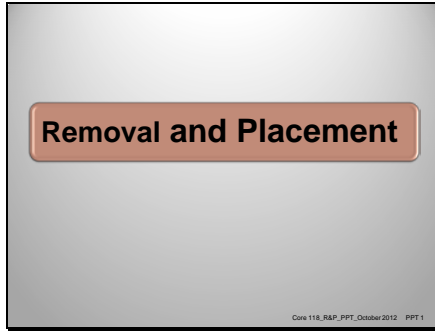
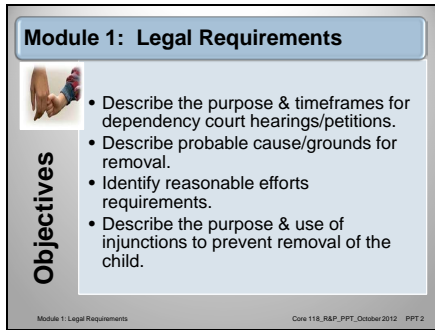


Removal and Placement Power Point Slides

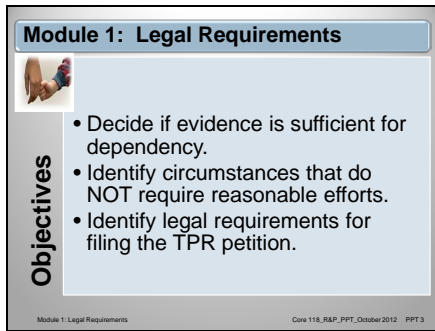
Slide 1



Slide 2



Slide 3



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Importance of Petitions

- Presents situation that lead to child's removal & facts that prove the allegations
- Basis for deciding if it is safe to return the child home
- Must provide detailed, accurate, & thorough info. to CLS (responsible for writing the petition)

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Petitions

- Drive subsequent case planning tasks.
- Provide focal point for court decisions.
- Record parental misconduct & the danger this presents to the child.
- Guide the court in formulating jurisdictional findings.
- Often the first document the judge reads.
- Drive case plan interventions.
- Provide information to the judge.
- Case plans are built on the allegations in the petition.

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Grounds for Removal & Reasonable Efforts

A. Grounds for Removal	Child maltreated & in immediate danger of illness, injury; or Parent/legal guardian violated a court imposed placement condition; or No known parent/legal custodian/caregiver or responsible adult relative can provide supervision & care.	B. Reasonable Efforts	Services were provided & have not been effective. Child cannot remain safely at home w/ provision of appropriate & available services.
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At least one criterion from A & B is required

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Reasonable Efforts

ASFA supports the idea that R.E.'s are focused on the health & safety of the child. F.S. 39.521 (1)(f)1-5

Govt. audits case files for compliance w/ Federal requirements: R.E.'s to prevent removal or reunify after removal must be documented.

If R.E.'s are not documented, federal funding may be lost.

If R.E. language is not in the permanency hearing court order, IV-E eligibility ends.

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39.402(10)(a) – (b)

Shelter hearing order must contain written determination if reasonable efforts were made to prevent/eliminate the need for the child's removal or continued removal.

Decision must describe specific services, that if available, could prevent or eliminate the need for removal or continued removal & the date these services are expected to become available.

If these specific services are not available, it must also contain an explanation describing why the services are not available for the child.

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Reasonable Efforts

Must be a judicial finding within 60 days after removal

The court order must state that either:

- Reasonable efforts would not have prevented the removal or;
- It was reasonable that the agency made no efforts to maintain the child in the home.

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Injunctions

A court order issued under section 39.504, Florida Statutes to:

- Prevent any act of child abuse.
- Protect & promote the best interest of the child: takes the preservation of the child's immediate family into consideration.

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39.806 (1)(e)-(l)

Egregious Conduct

Parents

- convicted (or aided, abetted, attempted, conspired, or solicited to commit) of:
 - murder manslaughter of the other parent/another child.
 - or a felony battery resulting in serious bodily injury to the child or another child.
- history of extensive, abusive, & chronic use of alcohol/controlled substance & refused/failed to complete available treatment during the 3-year period immediately preceding the filing of the TPR petition.
- parental rights to a sibling of the child were terminated involuntarily.
- failed to comply with case plan for a period of 12 months.
- material breach of a case plan.

Child subjected to aggravated child abuse, sexual battery, sexual abuse, chronic abuse

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39.806 (1)(e)-(l)

- Child tests positive at birth for alcohol/controlled substance & mother had at least one other child adjudicated dependent after a finding of harm due to exposure to a controlled substance after which the mother had the opportunity to participate in substance abuse treatment.

39.806(1)(e)-(l)

- On 3 or more occasions the child or another child of the parent(s) was placed in out-of-home care under this chapter, & the conditions resulting in the child's out-of-home placement were caused by the parent(s).

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Court Interaction: No Reasonable Efforts Required

Permanency staffing is required prior to the permanency hearing.

Permanency hearing held w/in 30 days after finding of "no reasonable efforts required".

An expedited TPR petition is filed with the court if CLS determines there is legal sufficiency.

Parents/legal counsel have minimum of 30 days to gather & present contrary evidence to filing of expedited TPR.

TPR hearing is held w/in 60 days of petition filing.

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Expedited Termination of Parental Rights

Expedited termination of parental rights means proceedings wherein a case plan with the goal of reunification is not offered.

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Staffing Preparation

Case File Documentation must include:

- Evidence of one or more legal reasons to file
- Current status of parent(s)
- All known information regarding the legal/prospective father(s)
- Availability of all known possible relatives & their suitability


Input from child(ren) regarding adoption (when appropriate)

- Can file TPR if child has no desire to be adopted
- After TPR is granted, visitation with the parent(s) is discontinued when it is in child's best interest

Module 1: Legal Requirements Core 118_R&P_PPT_October 2012 PPT 15

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Module 2: Tasks and Considerations for Removal and Placement




Objectives

- Describe the importance of choosing the most appropriate placement setting to meet a child's individual needs.
- Describe requirements & tasks during removal & emergency placement.
- Name tasks prior to a relative/non-relative placement.
- Explain the components of the diligent search process.
- Name the conditions for voluntary placements.
- Indicate required documentation for the child's resource record (CRR).

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 16

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Child's Needs



Minimize changes

Try to keep child in same school

Physical, emotional & social needs

Homelike

- close as possible to home

Need vs. "bed space"

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 17

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Emergency Placements

Criteria for Prioritizing:

- Most likely to lead to permanency
- Most homelike & least restrictive
- Keeps siblings together
- Best for the child
- Close as possible to child's home
- Every effort made to keep child in same school

You must document all of these efforts in FSFN.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 18

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Emergency Removal

Can be done with or without parental consent.

If removal is involuntary, shelter hearing must be held w/in 24 hours of removal.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 19

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Pre-Placement Decision-Making

S1: Children are, first & foremost, protected from abuse & neglect.

S2: Children are safely maintained in their homes whenever possible & appropriate.

P1: Children have permanency & stability in their living situations.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 20

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Placement

Conduct thorough risk & safety assessments if the child remains at home to decide if placement is necessary.

Choose a placement setting that meets the child's needs.

Properly prepare the child, family & caregiver.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 21

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Exigent Circumstances

3 situations when emergency placements are made in exigent circumstances & you anticipate that a placement will be made w/n 72 hours following the:

- emergency removal from child's home or another location where the child resides prior to agency involvement.
- change of placement from a location where the child was previously placed & where the child remains under supervision.
- emergency removal from a location where the child was previously placed & where the child has achieved permanency.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 22

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Assessment Prior to Removal

Placement decisions must be based upon sound, factual information about the child & family.

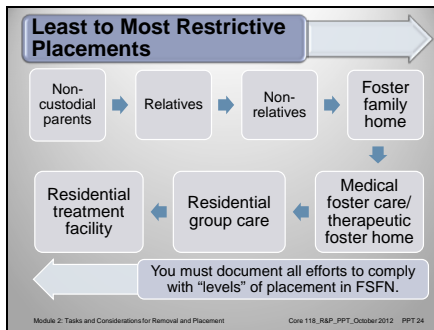
Emergencies must be carefully assessed to decide the degree to which the child is truly endangered.

Thorough assessments of the family & assessment of risks & safety to the child must be completed before the child is removed & placed.

When a child is found to be at risk, you must decide if they can be protected in their own home.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 23

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Psychotropic Medication

- Contact prescribing physician & try to get parental consent.
- Get court authorization after physician consultation, if no parental consent.
- Take possession of the remaining medication if it is a current prescription & in original container.
- Medication may continue until shelter hearing.
- Court authorization at shelter extends only until arraignment hearing or 28 days after removal.
- Child must be evaluated prior to dependency petition.
- Motion for continued authorization is filed with dependency petition.
- Medication must be documented in FSFN.

Module 2: Tasks and Considerations for Removal and Placement Core 118_RAP_PPT_October 2012 PPT 25

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Medication Screen

FLORIDA SAFE FAMILIES NETWORK

Module 2: Tasks and Considerations for Removal and Placement Core 118_RAP_PPT_October 2012 PPT 26

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65C-29.003(6) Emergency Intake Form

If you take the child into custody, you must complete the **Emergency Intake Form** in order to identify any current medical information/needs of the child known by the parent, guardian or legal custodian.

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Removal – 65C-30.015

When you discover the need for immediate removal of the child, call 911 immediately if a dangerous situation is transpiring & remain with the child until the child can be removed by a PI or law enforcement officer.

Do not remain with the child if the situation threatens your personal safety.

In situations involving immediate or life threatening danger to the child, you can physically remove the child until physical custody is given to a PI or law enforcement officer.

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39.0139 “Keeping Children Safe Act”

“Presumption of Detriment”

- When a parent or caregiver has been the subject of an intake alleging sexual abuse of any child; or has been found guilty of, or has plead guilty (or no contest) to:
 - Sexual battery
 - Removing minors from the state or concealing minors contrary to court order
 - Lewd & lascivious behavior
 - Lewdness & indecent exposure
 - Incest
 - Has been found by the court to be a sexual predator

Persons meeting any of the criteria may visit or have other contact with a child **ONLY** after a hearing & an order by the court allowing the visitation/contact.

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39.0139 “Keeping Children Safe Act”

GUARDIAN AD LITEM
The Voice for Florida's Abused & Neglected Children

The court must appoint an Attorney Ad Litem or Guardian Ad Litem, who has special training in the dynamics of child sexual abuse.

Any visitation or other contact ordered by the court in this situation will be supervised by:

- A person specially trained in the dynamics of child sexual abuse or
- Conducted in a supervised visitation program.
- If the program has an agreement with the court, & has agreed to comply with the minimum standard guidelines specifically related to referrals of cases involving child sexual abuse.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 30

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Key Requirements for Relative/Non-Relative Placement

Background Checks	• 39.0138
Fingerprints	• 65C-28.011
Home Study	• 65C-28.012
Physical inspection of the home	

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Statutory Requirements for Non-Relative Placements

39.401(5): Non Relative Placements

- Judicial review & approval is required w/in 24 hours after placement.
- Must be for a specific & predetermined period of time, not to exceed 12 months, & must be reviewed by the court at least every 6 months.
- If continues longer than 12 months, the court will establish permanent guardianship or require that the non-relative seek licensure as a foster care provider w/in 30 days after the court decision.

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Relatives Who Qualify for Relative Caregiver Program

Relatives who are within the fifth degree by blood or marriage to the parent or stepparent.

- Brothers & sisters (including those of half blood)
- Aunts, uncles, nieces, nephews
- Grandparents, great-grandparents
- First cousins (first cousins once removed)
- Stepbrother, stepsister

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Program Eligibility for RCP

Children placed as a result of maltreatment	Relative is w/in the specified degree of relationship	Relatives must agree to work toward reunification & provide permanent home if attempts fail
Child is a U.S. citizen or qualified alien	Approved home study	Children cannot be included in any other temporary cash assistance case
Placed in Florida, by Florida	Children must be adjudicated dependent	Court order placing children in temporary legal custody of the relative

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Your Responsibilities for RCP

- Home study
- Court activities
- Provide & discuss RC Program brochure
- Notify ESS of eligibility & changes
- Check FSFN to ensure eligibility code is entered
- Monitor, evaluate/assess services & case plan progress
- Judicial reviews

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Relative Responsibilities in RCP


- Cooperate with Child Support Enforcement
- Provide documentation on immunizations for child under the age of 5
- Participate in re-determinations of eligibility requirements every 6 months
- Encourage & ensure children under age 18 attend school
- Provide a safe & stable environment
- Assist & cooperate in steps toward reunification
- Provide long term permanency if reunification is not possible


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Background Checks

 An abuse/neglect records check for all persons who are either household members or known to be frequent visitors to the home.


 Local criminal records check through local police & sheriff's offices for all household members & frequent visitors age 12 or older.


 Delinquency records check for all household members or frequent visitors ages 12 through 26 years of age.


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Background Checks

 State criminal records check through FDLE for all household members age 12 or older & paramours.

 NCIC name check for all household members age 18 or older. *If child is placed in the home you must submit fingerprints to FDLE the next business day but no later than 10 calendar days of the name check.*

 Attempt to gather criminal history info. for all household members (age 12 & older) & frequent visitors (age 18 & older) from any other state they were known to reside.

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Felony Disqualifications 39.0138

A records check through the State Automated Child Welfare Information System (SACWIS) and a local and statewide criminal history check on all persons, including parents, being considered for placement of a child, including all non-relative placement decisions, and all members of the household, 12 years of age and older, of the person being considered must be conducted.

A criminal history check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the FBI for state and national criminal history information, and local criminal records checks through local law enforcement agencies of all household members 18 years of age and older and other visitors to the home.

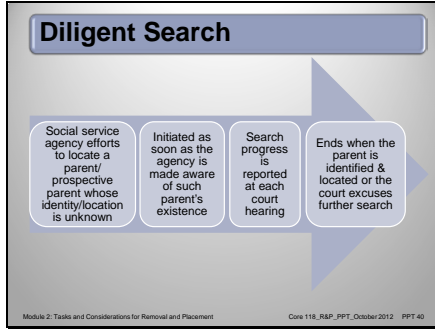
An out-of-state criminal history records check must be initiated for any person 18 years of age or older who resided in another state if that state allows the release of such records.

Disqualifications for person other than parent:

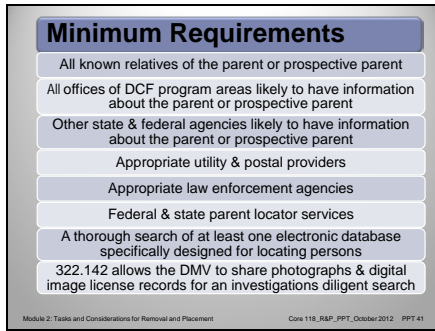
- Conviction of one or more listed felonies
 - Child abuse, abandonment, or neglect
 - Domestic Violence
 - Child pornography
 - Homicide, sexual battery, or other felony involving violence
- Conviction of listed felonies within previous 5 years
 - Assault
 - Battery
 - Drug related offense

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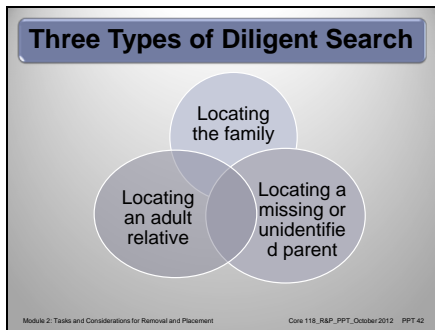
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Locating the Family - 65C-29.013

If family cannot be located:

- PI must return to the address daily varying the time of day.
- a diligent search is required.

Investigator consults with supervisor for additional action:

- Statewide alert
- Computer announcements statewide
- Involvement of law enforcement
- Involvement of the courts – 'Take into Custody' Order

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Missing or Unidentified Parents

Law requires inquiries of an available parent, relative, or custodian

Minimum diligent search efforts varies according to the stage of the dependency proceedings

Must be initiated, results documented, & reports made by the arraignment & adjudicatory hearings

Documentation must show results of contacts & inquiries made to:

- Known relatives
- Other state/federal agencies with potential information
- All DCF programs

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65C-30.003

An affidavit of diligent search must be included in the PDS when attempting to identify/locate any absent parent.

Requires PI to initiate a diligent search to identify/locate any absent parent whenever a dependency petition is filed seeking Judicial In-Home Services.

Module 2: Tasks and Considerations for Removal and Placement Core 118_R&P_PPT_October 2012 PPT 45

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39.402(17)

At the shelter hearing, the court must:

- ask the parent if they have relatives who might be considered as a placement.
- advise parent of their continuing duty to inform the agency of any relative who may be considered for the child's placement.

Parent(s) must provide identity & location information regarding the relatives to the court & all parties.

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39.507(7)

If a court adjudicates a child dependent & the child is in out-of-home care, the court must ask the parent(s) if they have relatives who might be considered for the child's placement.

The parents must provide all identity & location information about the relatives to the court & all parties.

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Voluntary Placements

- Parents/guardians initiate placement in temporary substitute care
- Voluntary placement agreement required
- Time limited to 3 months w/o court approval
- Can occur without investigator involvement
- Cannot involve any maltreatment
 - Parents may be offered voluntary placement following an investigation that does NOT have maltreatment findings
- Preventative services must be offered & ruled out as alternative

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Child Resource Record

- Has all medical information gathered
 - Medical history & releases from parent
- Provide to shelter/relative/foster parents w/in 72 hours of placement
- Must go with child on all health care visits & any subsequent placement
- Must be kept current at each visit
- Moves with the child
- Stays in possession of the substitute care provider

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Module 3: Special Placements




Objectives:

- Identify basic requirements for the sending & receiving state under the Interstate Compact on the Placement of Children (ICPC) & financial responsibility.
- Describe 3 basic mandates of the Multiethnic Placement Act (MEPA) 1994.
- Explain child protection protocol on Indian reservations under the Indian Child Welfare Act (ICWA).
- Determine placement options for children with complex medical problems.
- Identify the requirements & considerations for keeping siblings together.

Module 3: Special Placements Core 118_R&P_PPT_October 2012 PPT 50

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Module 3: Special Placements

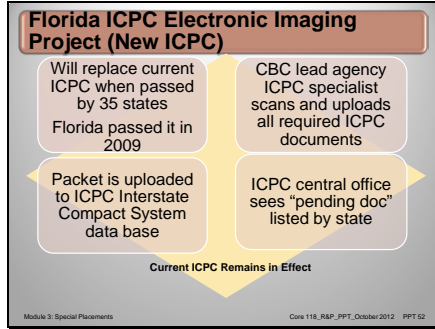


Objectives

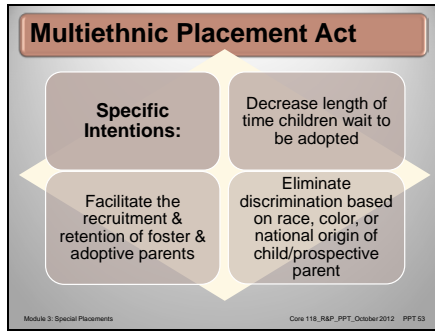
- Recognize placement needs & risk factors when determining placements for victims or perpetrators of sexual abuse.
- Identify requirements for placement in residential treatment facilities.
- Name the criteria for placement into residential group care.
- Name the requirements for licensed capacity/waivers for licensed out-of-home care.

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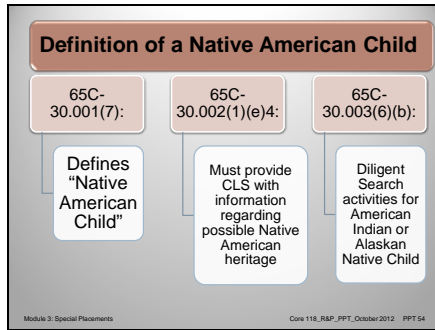
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Special Immigrant Juvenile Status Eligibility

Found dependent based on allegations of abuse, neglect, or abandonment

Eligible for another planned permanent living arrangement (reunification with parent is not a permanency option)

Child's best interest is to remain in the U.S.

Under the jurisdiction of the juvenile court

Module 3: Special Placements Core 118_R&P_PPT_October 2012 PPT 55

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Timeframe for SIJS Petition

No later than 60 days after an order finds the child eligible

applying for this status is in the best interest of the child

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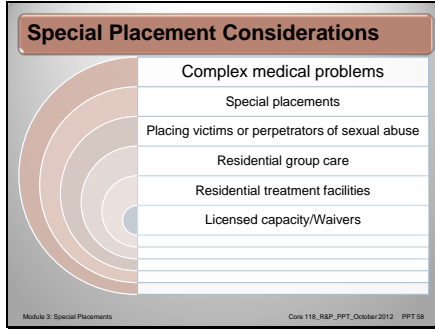
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F.A.C. (rules) Based Upon 39.5075

F.A.C. 65C-30.007(17) Citizenship determination & actions required for children who are not U.S. Citizens	F.A.C. 65C-30.002(1)(e)3: Must provide CLS with the child's immigration status information to determine if Special Immigrant Juvenile Status (SIJS) for the child must be pursued	F.A.C. 65C-30.003(6)(c): Diligent search activities for children who are not U.S. citizens
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Special Placement Considerations

- Complex medical problems
- Special placements
- Placing victims or perpetrators of sexual abuse
- Residential group care
- Residential treatment facilities
- Licensed capacity/Waivers

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