

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT DEPARTMENT

GUIDELINES FOR COURT PRACTICES FOR SUPERVISED VISITATION

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GUIDELINES FOR COURT PRACTICES FOR SUPERVISED VISITATION

INTRODUCTION

These Guidelines for Court Practices for Supervised Visitation are intended to protect the safety and welfare of children, adults, and supervisors of supervised visitation. After providing for safety, the best interest of the child is the paramount consideration at all stages and particularly in deciding how and under what conditions supervision is ordered. These guidelines outline the procedures for appointment of visitation supervisors and define the duties and obligations of visitation supervisors. Unless specified otherwise, the guidelines are designed to apply to all professional supervisors appointed by the Court. In cases where the visitation supervisor is a friend, relative, or unpaid third party, these guidelines are intended to provide assistance to the Court. Although accountable to the Court, a supervisor providing supervised visitation services is not a party to the Court proceeding.

In making a decision about contact between a child and non-custodial parent in a contested and/or high-conflict case, the Court will weigh the potential risks of physical and/or psychological harm to a child or parent posed by contact with a non-custodial parent against the potential harm that might result from delaying, reducing, or terminating contact. Supervised visitation may be considered as a means of reducing the risk of physical and psychological harm both to children and parents. Once supervised visitation is being considered determining the type of service and type of supervisor should involve consideration of the following factors:

- the risks parent-child contact presents to members of the family,
- the protection provided by a supervised visitation service, and
- the qualifications of the supervisor and capacity of that supervisor to provide the type of service being considered.

The bench guide, "Supervised Visitation Risk Assessment for Judges" should be used to assist in making these determinations.

SECTION I. DEFINITIONS These definitions apply to the terms used throughout this document in reference to supervised visitation and supervised visitation services.

Domestic Violence Protective Order : Any order entered pursuant to G.L. c. 209A, G.L. c. 208, G.L. c. 209 or G.L. c. 209C limiting contact between two parents and/or a parent and a child.

Non-professional Supervisor : The non-professional supervisor includes a friend, relative, or other suitable third party who does not regularly provide supervised visitation services.

Professional Supervisor : Any person or agency that is paid for providing supervised visitation services, is experienced in and trained to provide supervised visitation services, and meets the qualifications described in Section V. A. of these Guidelines; or an independent contractor, employee, intern or volunteer operating within a supervised visitation center or agency that meets the qualifications described in Section V.A. of these Guidelines.

Supervisor: Supervisor is a general term that covers all visitation supervisors whether individuals or agencies, professional or non-professional.

Supervised Transfer: Supervised Transfer (also called Supervised Exchanges or Exchange Monitoring) is the exchange of a child between a custodial party and a non-custodial party at the start and end of parent-child contacts that is carried out under the supervision of a suitable third party. Supervision is usually limited to the exchanges with the remainder of the non-custodial parent-child contact occurring unsupervised. A supervised transfer shall be subject to these guidelines at the discretion of the Court.

Supervised Visitation: Supervised Visitation is parent/child contact overseen by a supervisor. Unless otherwise specified in this document, "supervised visitation" also includes supervised exchange services.

Supervised Visitation Log : A record to be kept by any professional supervisor that records primary facts regarding each scheduled supervised visitation. A non-professional supervisor shall be required to record the facts of each visit on the log form if directed by the Court.

Supportive Supervised Visitation : Supportive Supervised Visitation, (also called Educational Supervised Visitation,) is contact between a non-custodial party and one or more children in the presence of a suitable third person, in which the supervisor is actively involved in teaching the parent how to interact with the child and modeling positive, appropriate behavior to foster the parent – child relationship.

Therapeutic Professional Supervisor : A licensed mental health professional paid for providing therapeutic supervision services, including but not limited to the following: A licensed psychiatrist, psychologist, clinical social worker, marriage and family counselor, or mental health intern (trainee) working under direct supervision.

Therapeutic Supervision: Therapeutic supervision is the combination of therapeutic intervention provided by a licensed mental health professional (or intern or trainee under supervision of a licensed mental health professional) and the protective and/or supportive functions of supervised visitation. Supervised visitation may also have supportive, educational, or modeling components but is distinguished from therapeutic supervision because the latter is intended to achieve specific therapeutic goals.

Visitation Center : A program or agency that provides safety for parental access to children under the supervision of trained professionals.

SECTION II. General Provisions for Supervised Visitation Cases

A. Provisions of Court Orders :

All orders for supervised visitation shall contain the following provisions:

1. The reason for supervision, including any specific concerns for the safety of the parties or children.
2. The type of supervision, if specialized visitation is required; (i.e., Supportive Supervised Visitation, Therapeutic Supervision.)
3. The name of the supervisor;
4. The frequency and duration of visits, and restrictions on location, if any.
5. A specific review date, unless the order requiring supervision is for a time certain; and,
6. The assignment of responsibility for payment, if applicable.

B. Consistency with Domestic Violence Protective Orders :

All orders for supervised visitation and protective orders shall be amended, if necessary, to be consistent with each other.

C. Assessment of Parental Access :

In cases involving credible allegations of family violence, sexual abuse, or threat of child abduction, there should be a specific initial assessment by the Court of the safety needs of the child(ren), the child(ren)'s need for access to the alleged perpetrator, and the effect of interrupting parent-child contact. The Court may appoint an investigator or evaluator to assist with this determination.

D. Appointment of Professional Supervisor: Whenever a professional supervisor is named to supervise visits or exchanges, the Court shall make an order of appointment. The professional supervisor shall meet the qualifications set forth in these guidelines. No appointment is effective until the professional supervisor files a written acceptance with the Court. The professional supervisor shall comply with the conditions set forth in the supervised visitation order.

E. Declining an Appointment

A professional or non-professional Supervisor should refuse to accept an appointment to supervise visitation if the supervisor cannot reasonably ensure the safety of the child(ren) and adults involved.

F. Accepting an Appointment Limited by Availability

A supervisor may accept an appointment with the condition that the frequency and/or duration of visits specified in the order be adjusted to fit the time and capacity the supervisor has available.

G. Notification of Non-Professional Supervisor : Any person who is named as a non-professional supervisor shall comply with the conditions set forth in the supervised visitation order. All persons named either by agreement of the parties or by the Court, who qualify as a non-professional supervisor shall be given notice that they have been named as a supervisor in the case and shall be given the name of a person within the Probation Office to contact during Court hours if the non-professional supervisor has any questions, or any problems arise.

SECTION III. ISSUING COURT ORDERS FOR SUPERVISED VISITATION

When the issue of Supervised Visitation comes before the Court, the Court has the option of ordering no supervision, supervision by a Non-Professional Supervisor, or supervision by a Professional Supervisor. These Guidelines outline procedures for issuing Court Orders for Supervised Visitation, either by a professional or non-professional Supervisor.

A. Procedure When Supervision is Requested By Agreement of the Parties Accompanied by the Name of an Agreed upon Supervisor.

A request for supervised visitation agreed to by the parties accompanied by the name of a mutually agreed upon professional or non-professional supervisor, shall be memorialized in writing.

1. When information on the suitability and availability of supervisor can be determined on the day the parties agree to supervision.

A report by the Probation Department shall be submitted to the Court along with all requests for a mutually agreed supervisor. The report shall be in a format proscribed by the Office of the Commissioner of Probation. It shall contain information on the availability of the agreed upon supervisor, and information on whether the supervisor meets the qualifications outlined in these Guidelines. (Section V. A.) In the case of a non-professional supervisor, this information shall include a CARI report. The Probation Department report shall accompany the presentation of the agreement of the parties to the Court so that an order may be entered immediately.

2. When information on the suitability and availability of supervisor cannot be determined on the day the parties agree to supervision.

If the Probation Department report cannot be completed prior to the presentation to the Court of the parties agreement for supervised visitation, the Court shall set a review date for **no later than 30 days** from the date of the current hearing.

If the supervision will be conducted by a non-professional supervisor, before the parties leave the courthouse they shall be given, in the courtroom, or by the Probation Department, copies of an informational pamphlet describing the general duties of a supervisor and copies of a Prospective Supervisor Information Sheet to be completed by the mutually agreed upon Supervisor. One of the parties shall be designated responsible for providing the form to the agreed upon Supervisor and instructing the agreed upon Supervisor to complete the form and return it to the Probation Department of the Division where the case is being heard.

At or prior to the review, the Probation department will provide the Court with the report of information about the agreed upon supervisor.

Upon approving the terms of the agreement, and provided the Court does not disqualify the supervisor, the Court shall incorporate the agreement in a temporary order.

The order shall contain the specific information described in Section II (A), Provisions of Court Orders.

B. Procedure When the Parties Agree to Supervised Visitation After Dispute Intervention with No Agreed to Supervisor:

If the parties agree to supervised visitation after dispute intervention, but not upon the supervisor, the case shall be returned to the Court.

The Probation Officer shall report to the Court the reasons for supervised visitation. If the parties have not agreed on frequency and duration of visits and an appropriate review date the Probation Officer may inform the Court of his or her recommendation.

1. When the supervision is to be by a non-professional supervisor.

The agreement shall be accompanied by a signed stipulation by the parties to submit the names of proposed non-professional visitation supervisors within the time frames set forth below.

The Court shall enter a review date for **no later than 30 days** from the current hearing.

Each party shall have no more than **fourteen (14) days** to submit **a list of at least one and no more than three (3) names** to the Probation Department with a copy to the opposing party. For each potential supervisor, the party shall submit an address, a daytime telephone number, an acknowledgment that the candidate has been given the informational pamphlet "Supervised Visitation: Information for Non-Professional Supervisors" and the Prospective Supervisor Information Sheet.

Before the parties leave the courthouse, they shall be given, in the courtroom, or by the Probation Department, copies of an informational pamphlet describing the general duties of a supervisor and copies of a Prospective Supervisor Information Sheet. They shall be instructed to provide the form to each of their nominated supervisors. The parties shall request that each of their nominated supervisors complete the form, including the nominated supervisors' authorization for a criminal record check (CARI), as soon as possible, and return it to the Probation Department of the Division where the case is being heard.

If a no contact order (paragraph 2 of an abuse prevention order) is in effect, the mailing of a list of names shall be deemed a notice of a court proceeding and is by the terms of the 209A order not a violation of that paragraph.

If a party has an objection to any of the names submitted by another party, that party shall submit written objections supported by specifically stated reasons to the Probation Department on or before the scheduled review date.

If only one party complies with the order to submit a list of names and any additional information required within the allotted time frame, that list of names shall be submitted to the judge for review and appointment.

At or prior to the review, the Probation department will provide the Court with the report(s) on the nominated supervisor(s). At the review, the Court shall enter orders concerning supervised visitation. The order shall contain the specific information described in Section II (A), Provisions of Court Orders.

2. When the supervision is to be by a professional supervisor.

The Court shall incorporate the parties' agreement in a temporary order. The order shall contain the specific information described in Section II (A) Provisions of Court Orders. The Court, in accordance with the provisions of SJC Rule 1:07 shall appoint a professional supervisor from the Court's list of approved providers of Supervised Visitation.

C. Procedure when the parties do not agree to Supervised Visitation and the dispute is presented to the Court.

These Guidelines do not outline the issues for consideration in making a determination about the need for Supervised Visitation. The Administrative Office of the Probate and Family Court has distributed a bench guide entitled "**Supervised Visitation Risk Assessment for Judges**" to all Judges of the Probate and Family Court. It contains detailed information about some of the issues that may be considered when assessing the need for Supervised Visitation.

If the Judge determines that visitation should occur and should be supervised, the Court shall enter a temporary order appointing a Supervisor. The Court shall appoint a professional supervisor from the Court's list of approved providers of Supervised Visitation. The order shall contain the specific information described in Section II (A), Provisions of Court Orders.

D. Special considerations for DOR/CSE and Abuse Prevention Cases

An agreement for supervised visitation that is incorporated by the Court into an order, or an order entered by the Court, with or without prior Probation Department involvement, shall contain the specific provisions listed in Section II A. The following case types shall also include the additional information or orders as outlined below.

1. DOR/CSE cases.

If a stipulation in a case filed by DOR/CSE and heard on "Block Day" or a motion session, includes a request or an agreement for supervised visitation, the stipulation cannot be allowed without the parties' appearance before the Court.

2. Abuse Prevention Pursuant to G.L. c. 209A cases

Ex parte requests. Any request for supervised visitation by the plaintiff that is allowed by the Court in an *ex parte* abuse prevention order, need not comply with these provisions during the existence of the *ex parte* order only.

Hearing After Notice. At a hearing after notice, if the plaintiff requests supervised visitation and the Court determines that such visitation is appropriate and that provisions have been made for the safety and well being of the child and the safety of the abused parent, supervised visitation may be ordered. When ordering supervised visitation by an identified supervised visitation supervisor as part of the abuse prevention order, the name of the Supervisor shall be inserted in paragraph 8 of the abuse prevention order. If the name of a Supervisor is not immediately available but the parties have agreed to supervised visitation or the Court is ordering supervision, it is suggested that the following language be inserted in paragraph 8: "Visitation is only allowed if a Supervisor is subsequently named." If possible, preference should be given to the appointment of professional supervisors when supervised visitation is ordered as part of a G.L. c. 209A order.

SECTION IV. DESIGNATING A SUPERVISOR

A. Notice

The Court shall give the supervised visitation Supervisor a copy of the Court order that sets out the reasons for supervised visitation and any safeguards imposed by the Court.

The Court shall send each supervisor the "Notice to Supervisor" form indicating that he or she has been named as the supervisor of visitation.

Copies of a sample Supervised Visitation Log (See Section V.) shall be made available to professional supervisors with instructions for completion. If required by the Court, the log shall also be given to and used by the non-professional supervisor.

The Supervisor shall be given the name and telephone number of a contact person within the Probation Department who will be available during business hours to assist the supervisor in the event that further contact is necessary.

B. List of Qualified Professional Supervisors:

Appointment as a professional supervisor of visitation is a fee generating appointment falling within the provisions of SJC Rule 1:07. The Administrative Office of the Probate and Family Court shall promulgate procedures for establishing a list of qualified supervisors. Each professional supervisor seeking to be eligible for Court appointments must be on the list of qualified supervisors. The list will be maintained and distributed by the Administrative Office of the Probate and Family Court.

Every effort will be made to conduct regional, statewide trainings to inform professional supervisors about these guidelines.

Any professional supervisor no longer performing supervision services shall provide written notification to the Administrative Office of the Probate and Family Court. The professional supervisor shall request to have the name of the supervisor taken off of the list.

C. Information for Non-Professional Supervisors A potential non-professional supervisor shall be provided a copy of the informational pamphlet describing the general duties of a supervisor including information and a copy of the Court order for supervised visitation. The pamphlet and the order shall provide the supervisor with information on:

- i. His or her role as supervisor
- ii. Where the visits could take place, i.e., in his or her home, at a park, or somewhere else.
- iii. The supervisor's responsibilities, including:
 - Compliance with the terms of any existing restraining orders.
 - Contacting the Probation Office if the supervisor is no longer willing or able to act as a Supervisor.
 - Following any safeguards set out in the Court order.
 - If required by the Court, completing the supervised visitation log for each supervised visit and when to submit it to the Court.
- iv. The type of case and what is expected, i.e.:
 - If substance abuse is a concern, monitoring the non-custodial parent at the beginning of a visit for use of drugs or alcohol and not allowing the use during a visit.
 - In certain circumstances, the supervisor may also be asked to supervise the custodial parent's behavior during the drop off and pick up of the child.

The supervisor stays close enough to the parent and the child so that he or she can hear all remarks said between the two. At no time should the parent and child be outside of the supervisor's vision or hearing or otherwise have the child left alone.

**SECTION V. SUPERVISED VISITATION SUPERVISORS:
QUALIFICATIONS, DUTIES, AND OBLIGATIONS**

The determination of the type of supervisor and the type of supervision necessary for each case shall be made based upon the degree of risk, the needs of the family, the local resources, and the financial situation of the parties. Although the Court makes the final decision as to the order for supervised visitation, the Court may consider recommendations by the parties and their attorneys, probation officers, guardians *ad litem*, clinicians, and the attorney for the child, if any.

No person who has a record of a conviction for child molestation, child abuse, or other crimes against another person may be designated as a visitation supervisor without a hearing and approval of the Court.

A. Qualifications

i. For All Supervised Visitation Supervisors:

- **Ability to Intervene:** Every supervisor must be capable of objective observation and of intervening effectively to maintain the safety of the parties and children.
- **Neutrality of Supervisor:** All supervisors must maintain a neutral role by refusing to discuss the merits of the case, or agree with one party over another. Any discussion between a supervisor and the parties should be for the purposes of arranging visitation and providing for the safety of the children and parents.
- **Conflict of Interest:** In order to avoid a conflict of interest, unless otherwise approved by the Court, no supervisor shall be:
 - a. financially dependent on the person being supervised;
 - b. an employee of the person being supervised; or
 - c. in an intimate relationship with the person being supervised.

- Trial Court Employees: No supervisor who is paid by the parties, either jointly or separately shall be an employee of the Massachusetts Trial Court, with the exception of Probation Officers appointed to supervise visitation in the course of their duties.

ii. Specific Qualifications for Each Type of Supervisor .

There are three types of supervisors: non-professional, professional, and therapeutic professional.

a. Non-Professional Supervisor:

In addition to qualifications for all supervisors listed above and unless otherwise ordered by the Court or stipulated by the parties and approved by the Court, the non-professional supervisor must, at a minimum, meet the following qualifications:

- Be 21 years of age or older;
- Submit information to the Probation Department for a search of the CORI, CARL and WMS systems, or any comparable system in another relevant jurisdiction. Special scrutiny shall be given to situations where:
 - a. There has been a conviction for operating under the influence (OUI) within the last 5 years;
 - b. The party has been incarcerated, and/or on probation or parole during the last 5 years;
 - c. There has been a civil or criminal restraining order issued against the party within the last 5 years;
- Be able to speak the language of the party being supervised and of the child;
- Have proof of automobile insurance, motor vehicle registration, a valid drivers license, as well as access to a car seat, as required by law, if the supervisor will transport the child;

- Have experience with children; and
- Be willing to be named a supervisor and adhere to and be able to follow the Court order regarding supervised visitation.

b. Professional Supervisor:

In addition to the qualifications for all supervisors listed above and unless otherwise ordered by the Court or stipulated by the parties and approved by the Court, the professional supervisor must, at a minimum, meet the following qualifications:

- Be 21 years of age or older;
- Submit information to the Probation Department for a search of the CORI, CARI, and WMS systems or any comparable system in another relevant jurisdiction. Special scrutiny shall be given where:
 - a. There is a record of a conviction for child molestation, child abuse, or other crimes against a person; Any person with a conviction for child molestation or child abuse may not be designated as a visitation supervisor without a hearing and approval of the Court.
 - b. The supervisor has been convicted for operating under the influence (OUI) within the last 5 years;
 - c. The supervisor has been incarcerated and/or on probation or parole during the last 10 years;
- Have no civil or criminal restraining orders issued against the supervisor within the last 10 years;
- Have no current or past Court order in which the supervisor is the person being supervised;
- Be able to speak the language of the party being supervised and of the child, or provide a neutral interpreter over the age of 18;

- Have proof of automobile insurance, motor vehicle registration, a valid drivers license, as well as access to a car seat, as required by law if the supervisor will transport the child;
- Know the laws relevant to domestic violence
- Be trained in domestic violence and the needs of victims of abuse;
- Know the child abuse reporting laws;
- Maintain record-keeping procedures;
- Be trained in performing the functions of supervised visitation, including at a minimum: intake screening for violence, preparing the child for the visit, providing security, recording observations, terminating visits, reporting to the Court, and supervising visits;
- Be familiar with the provisions of these guidelines;
- Be trained in risks that may arise for children of different ages from contact with a non-custodial parent; including parent conflict, physical or sexual abuse, substance abuse, domestic violence, or interruption of contact; and,
- Accept the appointment as a supervisor of visitation, adhere to and have the ability to follow the Court order regarding supervised visitation. A Supervisor may, however, accept an appointment on the condition that the frequency and/or duration of visits specified in the order are limited to fit the time and capacity the supervisor has available.

c. Therapeutic Supervisor:

In addition to qualifications for all supervisors listed above and in addition to the qualifications for professional supervisors, unless otherwise ordered by the Court or stipulated by the parties and approved by the Court, the therapeutic supervisor must, at a minimum, meet the following qualifications:

- Be licensed as a mental health professional (or be an intern or trainee under direct supervision of a licensed mental health professional) and have appropriate clinical training; and,
- Accept the appointment as a supervisor of visitation, adhere to and be willing to follow the Court order regarding therapeutic visitation.

B. Duties

i. Court Directives: Each supervisor shall obtain informational materials about supervised visitation from the Court.

ii. Reporting and Record Maintenance:

a. Incidents of Abuse

Any incident of abuse observed by the Supervisor must be reported if the Supervisor is a mandated reporter under G.L. c. 119, §51A. If a supervisor is not a mandated reporter any incident of abuse observed by the Supervisor should be reported to the contact person at the Probation Office.

b. Supervised Visitation Log

Professional Supervisor

Each professional supervisor shall be required to keep a Supervised Visitation Log. Copies of the "Supervised Visitation Log" form shall be made available to the supervisors. The professional supervisor shall file a completed log with the Court as directed by the Court order.

Non-professional Supervisor

A non-professional supervisor may, at the discretion of the court, be required to keep a Supervised Visitation Log. If the Court has required the non-professional supervisor to maintain a log, a copy of the "Supervised Visitation Log" form shall be provided to the non-professional supervisor. The supervisor shall be given a date by which to return the log to the Court.

c. Other Case Information

In addition to the supervised visitation log, the professional and therapeutic supervisors may keep a record for each case in compliance with the supervisor's professional standards. In order to be considered by the Court, all recordings for the supervisor's case file must be limited to facts, observations, and direct statements made by the parties, not personal conclusions, suggestions, or opinions of the supervisor. All contact between the supervisor, in person, in writing, or by telephone with either party, the child(ren), the Court, attorneys, and mental health professionals, should be documented in the supervisor's case file. All entries should be dated and signed by the person recording the entry or by the director of the agency.

iii. Safety and Security Procedures:

All supervisors should make every reasonable effort to ensure the safety and welfare of the child(ren) and adults during the visitation. Supervised visitation centers, agencies, and professionals are encouraged to establish working relationships with the local law enforcement agencies. The relationship with the law enforcement agencies should include the establishment of emergency procedures to best ensure that the safety needs of the supervisors and their clients and staff will be met.

All visitation centers, professional, and therapeutic supervisors shall:

- a. Prepare a written agreement to be signed by the parties before commencement of the supervised visitation. The agreement should inform each party of the terms and conditions of supervised visitations.
- b. Conduct an intake and screening to assess the capacity of the supervisor to perform the service as ordered. The procedures for intake should include separate interviews with each party.
- c. Include each child in the intake or orientation process, if the child is of sufficient age and capacity. Any discussion

should be presented to the child in a manner appropriate to the child's developmental stage.

- d. Obtain during the intake and screening process, (i) copies of any protective order, including any order to impound an address (ii) current custody and visitation Court orders including the supervised visitation order, (iii) a report of any written records of allegations of domestic violence or abuse, and (iv) in the case of a child's chronic health conditions, a statement as to his or her health needs;
- e. Explain the reasons that a temporary suspension or termination of a visit may occur.
- f. Suspend or terminate a supervised visit if the supervisor determines that the risk factors present jeopardize the safety and welfare of any person.

iv. Safety Considerations For Sexual Abuse Cases:

In cases where there are allegations of sexual abuse, the following additional terms and conditions are applicable to all supervisors unless otherwise approved by the Court:

- do not allow exchanges of gifts, money, or cards
- do not allow photographing, audio taping, or videotaping of the child;
- do not allow the following physical contact with the child: lap sitting, hair combing, stroking, prolonged hugging, wrestling, tickling, horse playing, or changing diapers.
- do not allow the non-custodial parent to accompany the child to the bathroom;
- do not allow whispering, passing notes, hand signals, or body signals; and,
- do not allow supervised visitation in the location where the alleged sexual abuse occurred or is alleged to have occurred.

v. Discovery of Other Case Information:

If ordered by the Court, observation data about the supervised visit(s) and/or exchanges should be filed with the Court. Only facts, observations, and direct statements should be contained in the data. Any opinions or recommendations shall be redacted (blackened out) prior to production, unless otherwise ordered by the Court.

A copy of any data filed with the Court shall be available at the Court, for reading only, by any attorney of record or *pro se* litigant, unless otherwise ordered by the Court.

Any identifying information about the parties and the child, including addresses, telephone numbers, places of employment, and schools, is confidential, should not be disclosed, and should be deleted from documents before releasing them to any Court, attorney, attorney for the child, party, mediator, evaluator, mental health professional, or social worker, except as required in reporting suspected child abuse.

C. Obligations

i. Confidentiality:

Communications between parties and supervisors of supervised visitation are not protected by any privilege of confidentiality.

The supervisor shall inform the parties that the psychotherapist-patient privilege does not apply during therapeutic supervision.

The professional and therapeutic supervisor should, whenever possible, maintain confidentiality regarding the case except when (i) ordered by the Court; (ii) subpoenaed to produce records or testify in Court; (iii) requested by an evaluator in conjunction with a Court ordered investigation, or evaluation; (iv) required by Child Protective Services; or (v) requested by law enforcement.

ii. Terms and Conditions:

Once a supervisor has agreed to serve as a visit or exchange supervisor and until the supervision ends or the supervisor resigns

or is removed, the supervisor shall be responsible for following all of the terms and conditions of any supervised visitation order.

All professional supervisors of supervised visitation have the following additional responsibilities and obligations;

Advise the parties before commencement of supervised visitation that no confidential privilege exists;

Report suspected child abuse to the appropriate agency as provided under G.L. c. 119, §51A.

Inform the parties of the supervisor's obligation to make such reports.

iii. Temporary Suspension or Termination of Supervised Visitation:

All supervisors should make every reasonable effort to provide a safe visit for the child and the non-custodial party. However, if a supervisor determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child, a parent, or the supervisor is at risk, the visit may be temporarily interrupted, rescheduled at a later date, suspended pending review, or terminated.

When the supervisor is suspending services pending review, written notice must be provided to the Probation Office that the services have been suspended within two (2) business days of suspension. When the supervisor is terminating services entirely, the supervisor must file a written resignation of appointment as set forth in Section V. D. 4. Any interruptions or terminations of visits should be recorded in the case file.

All supervisors should advise both parties of the reasons for interruption of a visit or termination.

The professional and therapeutic supervisor should also state the reasons for suspension or termination of supervised visitation in writing and provide them to both parties, their attorneys, the attorney for the child, as well as the Probation Department.

iv. Discharge of the Supervisor

a. Declination as Supervisor : If a named supervisor, either professional or non-professional, cannot accept the appointment for whatever reason, that supervisor shall within 5 days of the notice of appointment or receipt of the notice to supervisor, file a notice that he or she will not accept the appointment. A non-professional supervisor need not give a specific reason for declining an appointment to provide supervised visitation or exchange services. A professional supervisor should provide the Court with a brief explanation of the reason for declining the appointment.

b. Resignation of Appointment : If at any time after the acceptance of the appointment, the supervisor is no longer willing or able to act as a supervisor, the supervisor shall notify the Court.

A professional supervisor shall file a written resignation with the Court.

A non-professional supervisor shall notify the parties and the contact person within the Probation Department of his or her intent to no longer provide services. This notification shall constitute a resignation for a non-professional supervisor.

c. Removal of Supervisor : Upon motion of a party, the probation officer or on its own motion, the Court may remove a supervisor for failure or inability to comply with the conditions of appointment or because the services are no longer needed.

