

## Transportation to Visits When the Child's Parent is Incarcerated

By Phil Ladew 2010

When a child's parent is incarcerated it can be difficult to arrange for the necessary transportation. Often, the facility is far away and there can be strict clearance procedures, long lines, and no money in the Social Service Department's budget for transportation.

However, I want to encourage you to nourish the thoughts you already have...namely that ***it does not matter*** how difficult something is to attain. The ***only thing that matters is whether it is best for the child.***

After talking with the child, the child's attorney, and the social worker, if you feel that it is best for the child to visit his or her parent then that should be your recommendation to the court.

### *Family Reunification*

When a case is still in the family reunification stage, then visits ***must*** happen unless the court finds that it is detrimental to the child. It is important to look at a child's visitation with a parent as a right (subject to any detriment finding) and the transportation as a service. If the court has ordered that the Agency is to provide child welfare services to a parent, then the Agency should arrange for visits. If the caregiver is unwilling or unable to transport the child, then the Agency must arrange for alternative transportation.

It is within the court's authority to make "any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child." Welf. & Inst. Code § 362) Ordering that the Agency *provide* transportation is certainly reasonable.

### *After Family Reunification*

Even after a case moves out of Family Reunification (and services are terminated to the parents) transportation services for visits can be ordered as services to the minor.

### *CASA volunteers driving children*

As a CASA volunteer, you are uniquely positioned to advocate for the best interests of the child. Further, you are in a position to fill the cracks. If your CASA program allows you to transport children, you can take them to visit their parent in custody. See Cal. Rule of Court 5.655(c)(3).

However, you should not forget that first and foremost, it is the Social Services Agency's role to provide for transportation. So, if it makes sense to do so, advocate for the service that meets the child's needs.

### *Practice Tips*

- Don't be content with an order that the Agency "look into the matter." If visits should happen, then ask that the court make an order for a specific number of visits i.e. twice a week, three times a month, etc.
- Early on, if the caregiver, CASA, or someone else is willing to provide transportation, then it is fine to take a "wait and see approach." However, if it becomes clear that visits are not happening ask that the court specifically order that the Agency "arrange for **and provide**" transportation as necessary."
- Look into alternatives, like televised visitation, letter writing, phone calls, etc. The goal is to ensure that when it is best for the child to maintain contact, that they do so in a meaningful way.