




Policy and Procedures

DEPARTMENT NAME: Quality Management		
SUBJECT: Diligent Search		POLICY NUMBER: QM-009
APPROVAL: 	EFFECTIVE DATE: 2-16-2021	REPLACES : QM-009 dated 9/18/2014,

- I. **PURPOSE:** This operating procedure describes the elements to be included in the diligent search efforts under Chapter 39, Florida Statutes (F.S.).

- II. **REVIEW HISTORY:** Revision to policy QM-009, Diligent Search, initially approved to update HRSOP175-22 dated June 14, 1996, and again updated March 16, 2005, September 20, 2011, September 18, 2014.

- II. **CONTACT:** Quality Management Department.

- III. **PERSONS AFFECTED:** Children’s Network of Southwest Florida staff and contracted Case Management Organization providers.

- V. **POLICY:** This operating procedure is applicable to Children’s Network of Southwest Florida staff and contracted Case Management Organization providers who work with children under court ordered supervision, in both out of home care and in home care.

- IV. **RATIONALE:** Clarification of the procedures to follow when a biological parent’s whereabouts is unknown. To establish placement options and/or preserve continuity of relationships and lifelong connections for children and their families. To locate a perpetrator in cases involving intimate partner violence while a Safety Plan is implemented against the perpetrator.

- V. **CROSS REFERENCES:** Florida Statutes, Chapter 39; CFOP 170-1, Chapter 14.

- VI. **DEFINITIONS:** For the purpose of this operating procedure, the following definitions apply:
 - A. **Diligent search:** the efforts of the Children’s Network of Southwest Florida or contracted Case Management Organization provider to locate a parent or prospective parent whose identity or location is unknown, initiated as soon as the Children’s Network of Southwest Florida or contracted Case Management Organization provider is aware of the existence of such a parent, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.

 - B. **Prospective parent:** a person who claims to be, or has been identified as, a person who may be a mother or a father of a child under supervision.

 - C. **Diligent efforts to locate an adult relative:** a search similar to the diligent search for a

parent, but without the continuing obligation to search after an initial adequate search is completed.

VII. PROCEDURES:

A. The record of diligent search must include the attempts, results, responses and records obtained as a result of the following contacts and inquiries:

1. All known relatives or fictive kin, as practicable, of the parent or prospective parent, asking them what they know about the parent's location, date of birth, social security number, aliases, veteran status, employment, driver's license number, criminal charges or convictions, hospitalizations, incarcerations, and other state and federal agencies with which the parents may have been dealing or which could have information about the parents;
2. All program offices of the Department of Children and Families, including ACCESS Florida, Substance Abuse Mental Health (SAMH) Children's Medical Services (CMS), Agency for Persons with Disabilities (APD), and all client registration tracking systems used by the Children's Network of Southwest Florida and the Case Management Organizations provider which are likely to have information about the parent or prospective parent, including delinquency records.
3. Other state and federal agencies likely to have such information, such as Department of Revenue Child Support Enforcement, Department of Motor Vehicles, Florida Division of Elections, Department of Highway Safety and Motor Vehicles, and Department of Corrections, Florida Department of Law Enforcement. Pursuant to section 39.4051(7), F.S., any state agency contacted with a request for information shall release the requested information without the necessity of a subpoena or court order (the Florida Legislature has no authority to impose such a requirement on a federal agency but they must be contacted and request and/or refusal to release information placed in file). Diligent effort activities include, but are not limited to complying with S.39.4015(2)(9). If the child is an American Indian or Alaskan Native sending written correspondence to the child's tribe per the requirements in Rule 65C-30.003(2)(b).
4. Telephone directory and directory assistance, schools (if children are with parents), last known employer, utility companies, hospitals, postal providers, law enforcement and taxing agencies, housing authorities, and armed services branches likely to have such information.
5. If the parents are deceased, diligent search should be made for a living relative of the child for notice purposes.

B. Unidentified or Unlocated Parents:

In case of unidentified or unlocated parents, Florida law requires that the court make inquiries of an available parent, relative, or custodian of the child in dependency proceedings. This information may be provided by in-court testimony under oath or supplied to the court in affidavit form, and must address the following:

1. Whether the mother of the child was married at the probable time of conception or at the time of birth;
2. Whether the mother was cohabiting with a male at the probable time of conception;
3. Whether the mother has received payments or promises of support with respect to the child or because of the pregnancy from a man who claims to be the father;
4. Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance; and,
5. Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.
6. The Florida Putative Father Registry is managed by the Bureau of Vital Statistics with the Department of Health. Pers.63.054, FS It provides unmarried biological Father with a method to file a notarized claim of paternity. It must be completed if there is an unknown or unmarried Father, even if the unmarried Father is on the birth certificate unless an adjudication of paternity has been established by any jurisdiction.

C. Scope of Diligent Search: The required minimum scope of diligent search will vary according to the stage of the dependency proceeding as follows:

1. At the initial shelter hearing, if involved in the case at that point, the Child Welfare Case Manager will cooperate with the Child Protective Investigator to present, at a minimum, the following diligent search information to the court:
 - (a) Inquiry of an available parent or any known and available relatives, neighbors and friends possible within the 24-hour time frame; and,
 - (b) Calls to hospitals, law enforcement and department programs possible within the time frame.
2. Ten business days prior to the dependency adjudicatory hearing, the following diligent search efforts must be made:
 - (a) Documentation of diligent search attempts outlined in CFOP170-1, Chapter 14 section 14-6.
 - (b) Documentation of information relative to paternity outlined in CFOP170-1, Chapter 14 section 14-7.
3. At the disposition hearing and at each judicial review, progress on the diligent search efforts described in sections VIII. A. and VIII. B. above must be made to

the court, unless the court has excused further search.

4. By the time of the termination of parental rights hearing, the parent must be located or further search efforts excused by the court. Diligent searches should be current within the past 6 months. Parents who cannot be personally served must receive notice by publication. The assigned Child Welfare Case Manager and the Children Legal Services (CLS) attorney must work together to assure that the diligent search is legally sufficient, that all necessary inquiry has been made and that the form of the sworn statement required by Chapter 39, F.S., is legally sufficient to assure that the notice for publication will be issued.

D. Diligent search activity will be entered in the FSFN Diligent Search module under the Legal Tab within two business days document all attempts in FSFN.