

Virtual Visitation Handbook



**It's the 21st Century. Do you know
where your children are?**

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What is Virtual Visitation?

“Virtual Visitation” is a label describing an electronic form of access to children. Internet chat and instant messaging have been around for some time. Email with video clips are becoming more available. The “video call” or “personal video conference” allows parents and children to communicate with both video and audio capabilities using a computer and video camera or a videophone device. With increasing speed of transmission and falling prices for equipment, parents and children can enjoy high quality video calls for virtual contact at a moderate cost. As of March 2008, virtual visitation statutes have been adopted in four states and have been introduced in more than 25 other states, including Missouri.¹



Why use Virtual Visitation?

Virtual Visitation reduces the time and space separation between parents and their children. Video calls allow parents and children to see each other as well as call to each other by audio feed in real time. Even children too young to use the phone can participate (with some parental help) in a video call.² It's a bonus for parents to see their child during the early years when they are changing so rapidly. It enhances bonding for a young child to be able to relate the face and



voice of a parent who is not physically present daily. Frequent contact may reduce separation anxiety, sadness and feelings of abandonment. Older children appreciate the virtual reality of contact with an absent parent. Judge Howard Lipsey, former chair of the American Bar Association Family Law Section says “Once parents become aware of how it can be helpful, they're every happy to try this kind of visitation arrangement. It makes sense because it's increasing access that a parent has to a child.”³

Virtual visitation is not a substitute for in-person interaction between parents and child but it is useful to decrease the gaps in “face-time” somewhat. It can enhance parent-child contact when long distances are involved. It can supplement physical access by increase the frequency of contact when the parenting schedule does not provide frequent contact in person. Parents and child can discuss their day, read stories, help with homework, and play games in this virtual format.

What do I need to get started and what does it cost?

A web call (video and audio conference) requires some hardware and software for both ends of the call, and a Broadband or internet connection. Screen size and upload speed are two of the variables that will affect the quality of the display. The recommendations made below optimize affordability and user-friendly devices. If you are more tech-savvy you may wish to upgrade from these recommendations.

Video Phones Equipment is available for \$250 and up, with prices dropping. A video phone is extremely convenient because calls are placed in the same way conventional phone calls are made. The difference is that the call is placed over a broadband connection using a network language instead of sound transmission over traditional telephone lines. The screen on some devices is a lot smaller than the typical computer monitor, which reduces the resolution of the picture.

Others devices are designed to project the video to a television screen. Video phones at the lower price level do not have sufficient capabilities to provide a smooth high speed video feed. Movements will appear jerky because of the lower frames per minute transmitted and a slower transmission speed. Sound quality is generally equivalent to a conversation by speakerphone. Some configuration may be required, so be sure that the equipment you purchase has manufacturer support. Not many video



phones are compatible with Skype, a free video conferencing software. At the present time we recommend the use of the personal computer for video conferencing.

Personal desk top computers and lap tops Computers have the capability for video calls, but will require more components than a video phone. A major advantage over video phones is that computers can be used for other purposes. Desk top computers can cost up to thousands of dollars. Lap top computers can be purchased for as little as \$400. Price and capacity are related. Lap tops with built in web cameras, speakers and microphones are becoming more common. An example of basic technology requirements for a laptop/webcam combination (Hewlett Packard Notebook at cost of \$920.00) are:

- AMD Athlon™ 6402 processor with 1.8GHz (giga hertz) speed
- Windows Office Pro or Vista Home Premium software
- RAM system memory minimum of 1 GB (giga byte)
- Dual core technology (runs multiple programs without impacting performance)
- 15 inch or larger WXGA high-definition widescreen display
- 1.3 mega-pixel webcam with omni directional microphone
- Built-in high speed wireless LAN (local area network)



Another option is the Asus Eee personal computer, a lightweight subnotebook computer with a Linux based operating system (cost is under \$500). The Asus is small but has a decent sized video display screen and a built-in web camera, speakers and microphone of good quality. The Asus has limited internal memory but features regular sized ports for attaching flash drives and other components. We like the rugged construction and portability of the Asus, which makes it more childproof.

Web Camera (also known as “webcam”) As mentioned above, some personal computers and laptops come with a webcam installed. If your equipment does not have a webcam you can install one as an add-on. Prices vary from \$30 to \$100 or more, with quality related to price. Good quality webcams are generally available for under \$100.

Headsets, microphone, and speaker options Your personal computer must have speakers and a microphone to carry the audio transmission. Good speakers cost between \$10 and \$20. Using speakers and a microphone alone, you may hear your voice and background noise along with sounds from the other end of the call, which may cause feedback. There are noise canceling microphones on the market that may prevent this. Another option is to use a headset or a headset installed with a boom microphone. A headset can be worn or placed in front of you and used like a microphone while you listen through the speakers. Headsets come in many sizes and shapes. Those priced between \$5 and \$20 should be acceptable. Size will be an issue depending on whether a child or adult will use the headset. There are headsets specifically designed for children.



Software Your computer will need software to assist you in handling the audio and video for web calls. SKYPE (www.skype.com) offers free downloadable software that is user-friendly. Calls are automatically encrypted before sending them through the internet to protect them from eavesdroppers. SKYPE version 2.0 or later works with most program software platforms: Windows, Mac OS X, Pocket PC and Linux. Calls are free worldwide when parties at both ends are using SKYPE. Other software choices for a fee include: www.sightspeed.com (PC & Mac) and www.apple.com/ichat (Mac only).

Internet or Broadband Service A Broadband (DSL) or Internet connection (Cable modem) provides high speed service necessary for satisfactory display of video calls. Dial-up service (over telephone lines), even at 56Kbps (kilobits), is too slow and will result in delayed and jerky video movements. An upload speed of at least 128Kbps and download speed of 500Kbps is recommended. The upload speed is the key to success with video calls. Generally cable modem connections have speeds of 1.5Mbps (megabits) to 3.0Mbps, which is more than sufficient. DSL provided through AT&T or Verizon costs \$15 to \$35 per month depending of downstream speed. DLS transmission speed varies with the distance from the distribution point of the signal (generally not recommended if more than one mile away). The DSL services provider can tell you whether the signal will be acceptable. Generally we recommend using a cable modem connection if it is available as they are faster and generally reliable. Time Warner provides cable modem service (Road Runner, AOL, Earthlink) in the range of \$30 to \$45 per month.

Router A router is a computer device whose software and hardware route and forward information between processors. A router is required for a cable modem unless this device is built into the modem. A route can be wired or wireless and can be purchased for around \$25.



Personal Firewall Software

It is important to secure your internet connection and computer from unknown and malicious activities on the internet. Use of a firewall and a router is recommended. When selecting firewall software consider what parental controls you might like to incorporate. No parent wants to contemplate a stranger manipulating the webcam to spy on their child. Parental controls can also screen where your child is going on the internet. Norton Internet Security suite and McAfee Internet Security suite software, for example, provides anti-virus, SPAM, instant message file scanning, parental controls, intrusion detection and privacy control. Cost of the software is around \$50.

What about instant messaging?

Instant messaging (“IM”) is real-time communication between two or more computers based on typed text. The text is conveyed by a network, such as dial-up, DSL or internet services. Most systems allow the user to identify their availability with “online” or “away” messages and permit delayed replies to incoming messages. For this reason, people consider instant messaging less intrusive than communications by telephone. It is possible to save a conversation for later reference. In some cases instant messaging has web cam features. Instant messaging is a service generally provided by the internet service provider.

What about video email?



Emails containing video clips are another way to communicate with children. Children become accustomed to watching video at an early age, thanks to the common use of the television. It is already possible to embed video files using your webcam into your email. This may require some serious cutting and pasting. A new web-based video email system called "Eyejot" has entered the market (www.eyejot.com). There is no software to download or install. You login to your account, record or upload your video, and send it. The recipient gets a friendly email message

telling them they have a new video message, which can be viewed with a single click of the mouse. No registration is required for the viewer. It is likely that the major email servers will offer this capability in the future. Eyejot's web-driven application makes the whole process as simple as creating a text email. The video messages can be added to things like MySpace pages or viewed on Apple's video iPod.

Monitoring Your Child's Internet Activities

Children must be taught the appropriate use of the computer and about inappropriate internet conduct. A sample behavior contract that you can enter with your child is included in the resource section of this handbook. The U.S. Department of Justice provides excellent advice on how to educate your child about internet usage at www.usdoj.gov/criminal in the Child Exploitation and Obscenity Section. Webcams can be covered or turned toward the wall when not in use to keep others from using the webcam to view your child. Filtering software is available to limit access to undesirable internet sites.

In 1998 the Children's Online Privacy Protection Act (COPPA) directed the Federal Trade Commission to implement guidelines. See www.kidsnet.com for complete information. As a general rule parents should:

1. **Look for a privacy policy on any website directed to children.** The policy must be available through a link on the website's homepage and at each area where personal information is collected from kids. Websites for general audiences that have a children's section must post the notice on the homepages of the section for kids.
2. **Read the policy closely to learn the kinds of personal information being collected,** how it will be used, and whether it will be passed on to third parties. If you find a website that doesn't post basic protections for children's personal information, ask for details about their information collection practices.



3. **Decide whether to give consent.** Giving consent authorizes the website to collect personal information from your child. You can give consent and still say no to having your child's information passed along to a third party.

4. **Your consent isn't necessary** if the website is collecting your child's email address simply to respond to a one-time request for information.

5. **Decide whether to approve information collection** from your kids based on new uses for the information. Website operators will let you know about the need for new consent by sending you a new notice and request. They will do this when they are changing the terms-of-use of the information in a "material" or significant way.

6. **Ask to see the information your child has submitted.** The site will ask you to verify your identity to ensure that your child's information isn't given out improperly.

7. **Understand that you may revoke your consent** at any time and have your child's information deleted. To stop a website from collecting additional information from your child, you can revoke your consent. You also may ask a site to delete any personal information it has already collected from your child.



Virtual Visitation User Tips

Basic questions: Is there a computer or video phone available at each end?
 Does the equipment have webcams?
 Is High Speed Internet or Broadband service available?
 Can you configure the equipment / have someone do it?

USER TIPS:

Setting up a Virtual Visitation Plan:

The age of the child is a significant factor. Young children will need the assistance of the co-parent. Older children can participate or initiate sessions without parental assistance, which is less intrusive on the co-parent. Bear in

mind the child's bedtime schedule, homework load and activities. Weekday session should be kept to a reasonable length. Shorter and more frequent is often preferable.

1. How many times per week do you want virtual contact with your child?
2. What days of the week will there be virtual contact?
3. What time of day will virtual sessions take place?
4. How long will virtual sessions last?
5. Who will provide the equipment at each end?
6. Who will pay for the high-speed internet connection?
7. What plans need to be made for repairs?
8. What plans need to be made for periodic upgrades?

Information you need to know about the co-parent's equipment:

1. Capabilities of the co-parent's computer:
Amount of RAM
Processor speed
Type of processor and operating system
2. Type (Dial-up, DSL, or Cable modem) and speed of co-parent's internet connection
3. Establish that co-parent's audio card is "full-duplex"
4. Has the computer equipment kept current with patches and software updates?
5. What conferencing software is in use?



The information is most accurate if supplied as "screen shots" from the co-parents computer. Be willing to provide this same information to the co-parent

Who acquires the hardware and software?

Many households will already have equipment to establish at least one end of the virtual visitation equipment needs. There is an investment in acquiring equipment for one or more terminal sites. One way to decrease a co-parent's resistance to virtual visitation is to purchase the basic equipment for the other parent's household and ask that the co-parent pay for the ongoing connection charges (\$20-45 per month). Not only is the equipment available for virtual visitation but the computer is accessible to the child for homework assignments and entertainment.

Obtaining a Virtual Visitation Court Order

Cooperative parents will quickly see the value of virtual visitation between each parent and the child while spending time with the other parents. A court order can simply be the default “tie-breaker” when parents disagree over usage. A more detailed order for virtual visitation will become more necessary as the level of conflict between parents escalates.

Matters to cover in an Order for virtual visitation:

1. Identify the form of virtual visitation being ordered (video conferencing, email, instant messaging, video phone, etc.)
2. Specify the equipment required
3. Set out responsibility for installation and training services, if needed
4. Specify what each parent is required to pay for:
 - a. necessary equipment at each end
 - b. high speed internet connection at each end
 - c. repairs of equipment
 - d. service charges for connection problems
 - e. replacement of equipment that cannot be repaired or becomes obsolete (a likely issue with technological advancements)
5. Describe the schedule when virtual visitation will occur (days of week, times of day, any limits on number of contacts per day, etc) and specify that the equipment is turned on and ready to engage in a session by the scheduled time of the session
6. Identify which co-parent is responsible for initiating the virtual visitation session
7. Identify the responsibilities of the co-parent to facilitate virtual visitation
8. Establish a deadline for putting the equipment and services into full operation.
9. State a time period for repair if equipment malfunctions or breaks down, and provide that compensatory time for the session will be scheduled within a specific period of time before court sanctions are triggered.
10. Provide for remedies and sanctions for noncompliance, including mediation of equipment and service problems, contempt and attorneys fees.

Notes

1 – Utah (2004), Wisconsin (2006), Florida (2007) and Texas (2007). MO Senate Bill 1058 (2006 legislative session).

2 – Infants at three months of age can distinguish facial features in pictures, and by age three can type simple commands on a standard keyboard. Children can use word processing programs as soon as they begin to read and write. *Child Development*, by Larua E. Berk, Viacom Press (4th edition, 1997). About 75% of children have watched television before age two and over 40% of children under age two watch television every day. See www.pbs.org/childrenandmedia.

3 - *Live-Action Interaction*, ABA Journal, Nov. 2005, p. 24

Resource materials

Websites discussing virtual visitation with children:

www.internetvisitation.org

www.kidsnet.com

www.usdoj.gov/criminal

www.videocalltips.com

www.wikipedia.org

Virtual Visitation Demonstration: Clay County Family Court Services has acquired equipment to host demonstrations of virtual visitation. Call the Office of Dispute Resolution Services at 816-736-8400 to arrange for a demo.

Technology changes and people find better and easier ways to communicate. We welcome your suggestions for revising these recommendations. Email your ideas to Kathleen.bird@courts.mo.gov

Staying Safe Online:

A Young Persons Contract (a binding agreement)

1. I will **ALWAYS** tell a parent or other adult immediately if I encounter something that is scary, threatening, or confusing or makes me feel uncomfortable.
2. I will **NEVER** give my full name, real address, telephone number, school name or location, passwords or any personal information about myself or my family or friends when I am online. I will check with an adult for any and every exception.
3. I will **NEVER, NEVER EVER** have a face-to-face meeting with someone I've met online. In rare cases my parents may decide it is ok to meet a cyberpal but I will only meet them in a public place and with my parent or guardian present.
4. I will **NEVER** respond online to any messages or communications that I receive that use bad words are scary, threatening, make me uncomfortable, or just feel weird. I understand that at any time I can turn off, unplug or just walk away from the computer. I will print the offending communication and contact an adult immediately.
5. I will **NEVER** send a picture of myself over the Internet, via postal mail, or any other way without my parent or guardians permission

Date: _____ Young Person: _____

Parent or Guardian: _____

Sample Court Order #1 – Cooperative Parents

Each party may have reasonable telephone, email or video conferencing contact with the child while the child is at the home of the co-parent, during reasonable hours, for as long as such contact is not disruptive to the child's schedule. The court finds that it is in the best interest of the child for the parents to coordinate and share information regarding communication by these methods.

To facilitate such contact with the child, each parent shall keep the co-parent advised of a current home address, telephone numbers (including cellular phone numbers), email addresses, IP addresses and other addresses at which electronic contact may be made, and to advise the co-parent within forty-eight hours of whenever a change is made or may occur.

(Parent) shall provide (appropriate computer equipment and components), and a service plan for same, to be delivered to (Co-parent)'s residence no later than (date) *OR each parent shall acquire appropriate computer equipment and components that interface satisfactorily to provide communication by the methods provided for herein.* Thereafter (co-parent) shall be fully responsible for payment of all costs and expenses for necessary and desirable repairs, upgrades or replacements of hardware or software.

Each parent shall be responsible for the payment of all costs for ongoing DSL or greater quality bandwidth and internet service until further order of the court.

The privacy of the parents and the child are of paramount concern. The parties shall undertake such parental control measures as will safeguard the child while engaging in internet activities but shall not interfere with the right of either parent to communicate with the child. Each parent shall refrain from monitoring computer or electronic communication activities, personally or through any third person or entity acting at the parent's direction, that occur between the co-parent and any other person or entity.

The parties have stipulated that a website shall be created for the child by (parent), to include all current schedules, activities and information regarding the health and educational progress of the child and current photographs of the child. (Co-parent) shall have complete access to the website.

Sample Court Order #2 – Less Cooperative Parents

(Parent) shall have telephone, email and/or video conferencing contact with the child on the following days (specify days), during the following hours: (specify time frame).

The court finds that it is in the best interest of the child for the parents to coordinate and share information regarding communication by these methods. Each parent shall keep the co-parent advised of a current home address, telephone numbers (including cellular phone numbers), email addresses, IP addresses and other addresses at which electronic contact may be made, and to advise the co-parent within forty-eight hours of whenever a change is made or may occur.

Each parent shall maintain a personal computer of sufficient capability to conduct virtual visitation by video conference and have the following equipment in their residence to implement video conferencing:

- a. 128Kbps Internet speed minimum (upload and download)
- b. Video conference web camera
- c. Software of quality equal to or better than MSN Messenger or Skype 2.0
- d. Headset and microphone
- e. Video card and monitor capable of 1024 x 768 resolution
- f. Full-duplex audio card

Each parent shall be responsible for maintaining such equipment in good working order and shall be fully responsible for payment of all costs and expenses for necessary and desirable repairs, upgrades or replacements of hardware or software. Each parent shall be responsible for the payment of all costs for ongoing DSL or greater quality bandwidth and internet service necessary to conduct virtual visitation until further order of the court.

Both parents shall have voice mail or other means of taking telephone messages, so that the co-parent may leave a message regarding the time when a video conference will be initiated by the co-parent. Both parents shall cooperate to have the child return calls from the co-parent and to be available for scheduled virtual visitation sessions. The parent in the residence where the child is receiving a communication by internet shall turn the computer on at least (number) minutes prior to a scheduled session and shall help the child set up for the video conference or other contact so that all equipment is ready by the starting time for the session.

Any equipment failure shall be reported to the other parent within 24 hours and shall be repaired within (number) days. If a video conference is unable to proceed because of unintentional equipment failure, the parent scheduled for virtual visitation of the child shall be entitled to elect a telephone call or live-time internet chat or email communication as a substitute form of contact at the scheduled time. Any video conference that is unable to proceed because of an unreported equipment failure or failure of the equipment to be turned on and ready within five minutes of the time scheduled for the session, shall give the initiating parent the right to two compensatory virtual visitation sessions to be scheduled at the convenience of the initiating parent within (number) days. If a dispute arises about the number of contacts, the co-parent shall be entitled to place (number) telephone calls and initiate (number) virtual contacts per week. The parents shall attempt to resolve all other disputes regarding virtual visitation through mediation prior to initiating any litigation on the matter.

The privacy of the parents and the child are of paramount concern. The parties shall undertake such parental control measures as will safeguard the child while engaging in internet activities but shall not interfere with the right of either parent to communicate with the child. Each parent shall refrain from monitoring computer or electronic communication activities, personally or through any third person or entity acting at the parent's direction, that occur between the co-parent and any other person or entity.

Proposed Missouri legislation

MO SB 1058 (2006 House Substitute)

(1) For purposes of this chapter:

(a) "Virtual visitation" means parenting time facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a non-custodial parent and a child or between a child and the custodial parent when the child is staying with the non-custodial parent. Virtual visitation is designed to supplement, not replace, in-person visitation.

(b) "Visitation" means time spent between a child and the child's parent, including any virtual visitation .

(2) Unless otherwise denied or restricted by court order, each parent shall permit and encourage, during reasonable hours, reasonable and uncensored communications with the child in the form of mail privileges and virtual visitation if the equipment is reasonably available; provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual visitation is reasonably available taking into consideration:

(a) The best interests of the child;

*(b) Each parent's ability to handle any additional expenses of virtual visitation;
and*

(c) Any other factors the court considers material.