OPD OFFICE OF THE PARENT DEFENDER

TUESDAY'S TIP #3

Welcome to a new feature on our listserv – Tuesday's Tip. Each Tuesday, our office will share a tip that you can apply to your cases right now. I encourage you to save each tip in a folder so that if you're faced with the same situation in a future case, you have this handy resource available to you. These will also be available on our website as a counsel resource.

Situation: The case is closed (no further reviews or transferred to Ch. 50) and visitation is minimal.

The Problem: When reviews are waived (due to guardianship or custody being granted), some judges order a minimal amount of visitation "plus whatever other visitation the parties can agree to." Sometimes the relationship breaks down and visitation becomes impossible to agree to since the guardian or custodian controls access. Or a parent goes from having 8 hours monthly, supervised, while DSS was involved, to 2 hours monthly, supervised once DSS closes its case.

Law: NCGS § 7B-905.1 requires the court to list the minimum frequency and length of visits and whether the visits shall be supervised. NCGS § 7B-906.1 (n) allows a party to file a motion for review which the court cannot waive.

Action Steps:

1. Prepare a Visitation Agreement detailing the rights and obligations that remain with your client. [Form is available on our website.]
2. Have the judge approve the Visitation Agreement as part of the final order.

Conclusion:

Don't let your client's case close without specific expectations as to their remaining rights as to visitation! Enter into a visitation agreement from the beginning!

Is this something that you can implement? Feel free to email me directly with requests/suggestions for future Tuesday's Tip!