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## *In Custody Fights, a Hurdle for the Poor*

By LESLIE KAUFMAN

Custody battles are rarely gentle affairs, but if you are poor, such fights can carry an added frustration: waiting months to get a court-approved visit with your own child.

In cases involving allegations of domestic violence, which are increasing, or other issues, such as drug abuse and long absenteeism, judges often require that child's visits with the noncustodial parent take place only in the presence of a professional, like a social worker.

But when judges order supervised visitation, neither the court nor other government agencies pay for the service, a growing problem in New York City and across the nation.

Because he cannot afford to pay for supervised visitation, which routinely costs \$100 an hour, Juan Manuel Fernandez, 51, of Washington Heights, said, he has not seen his two daughters, ages 6 and 11, since last October. A year ago, he said, his wife walked out, moved the girls to New Jersey, and told the court he was threatening her. He denies the accusation, but the judge in his case ruled that supervision was necessary. So now he is waiting for free supervision through a nonprofit agency, which can take months.

"It's very hard to have to wait to see your own kids," Mr. Fernandez said in Spanish, through a translator.

"Imagine it, they're just little girls. I felt like crying when I had to leave them," he said, especially because he knew it could be a long time before he could see them.

In supervised visitations, a third party oversees the handoff of children between

parents and then monitors the interaction. The concept is not new, and sometimes the supervision can be done by a member of one of the couple's families. Still, more judges think it is safer to order professional supervision, particularly in cases involving domestic violence or sexual abuse, drug use, mental illness, a history of criminal activity or jail time, or simply longtime absenteeism.

When these factors turn up in custody fights, for low-income couples, the ensuing costs for supervised visits can be insurmountable.

The only option for most of those families is to get in line for free supervision through a nonprofit agency. But only a handful of groups provide the free service, and they say because of financing pressures, the wait can often reach six months.

Jacqueline W. Silbermann, deputy chief administrative judge of New York for matrimony matters, says of supervised visitation, "You can order it, but unfortunately we don't control the resources. So finding affordable services is a very serious, serious problem."

The need for subsidized supervision is growing around the country, said Nancy Fallows, executive director of Supervised Visitation Network Inc., a 15-year-old Tennessee-based association for nonprofit providers.

She said the increased push for supervised visitation comes from courts, which have become more sensitive to issues like domestic violence and more knowledgeable about controlled ways to bring a parent and child together.

"The courts have more of an awareness now that it might not be appropriate to leave a child alone," with a parent with a history of certain behavior, she said. "Yet protecting and nurturing that relationship is very valuable to the child."

Arrangements for supervised visitation vary greatly across the country, she said. It is almost nonexistent in rural areas, she said, where judges often order it even though there might be no one nearby who can provide the service. Cost is a problem everywhere. To illustrate that point, Ms. Fallows passed along a letter from a mother in Florida. She said she gets one like it every day.

"I am finding it very hard to find a facility that gives me affordable visits," the mother writes. "Having to pay to visit my son is hard enough but to have to pay \$75 per hour really limits my visits."

New York City does not keep track of the number of custody and visitation cases in which supervised visits are ordered, but it does keep track of the kinds of cases that commonly generate such a court order.

Court records show that roughly the same number of visitation cases were filed in family court, which handles custody and visitation for unmarried couples, in 2006 as five years ago (23,440 compared with 21,552 in 2002). Yet the number of them involving a domestic violence allegation has more than doubled to 6,779 from 2,996. The number of custody and visitation cases with orders of protection attached has also doubled in the last four years, reaching 8,856 this year.

Among those cases is that of a man and a woman who crossed without meet-

ing at the offices of New York Society for the Prevention of Cruelty to Children on a recent Sunday morning. The two, who are parents of twin girls and asked that their names be withheld because of embarrassment about the details of their situation, cannot even agree on how they got to this point.

The father said it was a stormy relationship. That he and the girls' mother argued often, but he never laid a hand on her. And he said he just wanted to do right by his girls, now 18 months old. The mother said that he stalked her, and that the relationship was in no way consensual. She asked the court for an order of protection, and she got it. Still, the court insisted over her objections that he have access to the children.

A relative supervising the visits was out of the question because the two have no family in New York; his mother is dead, and her parents abandoned her to foster care when she was 15.

Since he was working only part time at temporary jobs, paying a social worker to conduct the visits seemed out of reach. "You have to pay it on top of child support," he said. "It is really hefty."

So he got on the society's waiting list, which on a typical day is 30 families long for about as many available spots in the program, which lasts up to year. In the time it took to get a court ruling and into a program, almost a year had passed since he had seen his children. "When they saw me again they screamed and cried," he recalled, "but they were so beautiful."

The program, staffed entirely by social workers with master's degrees and housed in a welcoming center with lilac-colored playrooms, is considered among the best in the city. The population it serves is poor; half qualify for public assistance, meaning that for a family of four the income is \$11,000 a year or less. But the program is a dying breed because it is expensive to run.

Mary L. Pulido, executive director of the society, said, "It costs me nearly \$700,000 a year to run the program, and I have to do a ton of private fund-raising."

The program's limited resources also mean that a parent can get free supervision for only six months. The aim, the society said, is to train the noncustodial parent to deal with a child in a way that builds trust so that the judge might allow unsupervised visitation. But parents who don't "graduate" must start looking for a

program all over again.

Time is running out for the father of the twin girls. On a recent visit, he sat on the floor and played cash register with the toddlers. But that might not be enough for the court. It is a prospect that has him a bit panicked. "If I lose this program it could be months, maybe a year, before I see them again," he said. "And at this age that is too much."

Anthony DePalma contributed reporting.