

Principles and ground rules of supervised visitation at the Child Contact Centre Besuchscafé aneli 2021-2022

1. Legal basis:

According to § 111 AußStrG, the court can appoint a qualified and willing person to support the exercise of the right of personal contact (supervised visitation).

It is the duty of the custodial or residential person to influence the child/ren in their parenting so that the child/ren adopt/s a positive stance towards the contacts with the visiting parent (§ 146a ABGB). Supervised visitation is mandated either by a court or the Child and Youth Welfare Service or takes place at the request of one parent with the consent of the other parent.

2. Cost of supervised visitation: €60.-/hour

- Talks with parents/First consultations
- Initial contact with child/ren
- Supervised visitation
- Handover time: 0.5h/contact
- Monitored handovers: 0.5h/exchange = 1h/appointment

The cost for the initial contact, supervised visitation, and handover time or monitored exchanges are paid by the visiting parent, according to the Supreme Court of Justice (OGH)

For persons not exceeding the maximum income limit set annually by the ministry, the Austrian Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASK) bears all above-mentioned costs.

A court ruling or a court record must be presented.

Report: €120.-

The cost for the report for the court is not borne by the ministry; it amounts to €120.- and is to be shared equally by the parents.

Deposit: €120.-

The deposit must be paid at the first consultation or at the first contact at the latest and must be paid again if used. Deposit not used will be paid back 3 months after the conclusion of the supervised visitation.

3. Procedure

3.1. First consultation:

During the first consultation, the objectives of supervised visitation, the assessment of eligibility for funding/financing of the visiting parent by the (BMASK) and the explanation of the principles and ground rules of the Besuchscafé. The first consultation take place for each parent separately, in absence of the child/ren. The cost is borne by the ministry if a court ruling or a court record is at hand, unless the exceedance of the income limit is assessed beforehand.

3.2. Initial contact:

The initial contact is for the child/ren to meet the supervisor, to get to know the Besuchscafé and to establish trust between the child/ren and the supervisor. The initial contact takes place in absence of both parents; with children under the age of three, the residential parent may be present. The cost is to be borne by the visiting parent or part of financing by the BMASK.

3.3. Contact:

The dates for supervised visitation are set up according to the specification of the court, the capacity of the Besuchscafé, schooltime and the parents' working hours. Families are not entitled to a specific supervisor or location.

Each contact must be signed by the visiting parent.

Only those mentioned in the court ruling or in an agreement have visitation rights. Accidental encounters outside the Besuchscafé must be avoided.

In order for the supervised visitation to run smoothly, it is absolutely necessary for everyone to be on time and to comply with given times. In the case of delays, the supervisor must be contacted immediately. The missed time must be paid or is part of the ministry's financing and cannot be added at the end of the contact.

Agreed-upon dates may be cancelled free of charge up to 48 hours beforehand with good reason. Reasons for this are personal and work-related appointments that require the person to be present and that cannot be rescheduled. An alternative appointment can only be scheduled as an exception.

If a cancellation occurs up to 24 hours before the appointment, 30 minutes waiting time must be paid or are part of the ministry's financing and are subtracted from the eligible hours. After that, the cost of the whole appointment must be paid by the person who cancelled or did not show up to the appointment; this also applies to cases financed by the ministry.

In the event of illness, the following deadlines apply: parents: 24 hours; children: 4 hours. A sick note must be presented to the supervisor. Appointments before noon must be cancelled until 7pm the night before.

Cancellations over the phone or by text to the responsible supervisor.
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3.4. Handover time:

In accordance with the principle of spatial separation of the parents, there is a staggered handover. The visiting parent comes into the Visitation Café, the residential parent arrives 15 minutes later, hands over the child/ren to the supervisor and leaves the Besuchscafé. At the end of the contact, the residential parent arrives at the agreed upon time, the supervisor hands over the child and parent and child swiftly leave the Besuchscafé. The visiting parent waits up to 20 minutes in the Besuchscafé. This ensures that there will not be any adverse contact between the parents before or after the supervised visitation. Taking into account the long-term objective of a handing-over of the child/ren directly from one parent to the other, the spatial separation may be abstained from in a given case if conflicts can be avoided and the child/ren's well-being is not at risk. The professional assessment thereof resides with the supervisor. If conflict-free direct handovers are not possible, the supervisor will go back to staggered handovers. Handover times are billable or part of the ministry's financing.

With the consent of both parents or by the order of a court, monitored handovers are possible. In this case, the visiting parents spends the time of the contact without a supervisor outside the Besuchscafé. For each handover, 0.5 hours must be paid or are part of the ministry's financing.

Supervised visitation takes place in absence of the residential parent. During visitation with children under three years of age, the residential parent may wait in another room for the duration of the contact. If supervised visitation in the absence of the residential parent is not possible in the long run, supervised visitation will be terminated, and it will be reported to the court.

For the time of the contact, parental responsibility lies with the visiting parent.

The supervisor spends the entire time of the contact with the child/ren and ensures observance of the Besuchscafé's rules and the child/ren's well-being.

Supervised visitation takes place in the premises of the Besuchscafé. Excursions to the immediate surroundings of the Besuchscafé are possible; the professional assessment thereof resides with the supervisor. In the context of supervised visitation, travel in private vehicles and visits in private homes are prohibited.

In front of the child/ren, parents and all visiting persons commit to refrain from making derogatory remarks about the other parent or family-members, from raising their voice, from threatening the other parent, family members or supervisors. The visiting parent may not pass on written information to the child/ren during supervised visitation. Failure to comply with the rules of the Besuchscafé results in immediate termination of the contact.

Communication in the Besuchscafé must be conducted in German, except for cases where the supervisor is able to speak the language in question or when an interpreter is present. The visiting parent must pay for the cost of the interpreter (€25.-/hour).

Image, sound, or video recordings made during supervised visitation may be used for personal use only. Publishing them (e.g. Facebook, Instagram, profile pictures, Whatsapp) is prohibited. Recordings on which a supervisor can be seen or heard must be deleted without delay.

Visiting persons under the influence of alcohol, drugs or other substances cannot exercise their visitation rights and must leave the Besuchscafé immediately.

Smaller presents are permissible, bigger presents only for special occasions and in consultation with the residential parent.

The playroom must not be entered with outdoor footwear; children should bring anti-slip socks or house shoes.

The visiting parent and child/ren must start tidying and saying goodbye in a timely manner at the end of each contact, so that the child/ren can be handed over to the residential parent at the agreed-upon time. The visiting parent must take care that no play material is destroyed and that the game room is left clean and tidy.

3.5. Intermediate talks/reviews:

Intermediate talks are led by the supervisor as needed and must be paid by the attending parent/s or are part of the ministry's financing.

3.6. Final/Concluding talk/review:

Concluding talks are conducted after the supervised visitation has come to an end. If a joint talk with both parents is not possible, separate talks will be conducted. These talks must be paid by the attending parent/s or are part of the ministry's financing.

4. Duration and age limit

Ministry-funded supervised visitation is granted for a maximum overall duration of 12 months or a maximum amount of 40 hours of contacts + 40 hours of handover time; in case of hardship (e.g. mental illness or disability of the child/ren or visiting parents) the maximum is 24 months or 80 hours. Supervised visitation financed by the BMASK in accordance with § 111 AußStrG can be granted up to the age of 15.

5. Termination of supervised visitation

The organisation and execution/realization of supervised visitation is voluntarily taken on by the Besuchscafé aneli and can be terminated anytime without giving reasons. Supervised visitation will be terminated in instances of non-compliance with the above-mentioned rules, if a parent does not appear for agreed-upon dates or demonstrate aggressive conduct.

Enforcement measures against the Visitation Café or supervisors are not permitted in accordance with § 111 AußStrG.

I hereby confirm that I have read the principles of supervised visitation and that I am in full understanding and complete acceptance of them. Supervised visitation can only start after signing these principles and paying the deposit.

Name:

Vienna,

Signature:

Please disclose your bank data so we can retransfer deposit that was not used. IBAN:
