




DEPARTMENT NAME: Quality Management		
SUBJECT: Change of Custody		POLICY NUMBER: QM-021
APPROVAL: 	EFFECTIVE DATE: 10/11/2023	REPLACES: QM-021, dated 2/27/2007

- I. **PURPOSE:** This policy establishes procedures to be followed when there is a change of legal custody or placement for children under the supervision of the Children's Network of Southwest Florida.
- II. **REVIEW HISTORY:** Previously approved QM-012 2/27/2007
- III. **CONTACT:** Quality Management Department.
- IV. **PERSONS AFFECTED:** Children's Network of Hillsborough, LLC, and contracted Case Management Organizations.
- V. **POLICY:** The Children's Network of Hillsborough, LLC requires that a thorough evaluation of the family and review by the court is mandated when custody or placement is changed for a child.
- VI. **RATIONALE:** When children have been subjected to abuse and/or neglect they are entitled to safe and stable placement. By following the steps in the policy, case managers can be reassured that the placement is thoroughly evaluated and that legal safeguards are in place.
- VII. **CROSS REFERENCES:**

Florida Statutes 39.0138, 39.5085; 39.522
FAC 65C-28.005 Changing placements

FAC 65C-28.011 Criminal, Delinquency and Abuse/Neglect History Checks for Release to a Parent, Placement with a Relative and Non-Relative and Approval of Informal Safety Management Providers.

FAC 65C-30.015 New Reports Received, Removal, and Placement of Children
DCF CFOP 170-1 Chapter 5: Completing a Unified Homestudy

DCF CFOP 170-1 Chapter 6: Requesting and Analyzing Background Records

DCF OP 170 – 5, Chapter 4

DCF OP 170-10 Chapters 8 & 9

DCF OP 170-11 Chapter 16

VIII. DEFINITIONS:

- A. Change of Custody: change the temporary legal custody (such as a change from temporary legal custody with the department to the legal custody of a relative or vice versa) or physical custody (under protective services supervision) of the child at a post disposition hearing without the necessity of another adjudicatory hearing.
- B. Non-Relative Placement: Placement of a child in the home of an adult non-relative who has been granted temporary custody or care of a child by court order.
- C. Relative: A grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by whole or half blood, by affinity (related by marriage), or by adoption. The term does not include a stepparent.
- D. Relative Placement: The emergency placement of a child with an adult relative in accordance with section 39.401(3), F.S.

E. PROCEDURES:

- A. Emergency Relative Placements:
 - 1. If the only grounds for relative placement are that the parent is out of the home for a short period of time, such as in the case of medical care which requires the parent to be hospitalized, the placement of the child with a relative is permitted as long as the parent has arranged for or approves of the relative placement. These situations will be handled the same as visits in voluntary cases and will not require a change of custody. The parent must ensure that the relative has a legally acceptable document, such as a notarized statement signed by the parent which, during the parent's temporary absence, allows the relative to obtain routine medical care for the child. At the parent's discretion, the statement may authorize the relative to

consent to school and recreational activities for the child. If the court is involved in the case, then the court must be advised and approve of this temporary change in living arrangements.

2. When emergency removal from a court-ordered placement is indicated due to new or further incidents of abuse, neglect or abandonment, a report must be made to the abuse hotline. Placement with a (or another) relative may be made with or without the agreement of the current custodian. The case manager will work with the Protective Investigator and the Children's Legal Services (CLS) attorney to prepare for the motion hearing for a modification of placement which must be held within 24 hours of the approval of the emergency placement.
3. If a child has been appointed guardian ad litem (GAL), that GAL must be notified as soon as possible if custody needs to be changed on an emergency basis. If the GAL is available and chooses to participate, he or she will be involved in the decision to place the child with a relative, non-relative or in emergency shelter.
4. The non-custodial parent must be considered as the placement of choice unless the child is placed at risk of harm with that parent or unless there is another existing court order restricting or prohibiting placement with that parent. The provisions of the Uniform Child Custody Jurisdiction Act (UCCJA), sections 61.1302-.1348, F.S., must be followed prior to recommending placement with the non-custodial parent. The non-custodial parent and any household members should be subject to FCIC, DJJ, local law, and Florida Safe Families Network (FSFN) abuse history checks.
5. Prior to requesting court approval of a relative placement at the shelter hearing, a background screening must be completed. If this background screening reveals any indication of criminal activity or abuse, neglect or abandonment by any of the adult household members or delinquent activity by any child age 12 or older in the home, the case manager must consult with the unit supervisor for guidance on whether or not the placement can be made. If there are any convictions which are disqualifying as described in Florida Statutes 409.175, the family cannot be recommended for placement. When a placement disruption occurs for a child, whose court ordered placement was with an approved relative/nonrelative, the court must be informed of the results of the background screening. The background screening must include the following:

- (a) NCIC/FCIC checks on all adults residing in the household.
- (b) FDLE checks on all adults residing in the household.
- (c) County and city law enforcement checks on all persons residing in the household.
- (d) Delinquency background checks on all children age 12 to age 26 residing in the household.
- (e) Florida Safe Families Network (FSFN) abuse history checks (both child and adult reports) on all persons residing in the household.

B. Temporary Relative Custody:

1. When a child is to remain with a relative on more than an emergency basis (more than 30 days), arrangements must be made to place the child in the temporary custody of the relative.
2. Before a recommendation can be made to the court that a child be placed in the temporary custody of a relative, regardless of geographic location, that relative must have a written home study completed by the case manager to assure child safety and the home study must be filed with the court along with the required background screening checks. If the child was placed with the relative on an emergency basis, a background screening was required then, and a new screening is not required for any household members who were screened at that time. Screening is required on any new adult and over-12 child household members.
3. As is the case in an emergency placement, if a child has been appointed a GAL, that person must be involved in the decision to place the child with a relative. Once the child is placed, the case manager must continue to involve the GAL in hearings or other events related to the child's placement.
4. When a child's placement is changed, any known agencies already involved with the child or the child's family and critical to the success of the case plan, to the child's safety, or to the family's welfare, must be notified.

5. Relatives who have indicated an interest in acquiring temporary custody of a child and whose homes will not be recommended as a placement for the child must be advised of this decision and the contact documented in the file. Such relatives may be appropriate to provide respite care or other types of support, and this possibility should be explored whenever possible.
6. A court order for temporary custody to a relative should include the powers ordinarily given to a guardian of the person, such as authority to give consent for ordinary medical care, dental care, psychological or psychiatric care and treatment, and to make educational decisions for the child. The relative is not permitted to authorize the use of psychotropic medications.
7. At initial placement, and at a minimum every thirty days when completing visits to the home, the Case Manager will provide information to relative caregivers on becoming a Level 1 child-specific foster home. If the caregiver is in agreement to apply to be a Level 1 foster home the case manager will submit a referral form to the Kinship unit for licensing purposes.

C. Non-Relative Placements: Court-ordered placement of a child with an adult non-relative will be recommended when:

1. The parent has identified a non-relative and agreed to the placement and the placement seems to be in the best interest of the child; or,
2. The child has a pre-existing relationship with the adult non-relative; or,
3. The child is 16 years of age or older, has found or agreed to a placement on his or her own, the parent does not object to the placement.
4. Before a recommendation can be made to the court that a child be placed in the temporary custody of a non-relative, regardless of geographic location, that non-relative must have a written home study completed by the case manager to assure child safety and the home study must be filed with the court along with the required background screening checks. If the child was placed with the non-relative on an emergency basis, a background screening was required then, and a new screening is not required for any household members who were screened at that time. Screening is required on any new adult and over-12 child household members who have not otherwise been screened.
5. The following background checks must be completed prior to

approval of the non-relative placement:

- (a) NCIC/FCIC checks on all adults residing in the household.
 - (b) FDLE checks on all adults residing in the household.
 - (c) County and city law enforcement checks on all persons residing in the household.
 - (d) Delinquency background checks on all children age 12 to age 26 residing in the household.
 - (e) Florida Safe Families Network (FSFN) abuse history checks (both child and adult reports) on all persons residing in the household.
 - (f) If there are any convictions which are disqualifying as described in Florida Statutes 409.175, the family cannot be recommended for placement. If this background screening reveals any indication of non-disqualifying criminal activity or abuse, neglect, or abandonment by any of the adult household members or delinquent activity by any child in the home, the case manager must consult with his or her supervisor for guidance in whether to recommend the placement. If the decision is made to recommend the placement, the court must be advised of the results of the screening.
6. Non-relative placements shall not be used in lieu of emergency shelter care unless all necessary clearances have been obtained.
7. Case management supervision of a child must occur at a minimum every thirty days.

D. Referral to Foster Care:

Foster care placement is appropriate for children who, on an ongoing basis, cannot be assured adequate care and protection through the provision of in-home supportive services or through placement with a relative or non-relative. No child will be referred to foster care unless preventive services have been provided to the family and have failed to alleviate the problems necessitating out-of-home placement; or unless it has been clearly established that available preventive services to the family would not be sufficient to provide necessary protection to the child. As part of the referral process, foster care and involved case management staff must confer to determine what services the child is currently receiving, what services will be needed and what staff are responsible for providing those services. If placement is being modified from a non-licensed home to a level 1 or above licensed home, a staffing must be held with

the lead agency to determine if the modification is appropriate.

A change from protective supervision to foster care requires a court order for a change of custody of the department.

E. Legal Procedures:

1. When the case manager, upon review and concurrence of the CLS attorney, has determined that the circumstances of a case require court action, the attorney will file a motion for a change of custody or placement as well as for any conditions necessary to protect the safety of the child and promote the child's physical, mental, and emotional development.
2. The case manager must tell the parent or other custodian and the child, if of sufficient age and understanding, of the planned court action and why it is considered necessary. The case manager will explain the court process, including the parents' right to expect a summons, be present at all court hearings, hire an attorney at their own expense, and to bring witnesses to speak on their behalf.
3. The case manager or supervisor shall attend the scheduled court hearing for the change of custody.