




Policy and Procedure

<u>DEPARTMENT:</u> Quality Management		
<u>SUBJECT:</u> Permanency Planning		<u>POLICY NUMBER:</u> QM-018
<u>APPROVAL:</u> 	<u>EFFECTIVE DATE:</u> 06/12/2024	<u>REPLACES (policy # and date):</u> Parts of DCF OP 175-15 Child Welfare Legal Services

- I. **PURPOSE:** To describe the actions needed to assure permanency for children in the dependency system that are either in the custody of or under the supervision of the Children’s Network of Hillsborough, LLC and to describe responsibilities and roles of child welfare case managers in cases and proceedings governed by Chapter 39, Florida Statutes, and the Florida Rules of Juvenile Procedure.
- II. **REVIEW HISTORY:** New policy.
- III. **CONTACT:** Quality Management Department.
- IV. **PERSONS AFFECTED:** Children’s Network of Hillsborough and Contracted Case Management Agencies
- V. **POLICY:** It is the policy of the Children’s Network of Hillsborough to assure that casework practice assures permanency and safety for children in the dependency system.
- VI. **RATIONALE:** Describing actions needed to assure permanency and safety for children in the child welfare system and to guarantee that children are in the system no longer than necessary.
- VII. **CROSS REFERENCES:** Child Welfare Legal Services Working Agreement.
- VIII. **DEFINITIONS:**

Adoption: The act of creating the legal relationship between parent and child where it did not exist, thereby declaring the child to be legally the child of the adoptive parents and their heir at law, and entitled to all the rights and privileges and subject to all the obligations of a child born to such adoptive parents.

Adoption and Related Services: The program component that prepares adoption studies, oversees preparation of adoptive parents, maintains a registry of potential adoptees and adoptive parents, and works with foster children and families for adoption, including placement, supervision and finalization.

Case Plan: A written and executed time-limited agreement, negotiated between the child welfare case manager and the family, and reviewed by the child welfare attorney, specifying the responsibilities of and actions to be taken by the child welfare case manager, the parents, and other involved parties, to assure the health and safety of the child, resolve the problems which necessitated intervention, achieve family reunification, or establish alternative permanent living arrangements for the child.

Child Welfare Attorney: A Select Exempt Service employee licensed to practice law in Florida who serves as the attorney for the Children's Network of Hillsborough in dependency proceeding representing children, parents or the government in all child protection proceedings including emergency shelter, adjudication, disposition, foster care, permanency planning, termination of parental right, guardianship, and adoption in an individual district.

Child Welfare Case Manager: The case manager with lead responsibility for ensuring service provision and coordination with the child welfare attorney in a particular case.

District Legal Counsel: A Select Exempt Service employee licensed to practice law in Florida who serves as the chief legal representative or an attorney in the practice of law in an individual district.

Egregious Conduct: Abuse, abandonment, neglect, or any other conduct of the parent or parents that is deplorable, flagrant, or outrageous by a normal standard of conduct. This may include an act or omission that occurred only once but was of such intensity, magnitude, or severity as to endanger the life of the child.

Lead Agency - an "eligible lead community-based provider" as defined in Section 409.1671(1)(e), F.S. The functions of a lead agency include: (a) Organize and manage a network of service providers; (b) Provide case management for any children/families referred. The Children's Network of Hillsborough is the lead agency for Circuit 13

Out-of-Home Placement: Any placement outside the child's own home of the custodial home which is arranged and supervised by the Children's Network of Hillsborough, department, or contracted case management agency, including licensed shelter, foster and residential care, and unlicensed relative and non-relative placement.

Party: The parent or legal custodian of the child, the petitioner, the Children's Network of Hillsborough, or contracted case management organizations (if different than the petitioner), the guardian ad litem or the representative of the guardian ad litem program when the program has been appointed, and the child. The presence of the child may be excused by order of the court when presence would not be in the child's best interest. Notice to the child may be excused by order of the court when the age, capacity, or other condition of the child is such that the notice would be meaningless or detrimental to the child. Otherwise, children should be encouraged to be present for at least part of the hearings.

Permanency Staffing: A required staffing to review a case for goal planning. The staffing is attended by the referring child welfare case manager, child welfare case manager supervisor, the Adoptions and Related Services supervisor, the quality management specialist, the child welfare attorney, and any other relevant parties to the case.

Permanency Hearing: A special judicial review hearing held no later than 12 months after the child was originally removed from the home, in which the child welfare case management organization formally presents the permanency plan for the child to the court.

IX. **PROCEDURES:**

1. The assigned Child Welfare Case Manager and their respective supervisors shall be responsible for ensuring that the child welfare attorney receives timely copies of all reports, narratives, studies, psychological and psychiatric reports, correspondence, and copies of any and all other documents which are the subject matter of each file. Timely receipt in this context shall mean in time for the attorney to receive, review and obtain any needed additional information to be used in the preparation of court pleadings and to allow for timely filing of such pleadings and to prepare for hearings.

2. The Child Welfare Case Management Organization (CMO) must agree to any stipulation, continuance, dismissal, transfer, or any other action recommended by the child welfare attorney that would change the agreed upon course of case action. If such issues cannot be agreed upon or if other disagreements arise the following conflict resolution process shall apply:

(a) If agreement cannot be reached between the assigned CMO and the assigned child welfare attorney, then the attorney shall contact the child welfare managing attorney, and the assigned CMO shall contact the Lead Agency Point of Contact for consultation. A joint consultation shall be held if necessary.

(b) If the matter is not resolved pursuant to (a), a conference shall be held with the CMO, CLS and Lead Agency designee.

(c) If resolution cannot be achieved under (b), the matter shall be presented to the Chief Operating Officer or designee and the District Legal Counsel for final resolution.

3. Case Plans:

(a) Each and every case of actual or alleged dependency must have a case plan which has been negotiated with and signed by the parents, if the parents are in agreement, and filed in the case record within 30 days of the CTS staffing.

(b) In cases of involuntary removal, within 30 days of the removal of the child from the home, the assigned Child Welfare Case Manager shall, in sufficient time to allow for review and meeting the timelines herein, present to the child welfare attorney a draft of the initial case plan, signed by the Child Welfare Case Manager to review for legal sufficiency. The Child Welfare Case Manager will allow Child Welfare Legal Services 7 (seven) business days to review the initial case plan and discuss or negotiate any proposed changes with the opposing attorney. When the Child Welfare Legal Services attorney returns the case plan to the Child Welfare Case Manager with any comments or proposed changes, the Child Welfare Case Manager shall have 5 (five) business days to consult with the child welfare attorney regarding the changes, if necessary, and to return the signed copy to the attorney, who will then file it with the court and effect service on

the appropriate individuals. The case plan must be filed with the court and served within 60 days from removal or 10 (ten) days prior to the disposition hearing.

(c) Concurrent case planning should be assessed when creating the initial case plan. Case managers will consider prior involvement, severity of the allegations, children's needs and if the primary goal cannot be achieved, what concurrent goal will be in the child(ren)'s best interest. Concurrent case planning will be considered throughout the life of the case.

4. Judicial Reviews:

(a) The court is statutorily required to conduct a judicial review at a minimum of every 6 months on each dependency case within its jurisdiction. This includes in home and out of home judicial cases, regardless of placement or goal.

(b) The initial judicial review must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, but in no event shall the review be held later than 6 months after the date the child was removed from the home or the date of the initial face-to-face contact with the family.

(c) At least ten days before the date of the judicial review hearing the Child Welfare Case Manager shall present a draft of the judicial review social study report and case plan update to the attorney for review. The attorney must be made aware of any proposed modifications to the case plan to assure legal sufficiency. An updated Functional Family Assessment will be included as part of the judicial review social study report.

(d) The assigned Child Welfare Case Manager shall be responsible for conducting diligent searches on an ongoing basis and providing the results to the child welfare attorney prior to each judicial review unless excused from further search by the court.

5. Permanency Staffings/Permanency Hearings: The Children's Network of Hillsborough must make every effort to achieve permanency for every child in out-of-home care within 12 months of initial removal.

(a) A permanency staffing is conducted prior to the 12-month permanency hearing. The purpose of the staffing is to consider the current goal and if it remains the most appropriate goal for the child. Goals that must be considered in order of statutory preference are reunification, adoption, permanent guardianship, another permanent planned living arrangement or fit and willing placement. The Child Welfare Case manager is responsible for having legal present at the staffing or providing input from legal.

(b) A permanency staffing must be held every 3 months thereafter until either the child returns home or the parents' rights have been terminated.

(c) A permanency staffing is also conducted for expedited termination of parental rights if it is determined that the parent or parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct

that threatens the life, safety or physical, mental, or emotional health of the child or the child's sibling.

- (d) The Child Welfare Case Manager and or their supervisor are responsible for providing the names of all appropriate children to be staffed and for preparing all necessary staffing forms. The Child Welfare Case Manager is also responsible for inviting all appropriate parties to the staffing 10 days in advance of the staffing date and to document that each person was invited.
- (e) Permanency staffings will address progress and/or barriers toward achieving the primary permanency goal but also a concurrent goal, regardless if it is approved formally by the court to guide permanency decisions. A discussion around Conditions for Return will be documented in each permanency staffing.
- (f) The Child Welfare Professional will have ongoing communication with caregivers regarding services available to them and the child(ren) and benefits related to Permanent Guardianship.
- (g) When a determination is made for closure or a change of goal, the staffing form must include a discussion of the reason for the recommendation, efforts to achieve the primary goal. Permanency discussions must be entered into FSFN within 48 hours.

6. Termination of Parental Rights; Adoption and Related Services:

(a) If, in preparation for any judicial review hearing, it is the opinion of the Children's Network of Hillsborough that the parents of the child have not complied with their responsibilities as specified in the case plan, although able to do so, the Children's Network of Hillsborough shall state its intent to initiate termination of parental rights proceedings, unless the Children's Network of Hillsborough can demonstrate to the court that such a recommendation would not be in the child's best interests.

In such cases, the Children's Network of Hillsborough shall request that legal file a petition for termination of parental rights no later than 3 months after the date of the previous judicial review hearing. If the petition cannot be filed within 3 months, the Children's Network of Hillsborough shall provide a written report to the court outlining the reasons for delay, the progress made in the termination of parental rights process, and the anticipated date of completion of the process. The Child Welfare Case Manager shall provide to the child welfare attorney copies of all documentation pertaining to preparation of any such report and the Child Welfare Case Manager and attorney shall cooperate fully in preparation of the report.

(b) If, at the time of the 12-month judicial review hearing, a child is not returned to the physical custody of the parents, the Children's Network of Hillsborough shall request a legal staffing to determine the most appropriate permanency goal. Only if the court finds that the situation of the child is so extraordinary and that the best interests of the child will be met by such action at the time of the judicial review may the permanency goal be extended. If the court decides to extend the goal, the court shall enter detailed findings justifying the decision to extend, as well as the length of the extension. A termination of parental rights petition need not be filed if: the child is being cared for by a relative who

chooses not to adopt the child; the court determines that filing such a petition would not be in the best interests of the child; or (when reasonable efforts are required), the state has not provided the child's family, such timely services as the Children's Network of Hillsborough deems necessary for the safe return of the child to his or her home.

(c) The assigned Child Welfare Case Manager shall request the child welfare attorney to initiate proceedings for termination of parental rights, after such action has been approved at a permanency staffing, attended by the attorney or where the attorney provided input to the Child Welfare Case Manager regarding the permanency goal. It is critical that the child welfare attorney and all involved Child Welfare Case Managers, supervisors and specialists work closely together to establish permanency for the child.

(d) The assigned Child Welfare Case Manager shall prepare a witness list for the attorney with the name, address, telephone number and brief summary of expected testimony for each witness. This witness list, along with the case file, must be provided to the attorney no later than 10 days after the 12-month review hearing, or within 20 days of notification of intent to the court, whichever is applicable.

(e) The child welfare attorney shall prepare the petition for termination of parental rights and the Child Welfare Case Manager shall sign the petition. The attorney will then file the petition and affidavit and schedule the advisory and adjudicatory hearings.

(f) The child welfare attorney shall prepare and direct service of all notices, subpoenas, and summonses for the advisory hearing. The notice of the advisory hearing must contain the following statement: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR THESE CHILDREN)."

(g) The attorney and the Child Welfare Case Manager shall attend the advisory hearing.

(h) The Child Welfare Case Manager shall meet with the assigned child welfare attorney in preparation for the termination of parental rights hearing.

(i) The Child Welfare Case Manager shall attend the termination of parental rights hearing.

7. Protective Services: Motions for Change of Placement, Termination of Supervision:

(a) In all cases where a dependent child is ordered under the protective supervision of the Children's Network of Hillsborough, the assigned Child Welfare Case Manager must immediately notify the child welfare attorney when there is a change in the current environment which threatens the safety of the child. The assigned Child Welfare Case Manager shall provide all necessary information and copies of all documentation to enable the attorney to prepare and file a motion for change of placement or custody, or for a protective order. The attorney shall schedule the hearing and represent the Children's Network of Hillsborough at such hearing. The assigned Child Welfare Case Manager or supervisor shall attend the hearing and be prepared to testify.

(b) Prior to submitting a legal request for termination of services, the assigned Child Welfare Case Manager will complete a closure staffing to discuss any current needs, ongoing needs, GAP funding, visitation plans for parents, if appropriate. The closure staffing will be filed with the legal request for the termination of services. If the Child Welfare Case Manager and attorney agree that termination of supervision is appropriate, the attorney shall prepare the motion and proposed order and represent the Children's Network of Hillsborough in the hearing. The assigned Child Welfare Case Manager or supervisor shall attend the hearing and be prepared to testify.

8. Supervisory Role in Permanency:

- (a) Within 5 days of Case Transfer, the Supervisor will complete a consult to address the safety plan.
- (b) Consults will be ongoing and should include: critical junctures, case planning, change of goal, judicial reviews or when there is a change in the case that may impact safety, well-being or permanency.
- (c) All Supervisor consults will be entered within 48 hours of completion of the consult.

X. EXHIBITS:

Attachment A (Permanency Staffing Form)



FSFN Case Name:
FSFN Case ID:
Date of Shelter:

Child(ren)'s Name(s)	DOB	Age	Current Caregiver Name	Current Placement Type

Parent Name	Child	Diligent Search/PF Needed?	Date of Last BP Contact	Was contact FTF (In person/Teams) or via Phone

If the placement is Relative or Non-Relative, have they been referred for Level 1 Licensing? YES NO
 If not, was Level 1 licensing discussed and offered to the during the staffing? YES NO

STAFFING PARTICIPANTS			
	Name	Invited	Present
Case Manager			
Case Manager Supervisor			
Guardian ad Litem			
Attorney ad Litem			
Current Caregiver			
Proposed Caregiver			
Mother			
Father (List Child)			
Father (List Child)			
Father (List Child)			
Other:			

Please complete the applicable sections below.

Reunification (Blended Permanency/MDT)

Has the court given discretion for reunification? YES, when, if applicable: NO

Conditions for Return:

1. The parent/Legal Guardians are willing for an in-home safety plan to be developed and implemented and have demonstrated that they will cooperate with the safety service provider? (Is the parent willing to have the child in the home with a safety plan in place and have they shown that they will work with all participants on the safety plan?)
 YES NO
2. The home environment is calm and consistent enough for an in-home safety plan to be implemented and for safety service providers to be in the home safely? (Is the home environment non-threatening with the predictable routines and behaviors for both the child(ren) and for those individuals assisting with the plan?)
 YES NO
3. Safety services are available at a sufficient level and to the degree necessary in order to manage the way in which impending danger is manifested in the home? (Are there appropriate and available people/providers who can help with the safety plan at the times that are needed?)
 YES NO
4. An in-home safety plan and the use of in-home safety services can sufficiently manage impending danger without the results of scheduled professional evaluations? (Can an in-home safety plan be put in place without input from a professional around the parent's intellect, physical abilities or their emotions?)
 YES NO
5. The parent/legal guardian have a physical location in which to implement an in-home safety plan?
 YES NO

If conditions for return have not been met, what condition is not met and what is needed to meet the condition? (Barriers)

Has a reunification Safety Plan been completed with an appropriate safety service provider or safety manager identified?
 Who are the reunification parents supports?

Has a Reunification Progress Update been completed and approved? (Must be provided prior to the Reunification MDT/Staffing)
 YES NO

Current caregiver and relationship to child(ren): Length of time in current placement:

Case Plan Compliance:

Mother:

Father:

Father:

If reunification is being recommended for one parent only, what is the recommended visitation plan?

If the reunification creates a sibling separation, what is the plan to ensure ongoing sibling visitation?

Any pending court orders:

30 day/4 Month/10 month Permanency Staffings

- Conditions for Return:**
1. **The parent/Legal Guardians are willing for an in-home safety plan to be developed and implemented and have demonstrated that they will cooperate with the safety service provider? (Is the parent willing to have the child in the home with a safety plan in place and have they shown that they will work with all participants on the safety plan?)**
 YES NO
 2. **The home environment is calm and consistent enough for an in-home safety plan to be implemented and for safety service providers to be in the home safely? (Is the home environment non-threatening with the predictable routines and behaviors for both the child(ren) and for those individuals assisting with the plan?)**
 YES NO
 3. **Safety services are available at a sufficient level and to the degree necessary in order to manage the way in which impending danger is manifested in the home? (Are there appropriate and available people/providers who can help with the safety plan at the times that are needed?)**
 YES NO
 4. **An in-home safety plan and the use of in-home safety services can sufficiently manage impending danger without the results of scheduled professional evaluations? (Can an in-home safety plan be put in place without input from a professional around the parent's intellect, physical abilities or their emotions?)**
 YES NO
 5. **The parent/legal guardian have a physical location in which to implement an in-home safety plan?**
 YES NO

If conditions for return have not been met, what condition is not met and what is needed to meet the condition? (Barriers)

Is there a current Safety Plan completed with an appropriate safety service provider or safety manager identified?

Is there a current Progress Update and does it reflect changes in the family circumstances, needs and barriers? YES NO

Current caregiver and relationship to child(ren): _____ **Length of time in current placement:** _____

Is a recommendation for a change of goal being made? If so, what is the recommended goal and what is needed to achieve the goal?

Case Plan Compliance:

Mother:

Task	Status	Barrier

Father:

Task	Status	Barrier

Father:

Task	Status	Barrier

Any pending court orders:

New Baby Born into an Open Case (BBIC/Ludwig Staffing)
 Please completed the Reunification Portion of the Staffing form as well

Has the Baby Born Into Care questionnaire been completed? (Must be provided prior to the staffing) YES NO

Has the home been assessed for placement of a newborn into the home?:

Has a Voluntary Case Plan been discussed with the parent: YES NO **Are they willing to participate in in home services?**
 YES NO

Was Children's Legal Services notified of the staffing? YES NO **Attorney Assigned:**

Does Present Danger exist for the newborn if are released to the parent? YES NO **If so, what is the Present Danger?**

Does Impending Danger exist for the newborn if released to the parent? YES NO **If so, what is the Impending Danger?**

Closure Staffing

Closure Goal: Reunification (6 Months PPS) Permanency Guardianship (GAP) APPLA

Reunification:
 Date of Reunification:
 Are the parents linked with:
 Medicaid
 Food Stamps/Cash Assistance
 Pediatrician
 Mental Health Providers
 Other:

Permanent Guardianship:
 Is the family Level 1 licensed?

Has the GAP benefit been discussed with them? YES NO Are they interested in receiving GAP Funding? YES NO
 Was the GAA signed and filed with CLS? YES NO

Any pending court orders:

Other Staffing

Purpose:

Outcome:

Any pending court orders:

Child Updates

Child Name: (Duplicate for each child)

Medical:

Dental:

Health:

Educational: IEP YES NO **504** YES NO **Date of receipt of IEP/504?**

Psychotropic Medications: YES NO **Date of 5339/Court order:**

Date CBHA Completed:

CBHA Recommendation	Date Completed

Are siblings placed together? YES NO **If not, what is the plan to place them together or why can they not be placed together?**

Are the children visiting with the parents: YES NO **If not, why?**

If there is a placement change being recommended, what is the child's preference?

If reunification is being recommended, does a safety plan need to be done with the child?

Caregiver

If the placement is not a licensed placement, is there a current approved Home Study and background checks for the current placement home? YES NO

If the Home Study approval is based on a judicial override of a denied Home Study, is there a plan in place to address safety concerns? YES NO

