberta government to oversee the development of supervised visitation centers. (The report included a 3 phase plan).
- That an accreditation body (*Alberta Association of Supervised Visitation Centres*) made up of representatives from ACWS and other domestic violence experts be established to provide certification to supervised visitation sites that are adhering to provincial standards and guidelines.
- That courts make use of the expertise of sheltering agencies in custody and access disputes where there is known or suspected domestic violence.
- That family law legislation recognizes domestic violence as a factor in determining custody and access issues.
- That in determining the "best interests of the child", paramount consideration be given to the personal safety and security of the child and the parent who has been abused.
- That comprehensive risk assessment be mandatory in cases where there are allegations of abuse or where signs are present that indicate a high- risk situation.
- That there be routine screening for spousal abuse in all custody and access cases.
- That ACWS provide broad based domestic violence training and certification to decision-makers and service providers in the area of custody and access.
- That public awareness and educational information be developed for potential user of supervised visitation programs and the general public.

³ "Domestic Violence: Child Custody; Access and Recommendations for Reform" – pg. 7

Highlights of ACWS Activities on Safe Visitation:

Date	<u>Activity</u>
January 2002	ACWS Submission to the Ministry of Children's Services "Domestic Violence: Child Custody, Access and Recommendations for Reform."
June 2003	Safe Visitation program (Sheriff King) was presented at the Children Exposed to Family Violence I Training Seminar.
August 2003	Recommendation for legislated supervised access and exchange in safe visitation centers was included in the ACWS submission to the Standing Committee on Justice and Human Rights re: Bill C-22, Amendments to the Divorce Act.
August 2003	Reference to the need for safe visitation (supervised access and exchange) sites was made to the Unified Family Court Committee
October 2003	ACWS submission "Domestic Violence: Child Custody, Access and Recommendations for Reform" mailed out by Children's Services to a mailing list of 335 with cover letter from ACWS