

Custody & Visitation Orders

For the protection of a child consider:

- Appointing Attorney Ad Litem
- Ordering trauma assessment and follow recommendations of assessment
- Set expedited hearing
- Order risk assessment/lethality assessment
- Do not order mediation as to custody and visitation
- Other _____

Visitation Decisions Checklist:

- Is the perpetrator likely to kill or commit life-endangering violence? (See Lethality Screen Checklist)
- Should the Court order an evaluation by a domestic violence expert regarding the effect on the child of contact with the perpetrator?
- Should the Court order the perpetrator to satisfy certain conditions before permitting visitation (completion of batterer's counseling, alcohol or drug counseling, parenting counseling)?
- Are there criminal charges pending against the perpetrator? Is the court authorized to take judicial notice of these in making its determination?
- If the evidence suggests that the violence may have been mutual, is more investigation needed to determine whether a party acted in self-defense or to protect the child?
- Can the order be crafted in a manner that promotes the safety and wellbeing of the child and the abused party?
- Does the order ensure that contact between the parties is conducted in a manner such that the abused party feels and is safe (Utilize visitation centers, CACs, etc.)?
- Does the order compromise or conflict with orders issued by another court?
- Does the order contain specific language that will enable law enforcement to properly enforce it?
- Is someone available to meet with the child and help them create a safety plan in case the perpetrator becomes dangerous during visitation?
- Does the order keep the address of the abused party and the child confidential?

If your findings of fact support the conclusion that domestic abuse has occurred in the presence of the child, or toward the child or if you do not believe visitation will be safe for the child, consider:

- Suspending visitation
- Order supervised visitation with clear guidelines and controls

Custody & Visitation Orders



Specific language describing conditions of an order and how future disputes between the parties will be resolved prevents either party from taking advantage of any loopholes or ambiguities that may otherwise result.

Examples of specifically worded conditions include:

- Visitation shall take place every first and third Saturday from 10 a.m. to 3 p.m., at the home of and in the presence of Mary Smith, plaintiff's aunt, at 123 Main St., City. The plaintiff is responsible for dropping off the child by 9:45 a.m. and picking up the child at 3:15 p.m. In the event visitation cannot take place, the party must telephone Mary Smith at (000)123-4567 by 8:30 a.m., and visitation shall then take place the following Saturday with the same provisions.
- If respondent wishes to exercise visitation rights, he must call Mary Smith at (000) 123-4567 by 10 a.m. the day before a scheduled visitation. Mary Smith shall then call the plaintiff
- Respondent shall consume no alcohol or illegal drugs during the 12 hours prior to and during visitation. If he appears to have violated this provision, Mary Smith is authorized to deny him visitation that week.
- Visitation is conditioned upon respondent receiving weekly batterer's counseling from X organization, for a certain period of time, e.g. 1 year.
- Visitation may be denied if the respondent is more than 30 minutes late and does not call by 8:30 a.m. to alert Mary Smith to this (to prevent custodial parent and child from waiting for the other parent).
- (If there is a third party available for pick-up and drop-off, or supervised visitation): Plaintiff must arrive at the drop-off location 20 minutes before respondent, and then leave before respondent arrives. At the end of visitation, respondent must remain at the location for 20 minutes while plaintiff leaves with the children.
- (If there is no third party available, even for exchanging children): Drop-off and pick-up of the children shall occur at the local police department, in the lobby. Respondent shall leave with the children immediately; plaintiff may request a police escort to her car or to public transportation. At the end of visitation, respondent shall wait in the lobby at least 20 minutes while plaintiff leaves with the children