

# Study on the challenge and prospect of visitation right

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## Abstract

The establishment of visitation right system aims to better protect the legitimate rights and interests of minors. As a right based on blood relationship, the exercise of visitation right is a long-term process. However, at present, China's law on the enforcement of visitation rights mainly plays a deterrent role in order to reduce the intensification of the conflict between the two divorces. Based on the current situation of visitation right, this paper analyzes the existing obstacles and puts forward corresponding improvement measures to promote its better implementation. It is urgent to further improve China's visitation right system, and provide references and suggestions for relevant legislation and judicial practice, so as to protect the exercise of visitation right and safeguard the best interests of children.

## Keywords

The right to visit, The Civil Code, The right of identity, The interests of minors, The best interests of the child.

## 1. Present situation and obstacles of the realization of visitation right

### 1.1. The practice status of visitation right

In China Adjudication.com, with "visitation right" as the keyword search, there are 8,186 legal documents in the past three years, of which 3,464 are in 2020, 2,925 are in 2021, and 1,511 are in 2022. Of the 8,186 legal instruments, only 966 were conciliation documents, accounting for less than 12 per cent. Through the analysis of the current legal documents on visitation right, it can be seen that the two parties of divorce often have a big dispute on visitation right, and it is difficult to reach a mediation. Many divorcing parties have not completely eliminated their contradictions due to the dissolution of the marriage relationship, and may even intensify the contradictions due to the disputes over property division, child rearing and other issues during divorce. Therefore, although the healthy exercise of visitation rights has a lot of positive effects on the growth of minors, there are still a large number of cases in practice where the parties performing the obligations of visitation rights refuse to cooperate. In the past three years, there were 1,005 enforcement cases among the 8,186 "visitation right" legal documents, accounting for 12.2%, and a large number of enforcement rulings on visitation right disputes also reflected from the side that China faces many specific difficulties in the implementation of visitation right. In addition, through the classification of visitation right dispute documents, it can be found that the number of cases in which the husband as the defendant is higher than that of the wife as the defendant, which reflects that the female side's visitation right is more likely to be violated in the practice of visitation right in China. Therefore, ensuring the mother's exercise of visitation right should be the focus of legislative and judicial consideration.

### 1.2. Obstacles existing in the practice of visitation right

#### 1.2.1. The subject scope of visitation right is narrow

Article 1086 of the Civil Code on the right to visit limits the subject of the right to visit to the father or mother who does not directly raise the child after divorce, and no one except the parents of minors enjoys the right to visit.

First of all, there is no clear legislation in China to confirm the visitation right of grandparents who have taken care of minors and fulfilled the duty of raising them, resulting in the scope of application of visitation right is relatively narrow compared with actual demand. In practice, most minors grow up with the participation of grandparents or maternal grandparents, some parents because of busy work or work in the field, children's daily life and living with grandparents or maternal grandparents. During the drafting of the Civil Code, consideration was given to legislation recognizing the right to visit of grandparents, and Article 864 of the Civil Code (Draft), published in September 2018, provides for the right to visit of grandparents and maternal grandparents, with reference to the right to visit of parents. However, when the Civil Code Marriage and Family Code (Draft) was amended in July 2019, it was considered inappropriate to expand the right of intergenerational visit, and the above provisions were amended to only enjoy the right of visit in the case of parents' maintenance obligations or the death of one parent. Later, in October 2019, the Constitution and Law Committee of the National People's Congress, when reporting on the revision of the Marriage and Family Section (Draft) of the Civil Code, suggested the deletion of the provision on intergenerational visitation rights, arguing that if grandparents and maternal grandparents cannot resolve the visitation issue through negotiation, they can solve it through litigation. Finally, the official version of the Civil Code published and implemented did not modify the content of the original Marriage Law on the subject of visitation right, and the subject of visitation right did not change. The Supreme People's Court proposed to increase the intergenerational visitation rights of grandparents and maternal grandparents in the draft of the judicial interpretation of the original Marriage Law, but ultimately did not increase it after discussion. Some local courts have also issued regulations on intergenerational visitation rights, such as the Reference Opinions of the Beijing Municipal High People's Court on Several Difficult Issues in the Trial of Marital Dispute Cases issued in Beijing in 2016 and the Guidelines for the Trial of Family Dispute Cases (Marriage and Family Section) issued in Jiangsu Province in 2019. All of them stipulate the conditions for the people's court to support the request for the right of intergenerational visitation. However, due to the lack of clear national legal provisions, there is no uniform standard in judicial practice, and there is still a great dispute about whether the intergenerational visitation right of grandparents and maternal grandparents exists and how to exercise it [ ].

Secondly, there are currently no clear regulations in the laws of our country regarding visitation right for minors. The establishment of visitation right is not only to meet the spiritual needs of parents, but also to better protect the legitimate rights and interests of minors. Article 1,084 of the Civil Code stipulates that after divorce, a husband and wife shall still have the duty to bring up, educate and protect their children. Therefore, the right to visit a parent who does not live with the minor should also be their right.

Finally, for the realization of the right to visit parents of illegitimate children and adult children who cannot live independently, although the law stipulates that illegitimate children enjoy the same rights as legitimate children, in judicial practice, due to ethical and moral factors, it is difficult to be guaranteed in the actual implementation of disputes, because this does not belong to the scope of legal mediation.

### **1.2.2. Visitation rights are difficult to enforce**

In the Civil Procedure Law of the People's Republic of China, a variety of enforcement measures are established, and the enforcement of visitation rights is not applicable to all civil coercive measures, because visitation rights are different from general civil rights, and belong to the class of conduct and relatively abstract personal rights. The enforcement process of visitation rights is repeated and long, so special enforcement methods are needed. According to the provisions of Article 48 of the original Marriage Law, for those who refuse to implement the judgment or order of visiting their children, the people's court may take compulsory enforcement measures according to law and require relevant individuals and units to assist in

the execution. This is further explained in Article 32 of the original Interpretation of the Marriage Law (I), indicating that the people's court's compulsory execution according to law is a directive to take compulsory measures such as detention and fines against units and individuals who refuse to perform the obligation of assisting with visitation rights, but it cannot take measures to enforce the personal rights and visitation of children. Article 68 of the "Marriage and Family Interpretation (I)" does not substantially modify Article 32 of the original "Marriage Law Interpretation (I)", and only changes the "unit" to "organization" to maintain consistency with the Civil Code.

In judicial practice, detention measures are rarely used in order to protect minors and avoid further escalation of conflicts between divorce parties. In some areas, the party who refuses to perform the obligation of visitation assistance will be included in the list of persons subject to enforcement for dishonesty, and limit their high consumption, or change the support relationship. For example, Article 20 of the Opinions of the Shanghai Court on the Trial of Disputes over the right to Visit Minors (Trial) stipulates that if the visitation assistance obligor repeatedly obstructs the exercise of the legitimate rights of the visitation right holder and refuses to perform it after enforcement, the other party can request to change the dependency relationship. In the case of full consideration of other factors, the non-performance of the visitation assistance obligor can be used as the reason for changing the dependency relationship.

If there is no guarantee of enforcement, the right to visit will become empty words, but too strict enforcement measures may further intensify the contradictions between the parties, very unfavorable to the protection of minors, may cause secondary damage to their life, education and physical and mental health. In addition, in many visitation disputes, there are also situations where the visited person is unwilling to cooperate, which is a typical result of improper education of the parent. Therefore, the difficulty of execution of visitation right cases is almost the biggest problem facing visitation right disputes.

### **1.2.3. The reason for the suspension of visitation right is unknown**

According to the Civil Code, the reason for the suspension of visitation rights is stipulated as "not conducive to the physical and mental health of children", but it is not detailed, but by the court in practice to grasp. This flexibility has ensured the flexibility of the provisions, but has also led to the problem of inconsistent trial standards. Taking the dispute between Yang and Tu for the right to visit as an example [], appellant Yang requested the suspension of the right to visit of appellee Tu, because Tu showed aggressive behavior and verbal threats during the visit, which caused psychological pressure on the child, resulting in the child's resistance to his visit. The judge held that these actions were not enough to deny Tu's right to visit Yang, although her actions were indeed improper, but considering the importance of the mother in the development of her children, the visit could not be suspended, and Tu should be required to take an appropriate way. The reason for such a judgment is obviously insufficient, because it is difficult to say that the sentence is not suspended simply because of the important role of the mother in the case of improper behavior and behavior of the mother, which is in the interest of the physical and mental health of the child. In addition, in cases where the child refused access, the judge upheld the stay in some cases, while the judge rejected it in this case, and there is an inconsistency in judicial standards.

In addition, once the cause of the suspension disappears, how to determine the cause of the suspension has disappeared after the restoration of the visitation right is also a difficult problem for the judge. For example, if the suspension is because one party is suffering from a serious mental illness and is in an episode, should access be restored immediately after the episode ends? In the Li v. Song visitation dispute [], the judge did not support the view of immediate restoration, but delayed restoration and set a one-year investigation period to avoid

adverse effects on the children. This is a reasonable course of action, but a one-year review period means that the court must continue to follow up and hear the case again a year later. Therefore, in order to save judicial resources, few courts in practice will make such detailed judgments.

## **2. Causes of difficulties in exercising visitation rights**

### **2.1. The particularity of the visitation right disputes**

Family cases often present the characteristics of "it is difficult to conclude the case". After divorce, husband and wife need to face a lot of people, things and property division problems. Among them, inanimate and quantifiable property can usually be reasonably distributed, but the handling of child custody is often difficult to satisfy all parties. Couples choose to divorce when their relationship deteriorates to a certain extent, and there is often resentment between the two parties, which makes it difficult for them to deal with child support calmly and peacefully. Whether it is a custody battle, both parties give up, or one party wants to support and the other party gives up, it can lead to new disputes and further aggravate the antagonism between the two parties. Some parents even see their children as tools to punish each other, are unwilling to cooperate with each other to reach a visit agreement, and may provoke resentment by emphasizing the other's fault to their children. At the same time, visitation disputes are often long-term and repetitive. Visits to children often continue into adulthood, and problems can arise with any visit. Visitation rights can be suspended or reinstated for a variety of reasons (e.g. mental illness, misconduct, etc.), which can also trigger multiple appeals from both parties. Even if the court restores the right to visit, the actual implementation process may encounter difficulties due to the resistance of the child. For example, in the case of Li and Song, it took five years from the initial prosecution to the final resolution of the visitation rights issue, but the problem has not yet been truly resolved. In addition, as children grow, the way and time of visits may need to be adjusted. Therefore, one agreement does not last forever, and both parties may need to agree on visit arrangements several times. At the same time, the two parties may form a new family after the divorce, and the originally applicable visit method may no longer be applicable, which also needs to be renegotiated by the two parties. If the two parties can take the best interests of the children as the principle and fully consider the physical and psychological needs of the children, it is possible to properly deal with the issue of visitation rights; However, if both sides start from their own interests to meet their own needs and convenience of visiting as the premise, there will inevitably be contradictions. In our country, influenced by filial piety in Confucianism, parents are generally regarded as the standard and children are regarded as subordinate. Although modern laws constantly emphasize children's rights, it is not easy to change everyone's mindset in the short term, and the interests of children are often ignored. In addition, minor children need legal representatives to represent them in litigation, and in visitation rights cases, parents have their own positions, legal representatives are likely to be unable to fully from the children's perspective.

### **2.2. The legal provisions are not perfect**

First of all, the scope of legal rights subject is limited. It is common for the separated couple to be found as the plaintiff ineligible by the court because they do not meet the requirements of divorce. However, regardless of the long-term separation due to emotional discord, or divorce has been initiated, the separation inevitably leads to the children can only live with one party, and the other party should become the subject of the right to visit. The failure of the court to accept such cases leaves the direct caregiver with no reason to assist or refuse access, and the visitor finds it difficult to exercise his rights and defend his rights. Some opinions hold that the rights and interests can be defended by suing for infringement of custody, but custody and visitation are independent rights, without dependency, and they have different connotations.

Infringement of visitation does not mean infringement of custody. Similarly, the right to visit children born out of wedlock also needs to be clarified through legislation, otherwise it cannot reflect their equal status with those born out of wedlock and protect their rights.

Second, grandparents and other close relatives do not enjoy the right to visit. Although judicial practice tends to recognize grandparents' visitation rights, the relevant provisions are confused due to the lack of clear legal basis. The Supreme People's Court had minutes of meetings in 2015 and 2016 to regulate the issue, but failed to address the underlying problem. The regulation emphasizes that grandparents' right to regular visits should be respected and protected only after they have fulfilled their maintenance obligations. However, in cases where parents are able to support their children, grandparents have little opportunity to do so, so the provision applies mainly to cases where parents are deceased or unable to provide for them, which are, after all, the minority. This provision reflects the Supreme People's Court's essentially negative attitude towards the visitation right of grandparents, and stipulates that the visitation right of grandparents is a prerequisite, because the Supreme People's Court believes that the visitation right of grandparents is a compensation for fulfilling the duty of supporting parents, rather than based on the status relationship that is naturally enjoyed between grandparents and grandchildren. The practice of treating visitation right as parental right and restricting it to parent-child relationship has been proved to be inadvisable. From the principle of the best interests of the child, close relatives should be allowed to visit and care for the child, as stipulated in Article 274 of the Swiss Civil Code, "in exceptional circumstances, in the interests of the child, permission may be given to other persons, in particular relatives of the child, to visit the child." The German Civil Code also recognizes the right of the third person to have personal contact with the children, and these third persons mainly refer to siblings, grandparents and other close relatives.

Third, the child's own visitation rights. Some views advocate extending the subject of visitation right to children in order to protect children's interests in an all-round way, but this view ignores the connotation of visitation right in the context of Chinese law. The right to visit stipulated in the Civil Code is the right to visit and communicate with children. Under this premise, it is obviously a logical mistake to claim that children become the subject of rights. Denying the subject status of children's rights does not mean that children cannot ask their parents to perform the duty of visiting, and Article 1086 of the Civil Code is not the only basis of the right to visit. The law stipulates that the relationship between parents and children does not disappear with the divorce of the parents, and after the divorce, the parents still have the obligation to raise, educate and protect the children. If the parent who does not directly support the child does not visit the child, it is a failure to fulfill the support obligation, and the child can bring a lawsuit on this basis.

Finally, "the cause of suspension under the generalized legislation is vague, and the standard of" not conducive to the physical and mental health of children "is unclear." Common grounds for suspension include serious mental illness or infectious disease, domestic violence or abuse of children, etc. Moreover, "the resumption of visits cannot be summarized by the disappearance of the cause of the suspension." Common grounds for suspension include serious mental illness or infectious disease, domestic violence or abuse of children, etc. Such causes may sometimes disappear briefly and then reappear quickly. If we resume visits as soon as we disappear, and then suspend them after we reappear, it will have a negative psychological impact on our children. Therefore, a transitional period should be set up to confirm whether the cause of the suspension has disappeared. "During the transitional period, the court needs to continuously observe the state of the visitor to determine whether it can be restored." This goal is difficult to achieve in the current situation of "few cases" and shortage of judicial resources.



### 2.3. Lack of effective execution methods

When the direct parent refuses to perform the duty of assistance, the court does lack effective enforcement means. On the premise of not being able to force the child's body, the court can only protect the rights of the visiting party by prohibiting the foster party from obstructing. This prohibition is reflected in judicial interpretation as compulsory measures such as detention and fines. However, detention measures are rarely taken by the courts, as the execution of family cases seeks to achieve efficiency and harmony, so that children grow up in relatively mild parental relations.

Visitation disputes can not be resolved at once, although detention can solve the immediate emergency, but may further deteriorate the relationship between the two sides. That's why judges use detention sparingly. The fine can not directly hit the pain point of the obligor, but is more inclined to punish the obligor's interference with the work of the court, rather than directly eliminate the obligor's obstruction of visits.

When there is a large dispute between the two sides, the case of visitation right often needs to be accompanied by a judge to successfully execute. In order to tie in with the children's school time, the right to visit is enforced on holidays. An executive judge of the Shanghai Hongkou Court has accompanied the two sides to complete visits on weekends for three consecutive years, and this accompanying task is even continuing. But this is not a long-term solution, China's judicial power is limited, grass-roots judges have many tasks and pressure, it is unreasonable to ask them to sacrifice their rest time to accompany the visit.

In cases where the direct caregiver refuses to perform the duty of assistance, the court needs to find a more reasonable and efficient solution. This may include strengthening legal education to increase public awareness and understanding of visitation rights; Strengthen mediation and consultation to promote reconciliation and cooperation between the two parties; And optimize enforcement procedures to reduce the burden on judges and parties. In these ways, we can better protect the rights of visitors and promote the harmony and stability of family relations.

## 3. Measures to improve the realization of visitation right

### 3.1. Clarify the principle of best interests of children

The principle of the best interests of the child originated in the 1989 United Nations Convention on the Rights of the Child. At present, this principle has been widely accepted by all countries in the world, and has become the first criterion for dealing with minor children, and has become the basic principle for dealing with visitation rights in most countries and regions. The principle of the best interests of children emphasizes the recognition and respect of the independent status and rights of minor children, and takes safeguarding their interests as the starting point. In such cases, the interests of the children are placed first and the interests of the parents second. In fact, the Civil Code of our country also has provisions that reflect the principle of the best interests of children, such as Article 1041, which provides for the protection of the legitimate rights and interests of women, minors, the elderly and the disabled. However, due to the influence of "parent-oriented" thought, China's visitation right system is mainly biased to protect the interests of parents, ignoring the interests of minor children, which is harmful to their healthy development. Therefore, the principle of children's best interests should be incorporated into the visitation right system in the form of legal norms, and become the first principle to safeguard the interests of minor children. It needs to be further explained that several issues should be paid attention to when establishing the principle of the best interests of children. First of all, the protection of minor children should be mastered. Because their minds are not mature, minor children are in a vulnerable position in society and need special care from parents and society. However, this does not mean that the rights of minor children are unlimited, because they are not fully capable persons and certain things need to be done

with a guardian. Secondly, the wishes of minor children should be respected, but with limitations. Minors are also independent individuals with independent thinking ability and the ability to express their inner feelings, and their wishes should be respected. However, minors are affected by age, intelligence, experience and other factors, and are unable to make correct judgments about certain behaviors, and parents should give appropriate guidance to avoid going astray. Finally, judges and parents should take into account the actual situation, respect the will of minor children and their intelligence level to determine the authenticity of their meaning expression and help them make the right choice.

### **3.2. Broaden the subject and scope of application of visitation right**

#### **3.2.1. Increase intergenerational visitation rights**

The original intention of visitation right is to protect the legitimate rights and interests of minors and promote their healthy growth. The involvement and care of grandparents in the lives of minors is crucial, especially for those who have lived with the child, to help the child out of the shadow of parental divorce and feel the love of the family, whether the parents are divorced or not. Considering the mental and emotional needs of minors, we should improve the intergenerational visitation right system as soon as possible. First of all, it is necessary to formulate relevant legal documents to provide a clear legal basis for disputes over intergenerational visitation rights. Secondly, it should clarify the qualification of the main body of the application for intergenerational visit right, determine whether the parents of minors have the right to apply for intergenerational visit right, or only grandparents can apply; Finally, the content and exercise obligations of intergenerational visitation right should be clarified, and factors such as the physical condition of grandparents and maternal grandparents should be taken into account to avoid the intergenerational visitation right becoming a dead letter and difficult to implement in practice.

#### **3.2.2. Expand the scope of application of other visitation rights**

In addition to children born in marriage, children born out of wedlock and adult children who cannot live independently should also establish a sound visitation right system. However, more conditions should be added when granting parents visitation rights to prevent abuse of visitation rights. Such restrictions not only help protect the physical and mental health of the child, but also prevent the occurrence of lasting harm and ensure the reasonable exercise of visitation rights.

### **3.3. Improve the visitation right suspension system**

At present, the reason for the suspension of visitation right in our law is only summarized by the concise expression "is not conducive to the physical and mental health of children", which is too general. Therefore, it is necessary to make more detailed provisions on the causes of the suspension of visitation right from the legal level, so as to make the legal provisions of visitation right more scientific and perfect, and make up for the shortcomings of the existing visitation right system. More detailed legal provisions on the causes of the suspension of visitation rights can provide the basis for the court in sentencing, improve the efficiency of resolving family disputes, and promote the perfection of our legal system to a certain extent.

As for the reasons for the suspension of visitation right, we propose to stipulate it from two aspects. First of all, through a general description and specific examples, combined with the latest revision of the Minor Protection Law, we can list in detail the legal suspension of visitation rights in judicial interpretation. Specifically, when parents visit their children, if the following circumstances occur, which is not conducive to the physical and mental health of the children, the people's court can suspend their right to visit according to law. These situations include: (1) the person with the right to visit has a mental illness or infectious disease that may endanger the life and health of the child; 2. The visitation rights holder maltreats, abandons minors or

inflicts domestic violence on them; 3. The visitation rights holder indulges, instigate or uses minors to commit illegal and criminal acts; (4) The person with the right to visit has serious moral problems, such as adultery, drug use, gambling, etc., which have a negative impact on the physical and mental health of the child; (5) The person with the right to visit knows that the minor is committing illegal and criminal acts and does not educate and stop them; 6. Other circumstances detrimental to the physical and mental health of the child.

Such provisions can guide judicial practice more clearly and concretely, and protect the legitimate rights and interests of minors. Secondly, we can learn from Germany's provisions on the reasons for the suspension of visitation rights. First, when the visitation right holder does not exercise the visitation right for a long time and causes serious harm to minors, the exercise of the visitation right can be restricted or suspended. Second, following the principle of the best interests of the child, if the minor resolutely does not agree to visit, it should respect its will and suspend the exercise of the right to visit.

### **3.4. Improve the enforcement system of visitation rights**

In terms of implementation methods, in order to more effectively ensure smooth implementation, the following innovative measures can be carried out:

1. Strengthen educational guidance: In the process of trial, education guidance for both parents should be strengthened. For reference to the experience of other countries, we can learn from the parental education system set up in divorce proceedings in the United States and South Korea. According to Article 34 of the newly promulgated Family Education Promotion Law, courts should provide family education guidance to couples with minor children. Such a guidance system helps educate parents to cooperate with each other after divorce, peacefully transition custody of their children, and conduct visits in an orderly manner. In addition to judges, the court can also entrust psychologists, educators and other experts to participate, so that parents can voluntarily cooperate on the basis of full understanding.

2. Setting up visitation supervisors: Judges can adopt the system of setting up visitation supervisors, which has been applied in the Opinions of Shanghai Court on Hearing Cases of Disputes over the Right to Visit Minors (Trial Implementation) of the Shanghai High Court. Under the system, parents can agree on a visitation supervisor to accompany visits and alleviate possible disputes, and help supervise the reasonable exercise of visitation rights. This system has rarely been adopted by the courts in practice because it has not been rolled out nationwide and is not explicitly set out in the law. However, the advantages of the system are clear. The visitation supervisor can be the relatives and friends of the parties, the child's teacher, etc., because the child is more familiar with them, their company can reduce the child's fear. Considering the presence of outsiders, parents will restrain their emotions and do not quarrel easily. Even if there are conflicts, they can also play a role in reconciling and persuading. In addition, the visiting supervisor can also be the staff of women's federations, juvenile protection organizations and other units, they have professional knowledge and work experience related to the protection of minors, good at dealing with various problems in the visit, correct the improper behavior of both sides, and cultivate the correct attitude of both sides to visit, which is conducive to the smooth visit. The introduction of visitation supervisors can save judicial resources, reduce the burden on judges, allow judges to focus on dealing with legal issues in visitation rights disputes, and allow supervisors to conduct targeted visitation counseling according to the characteristics of cases.

3. Innovative visit locations: For parents with acrimonious divorces, direct access to independent and private visits can cause many problems. In order to solve this problem, a solution can be sought through innovative visit places. On the one hand, the court can set up a special visiting room, accompanied and supervised by the judge, so that the parties can complete the initial visit. This practice not only helps the judge to resolve the problem at any



time, but also avoids the situation where the two parties cannot agree on the place of visit. On the other hand, the society can set up special "visiting centers" to provide a relatively stable and harmonious place for divorced parents to visit. The introduction of such a professional and standardized third party can realize the rational allocation of resources, which not only saves judicial resources, but also allows the limited judicial power to be used in the most needed places, and saves the time of searching for visiting places by purchasing the services of "visiting centers". At the same time, due to third-party coordination, the cost of communication between the two sides will be greatly reduced. Better-off families will have an incentive to buy such resources to provide a healthy environment for their children to grow up.

4. Innovative visiting methods: After a divorce, due to various reasons, such as separation, young children or time constraints, traditional visiting methods may no longer be applicable. Therefore, it is necessary to introduce new ways of visiting. For example, combining online and offline visits, children can visit online first on school days, and then visit offline when they have free time. Moreover, these approaches should not be viewed in isolation, but should be integrated on a case-by-case basis. For example, a supervisor can be invited to participate in a video visit to ensure that the visit goes smoothly. For example, the visiting center can arrange professionals such as education experts to be on duty to provide professional guidance to visiting parents.

In short, with the development of society and the change of people's lifestyle, innovative ways of visiting will become the future trend. By combining online and offline approaches, as well as introducing guidance from professionals, the needs of parents and children can be better met to ensure that visits go smoothly.

#### 4. Conclusion

At present, the disputes of visitation right in our country are increasing day by day. With the progress of society, the existing legal provisions of visitation rights have been unable to meet the needs of judicial practice. The settlement of many disputes needs the support of the legal system to increase the persuasiveness of dispute settlement. The system of visitation right in our country has obvious shortcomings in the scope of subject, the way of implementation, the cause of suspension and execution, so it is urgent to perfect the system as soon as possible. The significance of improving the visitation right system is to maintain the communication and contact between parents who do not directly support them and minor children, so that parents can timely understand their children's study and living conditions, alleviate the psychological damage suffered by minor children due to family breakdown, maintain parent-child affection, and contribute to the healthy growth of minors. Minors are the hope of the country's future and the main force of social progress, so their healthy growth is related to the overall situation of the country's long-term stability and social progress, and promoting the healthy development of minors' physical and mental health also plays an important positive role in inheriting social morality.

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