

STATE OF HAWAI'I FAMILY COURT FIRST CIRCUIT	CASE ID/NUMBER _____
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**PROPOSED ORDER
REGARDING SUPERVISED VISITATION**

v. Plaintiff,

Defendant.

This document is prepared by:
[] Self-Represented [] Plaintiff [] Defendant
[] Attorney for [] Plaintiff [] Defendant

Name

Address

City, State, Zip Code

Telephone/Cell No. Fax No.

E-Mail Address

I request that I be provided with a filed copy of the attached document in the following manner:

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STATE OF HAWAII FAMILY COURT FIRST CIRCUIT	CASE ID/NUMBER _____
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ORDER REGARDING SUPERVISED VISITATION

By Stipulation

v. Plaintiff,

Defendant.

This document is prepared by:
 Self-Represented Plaintiff Defendant
 Attorney for Plaintiff Defendant

Name (and if applicable, Attorney No.)

Address

City, State, Zip Code

Telephone/Cell No.

Fax No.

E-Mail Address

For good cause and in the best interests of the child(ren), IT IS HEREBY ORDERED, pursuant to Section 571-46(a) of the Hawai'i Revised Statutes (HRS) and/or Rule 54.2 of the Hawai'i Family Court Rules, as follows:

1. That Plaintiff Defendant Other: _____
shall have supervised visits with the following subject child(ren) stated herein:

(1)	Initials of <u>Subject Child(ren)</u>	<u>Gender</u>	<u>Birth Year</u>	<u>School</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

2. That supervised visits are necessary because: (state the reasons for supervised visits)

If this case involves alleged sex abuse and/or domestic violence, all relevant orders must be provided to the Visitation Supervisor by the visiting parent or his/her attorney prior to the commencement of the visit.

3. That visits shall be supervised by a Visitation Supervisor ("VS") who is a neutral third person, who is not a party to this action, and who has no conflict of interest with either parent or child(ren).

4. VISITATION SUPERVISOR: The parties/attorneys have contacted the following person to be the VS and he/she has agreed to be the VS:

Name: _____

Telephone No. _____ E-mail address: _____

5. Supervised visitation times shall be as follows: (Not more than six hours):

Sunday From _____ .m. to _____ .m.

Monday From _____ .m. to _____ .m.

Tuesday From _____ .m. to _____ .m.

Wednesday From _____ .m. to _____ .m.

Thursday From _____ .m. to _____ .m.

Friday From _____ .m. to _____ .m.

Saturday From _____ .m. to _____ .m.

6. The pick-up and drop-off shall occur at the following locations: (Should be a consistent location)

Sunday _____

Monday _____

Tuesday _____

Wednesday _____

Thursday _____

Friday _____

Saturday _____

7. The individuals who are authorized to pick-up and drop-off the child(ren) are:

8. The visits shall commence on (date) _____ and shall end on (date) _____ and shall last no longer than four (4) months in duration, unless a written agreement is reached between the parties and the Visitation Supervisor and is approved by the Court.

9. The visiting parent shall coordinate all of the activities for the visit, except that where there is an allegation of sex abuse, no visit shall occur at the place of the alleged abuse. There shall be no water sports for any supervised visit.

10. SUPERVISED VISITATION FEES AND COSTS:

The fee for the visitation (as quoted by the VS) shall be: _____ per hour in addition to travel costs of \$_____ per visit or \$_____ per mile. This amount will be paid by Plaintiff (____%) Defendant (____%). Split equally, and shall be paid at the beginning of each visit by cash or check. If a check is returned by the party's bank, the parent whose check was returned shall be responsible for all the bank fees incurred by the VS and thereafter shall pay for his/her visitation fees in cash.

The costs for entrance fee for the VS during the visit (e.g., zoo, museum, etc.) shall be paid by:

Plaintiff (____%) Defendant (____%) Split equally.

BOTH PARENTS SHALL:

- ▶ Arrive promptly for all visits. The non-visiting parent shall arrive 15 minutes before the start time of the scheduled visit and shall release the child(ren) to the visitation supervisor ("VS"). The non-visiting parent shall then leave the location. The visiting parent shall arrive 10 minutes before the start time of the scheduled visit and shall wait until the VS indicates that the child(ren) is/are ready to start the visit. At no time shall the visiting parent meet the child(ren) at the non-visiting parent's vehicle;

If the visiting parent is more than 15 minutes late for the start time of the visit, the VS shall cancel the visit and contact the non-visiting parent to return to the location and pick-up the child(ren). The VS will then notify the parties' attorneys (if any) the next business day that the visit did not occur. If the non-visiting parent is late, the VS will call the non-visiting parent. If the child(ren) has/have not arrived within 15 minutes of the start time of the scheduled visit and the VS was unable to contact the non-visiting parent, then the visit will be cancelled and the non-visiting parent shall be responsible for 100% of the visitation fees for that visit;

- ▶ Arrive promptly at the end of the scheduled visit. When the visit is over, the VS shall escort the child(ren) to the non-visiting parent and the visiting parent shall leave the location. If the non-visiting parent fails to arrive within 15 minutes of the end time of the visit, then the VS shall bill the non-visiting parent \$5.00 per minute that the non-visiting parent is late. Payment for the late pick-ups shall be made promptly. The VS may attempt to contact the non-visiting parent by telephone. If there is no response and the 15 minute time period has elapsed and the non-visiting parent has not arrived to pick-up the child(ren), the proper authorities shall be contacted;
- ▶ **Not** question the child(ren) about the other parent or make disparaging comments to the child(ren) about the other parent prior to or during the visit and not use the child(ren) as messengers to the other parent;
- ▶ **Not** ask or use the supervised visits as a time to exchange gifts, information, documents, etc.;
- ▶ **Not** discuss this case with the VS or ask the VS' opinion on custody and/or visitation matters;
- ▶ **Not** invite other persons, other than those named in this Order, to the pick-ups and drop-offs, or to meet them during the visits. The visits shall be for the visiting parent and child;
- ▶ **Not** request the VS to testify, write reports or provide any information regarding the visits unless a written agreement has been made between the VS and both parties or as ordered by the Court. A separate fee may be charged by the VS for those additional services;
- ▶ Notify the VS more than 24 hours in advance if a scheduled visit is to be cancelled. The VS shall not attempt to reschedule the missed visit. If a cancellation is made less than 24 hours in advance, the VS shall be paid the visitation fee as if the visit had occurred;
- ▶ Prior to the first visit, provide the VS with the appropriate information specific to the child(ren), (i.e., medication needs, dietary needs, allergies, behavioral issues, mental health issues, etc.).

THE VISITATION SUPERVISOR (“VS”) SHALL:

- Provide supervision for the named child(ren) and named parent;
- Arrive on time for the scheduled visits;
- Provide a 48 hour notice if a scheduled visit needs to be cancelled, unless in the case of an emergency;
- Attempt to secure an alternate VS if the VS is unavailable and shall provide the contact information of the alternate VS to both parents;
- Make the determination if the visiting parent will be able to transport the child(ren) in his/her vehicle during the scheduled visit, and if so, ensure that the proper seats are available for the child(ren);
- **Not** act as a mediator between the parents;
- **Not** provide transportation for either the child(ren) or the parents;
- **Not** conduct parenting education for the visiting parent;
- **Not** discuss this case or the potential outcomes with either parent;
- **Not** provide snacks or food for the child(ren) or parent;
- **Not** change diapers or clothes of the child(ren), run after a child, put in or remove a child from a safety seat or carry a child;
- **Not** be required to pay for entrance fees or other costs associated with the visit (e.g., admission fees, movie ticket, etc.);
- Determine if a visit should end earlier than anticipated and may suspend any future visits. Should the VS suspend future visits, he/she shall explain, in detail, the reasons of the suspension to the court in a letter and provide copies to the attorney(s) and to any self-represented party.

OTHER PROVISIONS:

If a scheduled visit falls on a state and/or federal holiday, then it will be up to the VS whether or not the visit shall occur and what additional fees may be charged due to the holiday hours, and the VS shall notify the parties within one (1) week prior to the holiday.

If an emergency arises involving a child, the child is to be taken to _____ hospital.

A copy of the child(ren)’s medical insurance card shall be provided to the visiting parent before the first visit and shall be brought to all visits by the visiting parent.

11. Other: _____

12. A copy of this Order shall be given to the VS by Plaintiff/Plaintiff's attorney Defendant/ Defendant's attorney within five (5) days of the filing of this Order or one (1) day prior to the first visit, whichever occurs first.

CONTACT INFORMATION FOR THE PARTIES:

	PLAINTIFF	DEFENDANT
Name:		
Address:		
City, State, Zip Code:		
Home Telephone No.:		
Cell Telephone No.:		
E-Mail Address:		
Attorney's Name:		
Attorney's Address:		
City, State, Zip Code:		
Telephone Number:		
Fax Number:		
E-mail Address:		

DATED: Kapolei, Hawai'i, _____.


JUDGE OF THE ABOVE-ENTITLED COURT

Print Judge's Name: _____

APPROVED AS TO FORM AND CONTENT:

Plaintiff's Signature Date Defendant's Signature Date

Signature of Plaintiff's Attorney Date Signature of Defendant's Attorney Date

 If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation: Call the ADA Coordinator of the First Circuit Family Court Office at (808)954-8200, fax (808)954-8308, or send an e-mail to adarequest@courts.hawaii.gov. The ADA Coordinator will work to provide, but cannot guarantee your requested auxiliary aid, service, or accommodation.

Please call the Family Court Service Center at (808)954-8290 if you have any questions about forms or procedures.