

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NO.: RULE TITLE:
5I-4.002 Purpose and Definition
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol.31, No. 21, May 27, 2005, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.0251 Specialization Requirements for
 Certification In Educational
 Media Specialist (Grades
 PK-12) – Specialty Class
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 50, December 16, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO.: RULE TITLE:
6B-4.010 Instructional Personnel Assessment
 NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 3, of the January 10, 2006, issue of the Florida Administrative Weekly. The Amendments contained herein result from additional considerations by the Department of Education and written comments expressed on or before the date of the final public hearing by the Florida Association of District School Superintendents (FADSS), the Florida Education Association (FEA), and other interested parties, which Amendments are supported by the record of the public hearing held on the rule. Please note that language shown as struck through in the notice of proposed rulemaking as published on January 10, 2006, does not appear in the following text. Language shown as underlined in the initial notice appears in the following text without underlining. The changes being hereby noticed are indicated by striking through deleted language and underlining added language.

The amendment to Rule 6B-4.010, F.A.C., is amended to read:

6B-4.010 Instructional Personnel Assessment Systems.

(1) Submission Process.

(a) By ~~June 15, 2006, April 3, 2006~~ and every second Monday in January thereafter each school district shall submit changes to its instructional personnel assessment system to the Department for approval pursuant to Section 1012.34, Florida Statutes.

(b) Each submission shall include documentation to substantiate that the school district has met the requirements and conditions for approval of instructional personnel assessment systems pursuant to Section 1012.34, Florida Statutes, and this rule.

(c) The assessment system shall be reviewed by the Department for inclusion of the following:

1. Criteria for annually evaluating the professional performance of all instructional personnel primarily on the basis of improved achievement learning gains made by students for which they are the responsible instructor (“Improved Student Achievement”) ~~assigned to their classroom pursuant to Section 1012.34(3), Florida Statutes, and.~~

2. Other approved Additional criteria for annually evaluating the professional performance of all instructional personnel listed in Section 1012.34, Florida Statutes, and the Florida Educator Accomplished Practices as incorporated prescribed in Rule 6A-5.065, FAC., in a manner consistent with sub-subparagraph (1)(c)3.d. Subsection (4) of this rule.

3. A statement of district procedures describing methods, ~~and~~ criteria, and calculations that are used annually to assess and to designate, document, and differentiate all unsatisfactory, satisfactory, and outstanding performance levels and all calculations used to assess instructional personnel, by professional performance level consistent with the following the results of which must:

a. For all instruction personnel, the district’s performance assessment shall Differentiate or comparatively differentiate rank the professional performance of each individual at least by the top 10 percent and by the top quartile based on Improved Student Achievement, so that districts may determine a portion of regular salary compensation individually on the basis of professional performance as required by Sections 1012.22 and 1012.34(3), Florida Statutes. A district may, for purposes of determining an individual’s professional performance rank, take into account an unsatisfactory rating on non-Student Achievement criteria provided in Section 1012.34, Florida Statutes, or the Florida Educator Accomplished Practices, as incorporated in Rule 6A-5.065 FAC, or local or state discipline to which that individual is subject. all instructional personnel in the district as calculated primarily based on student learning gains in accordance with the criteria listed in subsection (4) of this rule,

which performance assessment is to be determinative of a portion of each individual's regular salary compensation as provided in Section 1012.22, Florida Statutes, and

b. For individual evaluation of instructional personnel teaching state assessed subjects or grades as described in Section 1008.22, Florida Statutes: ~~Designate outstanding performers in accordance with requirements listed in subsection (4) of this rule.~~

(I) Insofar as individual instructional personnel have not received an unsatisfactory rating on non-Student Performance related criteria and are not subject to discipline (see sub-subparagraph (1)(c)3.d. of this rule), each district shall annually identify as having demonstrated outstanding professional performance, based on Improved Student Achievement on the statewide assessments and using the method made available under sub-sub-subparagraph (1)(c)3.b.(II) of this rule, any individual who ranks in a given year at least in the top 10 percent of elementary, middle, or high school instructional personnel statewide or districtwide, whichever is greater, or any instructional personnel who ranks in the top quartile statewide in any consecutive year after being ranked in the top 10 percent statewide in a previous year. Instructional personnel shall not be made to apply or take any additional action to be designated as an outstanding performer by a district pursuant to this rule. Local school districts may designate additional instructional personnel beyond the top 10 percent as outstanding as long as the designation is primarily based upon Improved Student Achievement using the method made available under sub-sub-subparagraph (1)(c)3.b.(II) of this rule, and no application or additional action is required to qualify. By the end of the fiscal year, each district shall give notice annually to the Department of all instructional personnel teaching state assessed subjects or grades who are designated by that district as outstanding performers.

(II) To assist local school districts' assessment of personnel, the Department annually shall provide no later than thirty (30) days after the school grades are released, statewide teacher-specific Improved Student Achievement results for the top 10 percent and top quartile, and shall make available the objective method for each district to comparatively differentiate instructional personnel under its plan.

c. For evaluation of individual instructional personnel who do not teach state assessed subjects or grades:

(I) Insofar as individual instructional personnel have not received an unsatisfactory rating on non-Improved Student Achievement related criteria and are not subject to discipline (as provided in sub-subparagraph (1)(c)3.d. of this rule), each district shall annually identify as having demonstrated outstanding professional performance, based on objective local assessments of Improved Student Achievement, any individual who ranks in a given year at least in the top 10 percent of elementary, middle, or high school instructional personnel districtwide. Instructional personnel shall not be made to apply

or take any additional action to be designated as an outstanding performer by a district pursuant to this rule. By the end of the fiscal year, each district shall give notice annually to the Department of all instructional personnel not teaching state assessed subjects or grades who are designated by that district as outstanding performers.

(II) For purposes of sub-sub-subparagraph 1)(c)3.c.(I), the following measures shall be considered to be objective local assessments of Improved Student Achievement:

(A) Standardized exams or norm-referenced tests, such as Advanced Placement, International Baccalaureate, and others;

(B) Industry certification exams;

(C) Exams that have been developed by the district, a consortium of districts, or a professional organization that meet the psychometric standards of reliability and validity; or

(D) Other measures of performance, excluding teacher-assigned grades or classroom-level tests. Portfolios may only be used to determine outstanding performance for teachers of special education students.

d. If an individual has received an unsatisfactory rating on non-Improved Student Achievement related assessment criteria as provided by Section 1012.34, Florida Statutes, and Rule 6A-5.065, F.A.C., the Florida Educator Accomplished Practices, or is subject to local or state discipline, a local school district may choose not to identify that individual as an outstanding performer. The district shall identify annually to the Department all instructional personnel who have received such an unsatisfactory rating or are subject to discipline, but otherwise would have received an outstanding performance designation by the end of the fiscal year.

4. Copies of assessment data collection procedures, instruments, and forms.

5. A statement of the use of assessment data for instructional personnel contract decisions.

6. A professional Education Competence Demonstration System pursuant to Section 1012.56(7), Florida Statutes, based primarily on the Educator Accomplished Practices to allow beginning teachers to meet certification requirements.

(2) Review Process. The Department of Education shall review and evaluate the performance assessment systems for compliance with the requirements and conditions of Section 1012.34, Florida Statutes, and this rule ~~shall prepare and send to each school district a written notice that identifies those deficiencies of the system. If the Department discovers any specific deficiencies in a system, it shall prepare and send to each school district a written notice identifying those deficiencies.~~ Upon request from a school district, the Department shall provide assistance to the district for the purpose of bringing the system into compliance as quickly as possible. For instructional personnel who do not teach state assessed subjects or grades, districts shall have an opportunity to transition from their existing personnel assessment policy to a policy that incorporates Improved Student Achievement

factors as soon as feasible. The Department shall work with districts as requested to help develop assessment plans that will conform to this rule for instructional personnel who do not teach state assessed subjects or grades.

(3) Approval Process. The Department of Education shall send written notification to the school district superintendent of the status of the school district's instructional personnel assessment system. The status designation shall be as follows:

(a) Approved. An instructional personnel assessment system shall be ~~designated~~ approved if all requirements and conditions for instructional personnel assessment systems are met pursuant to Section 1012.34, Florida Statutes, and this rule.

(b) Conditionally Approved. An instructional personnel assessment system shall be ~~designated~~ conditionally approved if the school district's assessment system fails to satisfy one or more of the requirements ~~or~~ and conditions for instructional personnel assessment systems pursuant to Section 1012.34, Florida Statutes, and this rule. The school district's system designated as conditionally approved shall be revised so that it is in full compliance with all requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34, Florida Statutes, and this rule within the time period specified by the Department, and resubmitted to the Department for review and approval.

(c) Disapproved. A school district's system designated as conditionally approved shall be ~~designated~~ as disapproved if the requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34, Florida Statutes, and this rule are not met within the time period specified by the Department in the written notice granting the conditionally approved status of the system.

~~(d) Assessment systems submitted for approval for the 2007-2008 school year and after must be compliant with all provisions of this rule. Assessment systems submitted for approval for the 2006-2007 school year must be compliant with all provisions, except those criteria described in paragraph (4)(b) of this rule.~~

(4) Criteria for Evaluating Professional Performance. The annual assessment procedures adopted by a school district shall allow it annually to differentiate or comparatively rank the performance of each individual for the purposes of assessment and compensation. The criteria for evaluating professional performance shall be as follows:

(a) For individual evaluation of instructional personnel teaching state assessed subjects as described in Section 1008.22, Florida Statutes:

1. Professional performance must be measured on the basis of performance gains on the state assessment by students assigned to the individual's classroom, except that a district may determine unsatisfactory performance for an individual

who is subject to discipline based upon additional criteria listed in Section 1012.34, Florida Statutes, and the Educator Accomplished Practices.

2. Instructional personnel, without needing to apply or take any additional action, shall be identified as having demonstrated outstanding performance if, based on their students' performance improvements on the statewide assessment, a teacher is determined by the Department to rank in the top 10 percent of elementary, middle, or high school instructional personnel statewide. The Department annually shall provide statewide results of individual performance to local school districts no later than thirty (30) days after the school grades are released. A district may designate as outstanding additional instructional personnel if the designation is based upon student performance criteria and no application or other documentation is required to qualify.

(b) For evaluation of individual instructional personnel that do not teach state assessed subjects:

1. Professional performance must be measured on the basis of improved performance on local assessments by students assigned to the individual's classroom, except that a district may determine unsatisfactory performance for an individual who is subject to discipline based upon additional criteria listed in Section 1012.34, Florida Statutes, and the Educator Accomplished Practices.

2. Each district's assessment of instructional personnel performance shall be based upon reliable external measures of student learning gains or achievement, including, but not limited to:

a. Standardized exams such as advanced placement, International Baccalaureate, and others;

b. Industry certification exams;

c. Exams that have been developed by the district, a consortium of districts, or a professional organization that meet the psychometric standards of reliability and validity and are administered by external evaluators; or

d. Other measures of performance, excluding teacher assigned grades or classroom-level tests shall not be used to determine outstanding performance. Portfolios may only be used to determine outstanding performance for teachers of special education students.

3. The professional performance assessment results shall be calculated in a manner sufficient to allow the district both to comparatively rank instructional personnel in paragraph (4)(b) of this rule both for the purpose of determining the performance pay component of their regular salary compensation and the purpose of identifying the top 10 percent of elementary, middle, and high school instructional personnel district wide as having demonstrated outstanding performance.

(4)(5) Modifications to an Instructional Personnel Assessment System. If a school board makes substantive modifications to an approved school district instructional

personnel assessment system, the modified system shall be submitted to the Department of Education for review and approval pursuant to this rule.

Specific Authority 1001.02, 1012.34 FS. Law Implemented 1012.22(1)(c), 1012.34 FS. History—New 6-19-01, Amended _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
 12B-8.001 Premium Tax; Rate and
 Computation
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12B-8.001, F.A.C., Premium Tax; Rate and Computation, published in Vol. 32, No. 2, pp. 116-119, January 13, 2005, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated February 8, 2006, the second sentence of sub-sub-subparagraph (3)(e)3.a.(I) and the seventh sentence of sub-sub-subparagraph (3)(e)3.a.(II) of Rule 12B-8.001, F.A.C., have been changed so that, when adopted, that those sub-sub-subparagraphs will read:

a.(I) When current year CAPCO credits, future year CAPCO credits or carryover CAPCO credits are transferred in whole or in part, written notification of such action must be provided to the Department of Revenue, Return Reconciliation Process, Insurance Premium Tax, 5050 W. Tennessee St., Bldg. F-3, Tallahassee, FL 32399-0100. This notification must be made at the earlier of within 30 days of such action or 30 days prior to when such IPT return on which such CAPCO credits could initially be claimed is due. The notification is required to contain the name and federal identification number of the original CAPCO investor, the name and federal identification number of the seller (if different from the original CAPCO investor), the name and federal identification number of the purchaser, the amount and type of CAPCO credit being transferred/sold, and a schedule tracking the amount of CAPCO credit granted the original investor and the use of such CAPCO credit through the date of transfer/sale.

(II) Transfer/sale of Future Year and Carryover CAPCO Credit Example. Insurer Z made an investment of certified capital in a CAPCO of \$1,000,000 in 1999 and earned a CAPCO credit of \$1,000,000. Insurer Z may use up to \$100,000 of its CAPCO credit, including any carryover CAPCO credit, each IPT year, beginning with the 2000 IPT return, until the CAPCO credit is used in its entirety. In 2000, 2001, 2002, 2003, and 2004, Insurer Z used CAPCO credits of \$100,000, \$100,000, \$100,000, \$75,000, and \$30,000, respectively. Insurer Z did not transfer any of its 2000, 2001, 2002, 2003, or 2004 current year CAPCO credits, as it had no

affiliates. Insurer Z had a carryover CAPCO credit of \$95,000 (\$25,000 from 2003 and \$70,000 from 2004), which could be used by Insurer Z on its 2010 IPT return. On December 1, 2005, Insurer Z sells all of its remaining CAPCO credits and carryover credits, including its 2005 current year CAPCO credit, to Insurer M. By December 31, 2005 [the earlier of December 31, 2005 (30 days after the date of transfer), or January 31, 2006 (30 days prior to the due date of the 2005 IPT return, the return on which the transferred CAPCO credits could initially be claimed)], Insurer Z sent a letter to the Department of Revenue stating that it sold all of its CAPCO credits to Insurer M. The letter included the federal identification numbers of Insurer Z and Insurer M. The letter also included a breakdown of how insurer Z used its CAPCO credits from 2000 to 2004 (\$405,000 of CAPCO credits used by Insurer Z - \$100,000 used on its 2000 IPT year, \$100,000 used on its 2001 IPT year, \$100,000 used on its 2002 IPT year, \$75,000 used on its 2003 IPT year, and \$30,000 used on its 2004 IPT year) and a recap of the amount of CAPCO credits sold (CAPCO credits of \$100,000 per year for IPT years 2005 through 2009 and a \$95,000 CAPCO credit carryover available for the 2010 IPT year for a total of \$595,000). Insurer M started claiming CAPCO credits beginning with its 2005 IPT return. Insurer M will include a statement with each of its IPT returns on which it is claiming a CAPCO credit that it purchased its CAPCO credit from Insurer Z on December 1, 2005.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-6.010 Payment Methodology for Nursing
 Home Services
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 42, on October 21, 2005.

In the Title XIX Long-Term Care Reimbursement Plan, as incorporated into this rule by reference:

Section V.B. (22)

The new rule language added in Section V.B. (22) was missing the correct section number. The correct section number has been added.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020
 RULE TITLE: Payment Methodology for Inpatient Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 42, on October 21, 2005.

In the Title XIX Inpatient Hospital Reimbursement Plan, as incorporated into this rule by reference:

Section V.A(9)(10)(11)(12)(16)

In accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, for the remainder of State Fiscal Year 2005-2006, due to an increase in the available public hospital upper payment limit balance, hospitals may receive up to the full amount available. The provision and all related language for hospitals to only receive 92 percent or 50 percent of the amount appropriated, based on eliminating the inpatient reimbursement ceilings for specific categories of inpatient hospitals, has been deleted from the rule language.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.030
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 45, on November 10, 2005.

In the Title XIX Outpatient Hospital Reimbursement Plan, as incorporated into this rule by reference:

Section V.A(12)(13) and B.(9)

In accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, for the remainder of State Fiscal Year 2005-2006, due to an increase in the available public hospital upper payment limit balance, hospitals may receive up to the full amount available. The provision and all related language for hospitals to receive an interim amount equal to 50 percent of the benefit of being exempt from the application of the outpatient reimbursement ceilings has been deleted from the rule language.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.100
 RULE TITLE: Medicaid Contracts for Prepaid Health Plans

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 32, No. 3, on January 20, 2006. This change is made to address oral comments submitted at the public hearing held on February 14, 2006. Rule 59G-8.100, F.A.C., incorporates by reference the Agency for Health Care Administration Payment Methodology for Participating Medicaid Managed Health Care Plans.

Definitions B.6. & E. Capitation Payment Rate Calculation

1. Addition of the word average to term weighted rate in accordance with Section 409.9.124, F.S. on page 2 and page 8 of the Payment Methodology for Participating Medicaid Managed Health Care Plans.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: 64E-2.018, 64E-2.040
 RULE TITLES: Trauma Registry, Funding for Verified Trauma Centers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rule 64E-2, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 52, on December 30, 2005. The changes reflect comments received from the Public Hearing held on January 23, 2006, and from the Joint Administrative Procedures Committee. The changes are as follows:

64E-2.018 Trauma Registry.

The following language was added after department in the third line: as defined by subsection 64E-2.001(8), F.A.C.

64E-2.040 Funding for Verified Trauma Centers.

(1)(c) The year 2005 was added. The following highlighted language was added to the last sentence: Solely for calendar years 2004 and 2005, this definition shall be the number of patients served by a trauma center during the respective calendar year on which data was supplied timely by the trauma center consistent with the Florida Trauma Registry Manual, December 2004.

(d) The definition was changed to include public or private and public foundation funding. The following highlighted language was added: "Local funding contribution" – means

local municipal, county or tax district funding, public or private and public foundation funding and service district organization funding received by a hospital or healthcare system that operates a trauma center.

(2) The word calendar is being inserted. The following highlighted language was added: Funds collected under Section 318.14(5), F.S., and Section 318.18(14), F.S., and deposited into the department’s administrative trust fund shall be distributed during the subsequent first calendar quarter and during the subsequent third calendar quarter as follows:

Florida Trauma Registry Manual on page three, strike through www.myflorida.com and insert www.doh.state.fl.us/demo/Trauma/index.html
P.O. B00829

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program Office

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-28	Out-of-Home Care
RULE NOS.:	RULE TITLES:
65C-28.001	Definitions
65C-28.002	Visitation
65C-28.003	Medical Treatment
65C-28.004	Placement Matching Requirements
65C-28.005	Changing Placements
65C-28.006	Permanency Staffings
65C-28.007	Voluntary Licensed Out-of-Home Care
65C-28.008	Relative Caregiver Program
65C-28.009	Adolescent Services
65C-28.010	Minor Parents in the Custody of the Department
65C-28.011	Criminal, Delinquency and Abuse/Neglect History Checks for Relative and Non-Relative Placements
65C-28.012	Home Studies for Relative and Non-Relative Placements
65C-28.013	Indian Child Welfare Act
65C-28.014	Behavioral Health Services
65C-28.015	Residential Mental Health Treatment
65C-28.016	Psychotropic Medications
65C-28.017	Exit Interviews

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which was published in Vol. 31, No. 49, of the December 9, 2005 issue of the Florida Administrative Weekly. The changes are based upon comments received subsequent to the December 9, 2005, publication of the proposed rule.

The revised proposed rule is as follows:

65C-28.001 Definitions.

All definitions for this rule are located in Rule 65C-30.001, F.A.C.

Specific Authority 39.012, 39.0121(3),(6),(7),(12),(13), 39.407(1), 39.5085(2)(a), 39.5085(2)(d), 394.4781(3)(c), 409.401 FS. Law Implemented 39.001, 39.01, 39.012, 39.401(3), 39.407, 39.601, 39.407, 39.5085, 39.521, 39.701, 394.9082, 409.165(1), 409.401 FS. History—New

65C-28.002 Visitation.

(1) Visitation between a Child in Out-of-Home Care and Parents. Visitation between the child and the child’s parents shall occur in accordance with court orders setting such visitation as reflected in the case plan. If at any time, the safety of the child precludes visitation, the visitation shall be suspended and the department or contracted service provider shall immediately, not to exceed 72 hours, request a court hearing to address the issue. Visitation between a child and parents may only be limited or terminated by order of the court, which shall be reflected in the case plan. There shall be a specific reason provided to the court for recommending no visitation or less than monthly visitation.

(a) Minimally, monthly visitation between the child and parents shall be recommended to the court consistent with the case goal unless it is deemed not feasible or not in the best interest of one or more of the children concerned.

(b) If monthly visitation between the child and parents is not recommended to the court, the court shall be advised of the reasons for the recommendation. When there is a recommendation of no visitation or less than monthly visitation because it is not in the best interest of the child, the court shall be provided documentation of the reason. This documentation shall also be recorded in the case file.

(c) If the court orders particular locations, times, or conditions for visits, such orders shall be followed until modified by the court.

(d) If the court does not order particular locations, times, or conditions for visits, the Services Worker shall ensure that all visits between children and parents occur in a neutral and protected setting. To the extent possible, visitation shall occur in a home-like setting and, unless unavoidable, not in an institutional setting or office. However, the safety of the children being visited shall always be the primary consideration.

(e) Visitation between a child in out-of-home care and the child’s parents may be arranged by the caregiver if the caregiver is willing and able and the court approves. If the caregiver is unwilling or unable to assume this responsibility, visitation between the child in out-of-home care and that child’s parents shall be arranged and supervised by the Services Worker, other designated staff, a visitation center or a court approved third party, unless the court has approved unsupervised visitation.

(2) Visitation among Siblings. The Services Worker shall ensure that separated siblings under supervision maintain in-person contact unless the visitation would compromise the safety or well-being of either child. Sibling visitation shall only be limited or terminated by order of the court, which shall be reflected in the case plan.

(a) Weekly in-person visitation between separated siblings shall be recommended to the court unless it is deemed not feasible or not in the best interest of one or more of the children concerned.

(b) If weekly in-person visitation between separated siblings is not recommended to the court, the court shall be advised of the reasons for the recommendation. When there is a recommendation of no visitation or less than weekly visitation because it is not in the best interest of the child, the court shall be provided clinical documentation of those reasons. Whenever no visitation or less than weekly visitation is recommended, the reasons shall be documented in the case file.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.001(1)(k), 39.402(9), 39.4085(15),(16),(20), 39.4086(2)(g), 39.504(3)(b)5., 39.506(6), 39.521(1)(d)2., 39.521(3)(b)1., 39.521(3)(d), 39.701(6)(a)7., 39.701(7)(e), 39.701(8)(d), 39.811(7)(b), 39.822(1) FS. History--New _____.

65C-28.003 Medical Treatment.

(1) If a child in out-of-home care appears to be suffering from illness or injury requiring medical intervention, the Services Worker or the caregiver shall take the child to the child's health care provider for a health care screening or treatment. If there is a medical emergency or an urgent need for medical attention, the child shall be taken to the nearest available health care provider or hospital. See subsections 65C-28.004(7) and (9), F.A.C., regarding requirements when placing children with special medical needs or communicable diseases.

(2) Ongoing health care and treatment provision shall include physical, dental and vision examinations as required by Chapter 59G-4, F.A.C., "Medicaid Services".

(a) If a child is Medicaid eligible, these services shall be obtained through Medicaid providers. If a child is not Medicaid eligible, these services shall still be provided.

(b) If the services worker or CPI receives a notice for a scheduled Child Health Check-up, he or she shall send immediately copies to the child's custodial parent, the child's foster parent or relative or non-relative caregiver and the child's guardian ad litem, if appointed.

(3) The parents shall remain financially responsible for the medical care and treatment of a child in out-of-home care when that medical care and treatment is not covered by Medicaid. For children who are not covered by Medicaid but have private insurance coverage, the Services Worker and the caregiver shall cooperate with the child's health insurance provider in identifying medical providers that will accept the insurance coverage. Unless the child is Medicaid eligible, the parent is

responsible for payment in all situations in which the child receives a medical examination or treatment, irrespective of the parent's consent to such examination or treatment. However, the inability or failure of the parent to meet this payment responsibility shall not delay the receipt of a medical exam or treatment. The financial responsibility of the parent ends when parental rights are terminated.

(4) Whenever possible, the caregiver, in cooperation with the parent shall select a primary health care provider who accepts Medicaid and is an enrolled Medicaid provider. When the county public health clinic is the child's primary health care provider, the Services Worker shall assist the caregiver in transferring the child's care to the county public health clinic nearest to the caregiver's residence.

(5) The Services Worker and licensed caregivers shall receive training in regard to and comply with the federal Health Insurance Portability and Accountability Act (HIPAA), which provides procedures regarding the management and protection of personal health information. The Services Worker shall inform relative and non-relative caregivers regarding the requirements of HIPAA.

(6) Required Actions to Gain Medical Consent at Time of Removal. At the time of removal, the Child Protective Investigator (CPI) shall ask the parents to provide written consent for ordinary medical treatment or medication. If the parent is unable or unwilling to give such consent, then the Child Welfare Legal Services attorney shall ask at the shelter hearing for a blanket court order authorizing the custodian, as named in the order, to give consent for ordinary medical treatment and medication on an ongoing basis. No consent is needed for treatment or medication rendered in the event of an emergency as documented by the attending physician.

(7) Consent for Medical Care of Children in Out-of-Home Care when Parental Rights Have Not Been Terminated. There are three types of medical care and treatment; each of which requires its own method to obtain consent for medical treatment. This may include a relative or non-relative who has been granted custody by the court. The attending physician shall determine the type of care needed.

(a) Ordinary Medical Care and Treatment. After a child is adjudicated dependent, the contracted service provider may delegate authority to consent to ordinary medical care and treatment to the out-of-home caregiver if the child remains in the custody of the department. A court order placing the child in out-of-home care should specify individuals who are authorized to consent to ordinary medical care and treatment for the child.

(b) Extraordinary Medical Care and Treatment. If the health care provider determines that an illness or injury requires medical treatment beyond ordinary medical care and treatment, but is not an emergency, the express and informed consent of the child's parent for the treatment shall be sought. If a parent provides express and informed consent for any

extraordinary medical procedure, the form and content of the consent shall be as directed by the prescribing health care professional.

1. If the parent is unwilling to provide informed consent for the proposed medical care, the CPI or Services Worker shall consult with the medical provider to determine if the treatment should be required. If the parent is unavailable or unable to provide informed consent for the proposed medical care or if consultation with the medical provider results in a determination that the treatment should be required, to ensure that the medical care is obtained, the CPI or Services Worker shall seek and obtain an order of the court authorizing the treatment prior to the treatment being rendered. The prescribing health care professional will be directed by Section 394.459(3), F.S., in the form and content of the express and informed consent. In cases when the child is prescribed psychotropic medications the procedures established in Section 39.407 (3), F.S., will be followed.

2. If a court order is required to obtain authorization for any extraordinary medical procedure, the following information, at a minimum, shall be included in the request for a court order:

a. Present diagnosis and known past medical interventions for the treatment of this condition;

b. A statement that the prescribing health care professional has reviewed all medical information concerning the child that has been provided;

c. The name and requested administration range for any medication requested;

d. A statement recommending the proposed procedure signed by the attending physician.

e. An analysis of the risks and benefits of the prescribed treatment for the particular child;

f. Alternatives to the treatment being recommended and the rationale for selecting the particular treatment recommended; and

g. Interventions other than the extraordinary medical care and treatment that are or shall be ongoing in conjunction with the care and treatment.

(c) Emergency Medical Care and Treatment. Although parents shall be involved whenever possible, obtaining consent is not required for emergency care and treatment. If the emergency care and treatment is provided without parental consent, the CPI or Services Worker shall ensure the parent and the guardian ad litem, if appointed, are notified as soon as possible after the treatment is administered. The child's case file shall contain a statement signed by the attending physician that the situation was an emergency and the care was needed to ensure the child's health or physical well-being. The case file shall also contain documentation that the parent and guardian ad litem, if appointed, were notified as soon as possible after the treatment was administered. All attempts to notify parents shall be documented in the child's case file.

(8) Consent For Medical Care for Children in the Custody of the Department when Parental Rights Have Been Terminated.

(a) Ordinary and Emergency Medical Care and Treatment. When a child is placed in the custody of the department following the termination of parental rights, the department or contracted service provider shall provide consent for ordinary medical care or emergency care of the child. The Service Worker shall provide documentation of their consent for the ordinary medical condition and document in the child's case file. When a child has received emergency medical care or treatment, the child's case file shall contain a statement signed by the attending physician that the situation was an emergency and the care was needed to ensure the child's health or physical well-being.

(b) Extraordinary Medical Care and Treatment. When a child is placed in the custody of the department following the termination of parental rights, the department or contracted service provider shall not provide consent for extraordinary medical care or treatment. Authorization for the extraordinary medical care or treatment shall be obtained by the department or contracted service provider from the court. Notification to the parent is not required when parental rights have been terminated; however, the guardian ad litem, if appointed, shall be notified.

(9) Consent For Children in the Custody of Relatives or Non-Relatives when Parental Rights Have Been Terminated. The ability of the relative or non-relative to provide consent to treatment when the child is placed in the custody of the relative or non-relative and the parental rights of the child have been terminated shall be as determined in the court order placing the child with the relative or non-relative.

(10) Required Documentation for Medical Care and Treatment.

(a) During the initial removal or no later than the first court proceeding thereafter, the CPI or Services Worker shall request the following information from the child's parents, family members or health care providers: medical history of the child; medical history of the child's family and medical consents from the child's parent or guardian. This information shall be used in developing the Child's Resource Record.

(b) All actions taken to obtain medical history and parental consent for medical screening, treatment, medications or immunizations shall be documented in the child's case file. If parental consent is received, a copy of the "Consent for Treatment and Release of Medical Information", CF FSP 4006, September 2000, which is incorporated by reference, shall be placed in the child's case file and a copy provided to the caregiver for placement in the Child's Resource Record.

(c) A copy of any court orders authorizing treatment shall be included in the case file, and a second copy provided to the caregiver for placement in the Child's Resource Record.

(d) Documentation of any notification provided to parents or others regarding a child's medical treatment.

(11) Notification of parents. The CPI or Services Worker shall ensure that the child's custodial parent is notified as soon as possible following any medical treatment of the child where the parent was not involved in providing consent for the treatment.

Specific Authority 39.012, 39.0121(6),(12),(13), 39.407(1), 743.064, 743.0645 FS. Law Implemented 39.407 FS. History--New _____.

65C-28.004 Placement Matching Requirements.

(1) The most appropriate available out-of-home placement shall be chosen after analyzing the child's age, sex, sibling status, special physical, educational, emotional and developmental needs, alleged type of abuse, neglect or abandonment, community ties and school placement. In making a placement with a relative or non-relative, the Services Worker shall consider whether the caregiver would be a suitable adoptive parent if reunification is not successful and the caregiver would wish to adopt the child. For children who are not U.S. citizens, see subsection 65C-30.007(17), F.A.C., for the actions required to promote the establishment of the child's legal immigrant status under specified circumstances.

(2) Multiethnic Placement Act of 1994, P.L. 103-3821, and the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, P.L. 104-108. These federal laws require that every placement decision for children in the care or custody of the department be made without regard to the race, ethnicity, color, or national origin of the child or the adult with whom the child is to be placed. The selection and placement of a child into an initial or subsequent licensed foster care placement shall not be delayed or denied on the basis of the race, color, or national origin of the caregiver or the child.

(3) The McKinney-Vento Homeless Assistance Act requires that all homeless children, including children placed in an emergency shelter and continuing in out-of-home care while awaiting foster care placement, to have equal access to the same free, appropriate public education as other children. This requires that efforts be made to continue the child's education in the school of origin for the duration of the removal episode unless the child is placed in another school district or out-of state. The Child Protective Investigator (CPI) at time of removal or Services Worker following case opening shall arrange for this continuation by contacting the school of origin and notify it of the need for transportation services to and from the school.

(a) Efforts shall be made to continue the child's attendance in the school of origin whether the placement in shelter occurs between academic years or during an academic year.

(b) Continuing efforts shall be made to maintain the child's attendance at the school of origin for the remainder of the academic year if the child is subsequently placed by the court in foster care or in a relative or non-relative placement during an academic year.

(c) When a child is dissatisfied with a failure to allow him or her to remain in the school of origin, he or she shall be assisted by the CPI or Services Worker to access the federally required dispute resolution process. This may be accomplished by the CPI or Services Worker following through with the dispute resolution process personally, handing the duty over to another agency employee, or referring the child to a pro bono attorney.

(4) In the case of an American Indian or Alaskan Native child, placement shall comply with the provisions of the federal Indian Child Welfare Act including the placement preferences mandated in the Act and working in partnership with the child's tribe in exploring appropriate placement options. If there is an existing written agreement between the Department and the child's tribe, compliance with the placement guidelines established in that agreement will be maintained, except upon mutual written consent of the Department and the tribe to deviate from the established guidelines (see Rule 65C-28.013, F.A.C.).

(5) When the case plan goal is reunification, the child shall be placed in a setting in as close proximity as possible to the caregiver with whom reunification is planned.

(6) When a concurrent case plan is in effect, the child shall be placed in a setting where the caregivers are willing to both assist the biological family in successfully completing required tasks, which shall allow for the safe return of the child to his or her home, and be willing to provide a long-term, permanent and stable living arrangement in the event that reunification is not achieved. In the event that reunification is not an option, all efforts shall be made to find an adoptive placement for the child as expeditiously as possible if adoption is the goal of the case plan.

(7) Placement of Children with Special Physical, Medical, Emotional, Educational or Developmental Needs.

(a) When an assessment identifies that the child has special physical, medical, developmental, educational or emotional needs, the child shall be placed in an environment that is the most appropriate and least-restrictive setting where those needs can be met.

(b) Regardless of the results of a special needs assessment, the CPI or services worker shall immediately notify the child's custodial parent, the child's foster parent or relative or non-relative caregiver and the child's guardian ad litem, if appointed.

(c) The CPI or Services Worker shall document in the case file any notification provided to parents or others regarding a child's special needs assessment and results, any referrals for assessments and any referrals made as a result of assessment results.

(d) Whenever a special need is suspected, the child's parents and the guardian ad litem shall be notified as soon as possible.

(e) When a special need is recognized prior to placement outside of the home, the person making the placement shall describe to the placement unit the special needs of the child that shall be met by the placement.

(f) Whenever a special need is suspected, the CPI at time of removal or Services Worker following case opening shall take steps within three working days to address the need. Actions that shall be taken include, as appropriate:

1. If the suspected special need is a mental health or substance abuse related disorder, determine if the child has had a CBHA within the last year. If the child has not had a CBHA within the preceding twelve months and the disorder suspected is a mental health or substance related disorder as defined in the DSM-IV-R, ensure that a referral for a CBHA is made within three working days of notification of the suspected need.

2. If the special need suspected is not a mental health or substance abuse related disorder, ensure that an appointment is made to screen the child by his or her primary care physician or appropriate medical personnel for determination of the child's needs. If an educational need, ensure that a referral is made to the child's school for further assessment.

3. If the child is suspected or identified as having a medical special need, the child shall be referred to the local CMAT. If the CMAT refers the child for medical foster care services, the Services Worker or other designated staff shall coordinate with the Medical Foster Care program in the local area regarding arrangements necessary to meet the child's needs. Services shall be coordinated and provided in accordance with the Medical Foster Care Statewide Operational Plan. This plan is an inter-agency agreement between the Department of Children and Families, Department of Health's Children's Medical Services program and the Agency for Health Care Administration.

4. If the child is suspected or identified as having a developmental delay or condition, any documentation to support the need for developmental services shall be obtained and eligibility for developmental services shall be applied for as soon as the need is recognized.

5. If there is any potential that a child may qualify for social security survivor benefits, social security disability benefits or Supplemental Security Income due to disability, the CPI or Services Worker shall ensure that an application is made for the benefits on behalf of the child.

6. Encourage and provide necessary support to the caregiver in participating in the assessment or medical evaluation process.

(g) When a disability is determined, the person making the placement shall:

1. Provide the results of the assessment or medical examination to the placement authority as soon as possible for review of placement options;

2. Coordinate the transfer of information between the caregiver, the physician, and the placement unit; and

3. Arrange any change in placement for the child necessitated by the determination.

(8) Placement of Children with Special Educational Needs.

(a) If a child is identified in any assessment or suspected of having special education needs, the Services Worker shall ensure that the child's school has been notified of such educational needs.

(b) If, prior to entry in out-of-home care, a child has been determined to have such needs, the CPI or Services Worker, as appropriate, shall inform the child's school officials that the child has entered out-of-home care.

(c) The Services Worker shall refer the child for appointment of a surrogate parent when the need for a surrogate parent is identified in accordance with Rule 6A-6.0333, F.A.C. Placement of the child shall take into account the caregiver's willingness and ability to participate in the child's educational plan. The following conditions apply when determining if there is a need for a surrogate parent appointment:

1. The requirements for the need for a surrogate parent as set forth in Rule 6A-6.0333, F.A.C. are met.

2. Students with disabilities who are living with relatives may be represented in educational meetings by the relative as long as long as the relative meets the requirements for a surrogate parent as set for in paragraph 6A-6.0333(1)(a)-(e), F.A.C.

3. Students with disabilities living in family foster homes do not require a surrogate parent. Licensed out-of-home caregivers meet the definition of "parent" under Section 1000.21, F.S.

4. Students with disabilities living in group-care settings or with non-licensed non-relatives require a surrogate parent unless one of the child's parents desires to represent the child in regard to his or her special educational needs. The operators and staff of group care facilities other than family foster homes may not serve as surrogate parents.

5. Services Workers and other department or contracted service provider staff shall not serve as surrogate parents for children whom they serve.

(9) Placement of Children with Communicable Diseases.

(a) The preferred out-of-home placement for a child with a communicable disease who is exhibiting symptoms related to such disease is with a relative or non-relative or in a licensed out-of-home setting with caregivers specifically trained for such purpose.

(b) When it is necessary for infants born of mothers suspected or known to have communicable diseases to undergo medical treatment or testing immediately after birth, the department or contracted service provider shall obtain either parental consent or a court order in an expeditious manner, to

allow the medical treatment to go forward. If a court order will be necessary, Child Welfare Legal Services shall be contacted immediately after the birth in order to expedite court involvement.

(c) When a child who has such a disease and is asymptomatic but exhibiting behaviors likely to increase the risk of transmission of the disease to others, such as biting, spitting or the exchange of blood or semen, the child shall be placed, whenever possible, in a home where no other children are present, until the child is medically cleared or the child's behavior no longer poses a threat.

(d) Confidentiality of Records. The following written statement shall be provided to the caregiver or provider: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law."

(10) Placement of Children Who Are Victims of Sexual Abuse.

(a) When a child is a known victim of sexual abuse and needs to be placed, the CPI or Services Worker shall ensure that the following safeguards are implemented:

1. The caregiver is given detailed and complete information. This information shall include, but is not limited to, the date of the sexual abuse incident(s), the type of abuse, the nature and history of the child's relationship to the perpetrator, a brief narrative of the event, the type of treatment the child received and the outcome of the treatment.

2. The caregiver is able to access a Services Worker or other contracted service provider employee if assistance is required.

3. In partnership with the caregiver, the CPI or Services Worker shall outline a plan of care to handle any special management issues identified in the child's history and assessment. The plan of care shall include the following:

a. Placing the sexually abused child in a private bedroom until the child becomes better known to the caregivers unless the child's treatment provider indicates a private bedroom is not appropriate;

b. Limiting access to the child's bedroom by establishing and enforcing ground rules regarding who is allowed to visit whose bedroom and under what conditions;

c. Establishing rules regarding bathroom use, including that one family member at a time uses the bathroom with the door fully closed, unless a child requires assistance or cannot use the bathroom by his or her self;

d. Establishing an age appropriate dress code that outlines the type of clothing acceptable, where such clothing is acceptable and with whom present, such as not walking around the house in underwear; and

e. Establishing reasonable guidelines concerning appropriate physical boundaries, the manner and extent of the expression of affection between the child and others as well as guidelines with respect to which persons may be left alone together, and under what circumstances.

(b) When placing a child who has been a victim of sexual abuse in out-of-home care, a written safety plan shall be completed by the person making the placement and the out-of-home caregivers, and signed by the same.

(c) If any child in out-of-home care has been identified as being a victim of sexual abuse, but has not had a clinical consultation with a professional trained in treating child sexual abuse, a referral shall be initiated by the person making the placement or his or her supervisor within three working days of the child being so identified. The consultation shall address the treatment, service and placement needs of the child and shall yield a written report to be included in the child's file.

(11) Placement of Children Who Are Alleged Juvenile Sexual Offenders, Exhibiting Sexually Inappropriate Behaviors or Who Are Sexually Reactive.

(a) When it is necessary to place a child who is an alleged juvenile sexual offender and is exhibiting or has exhibited sexually inappropriate behaviors, or who is sexually reactive, the person making the placement shall:

1. Complete the case transfer forms or gather like information, including information related to the child's abuse history; previous assessments or evaluations; support services; forensic/disclosure interviews; placement recommendations, and complete and detailed information regarding the child's own sexual behavior.

2. Ensure that the child is the youngest child placed in the home unless the placement is a treatment facility with adequate video monitoring. When matching a child exhibiting sexually abusive or reactive behaviors to a substitute care placement, consideration shall also be given to factors that increase the vulnerability of other children living in the home, such as mental and/or emotional disability, physical disability, chronic illness and physical size.

3. Provide the caregivers with written detailed and complete information regarding the circumstances surrounding the child's abusive/reactive behavior so that they can avoid any unwitting replication of those circumstances. Information given to caregivers shall include, but is not limited to, the dates of all known incidents; the nature of the relationship between the child and victim; the types of behavior exhibited; a brief narrative outlining the event; the types of treatment provided and treatment outcomes.

4. Ensure that the caregiver has access to a CPI or Services Worker or other contracted service provider employee during night and weekend hours in the event emergency assistance is required.

5. In partnership with the caregiver, outline a written safety plan to handle any special issues identified in the child's history and assessment. The safety plan shall be preventive in nature and be signed by the Services Worker and the caregiver. The safety plan shall include the following:

a. Placing a child who has exhibited sexually abusive or reactive behaviors in a private bedroom unless the placement is a facility with adequate video monitoring;

b. Limiting access to the child's bedroom;

c. Establishing rules regarding bathroom use;

d. Establishing a dress code; and

e. Establishing reasonable guidelines concerning the manner and extent of the expression of affection between the child and others, as well as guidelines with respect to which persons may be left alone together and under what circumstances.

(b) If any child in need of or currently in out-of-home care has been identified as being sexually abusive toward others, but has not had a clinical consultation with a professional trained in the assessment of juveniles who exhibit sexually inappropriate behaviors, a referral to a clinician with such qualifications shall be initiated by the Services Worker within three working days of the child being so identified.

(c) If an incident of either sexual assault, seduction, sexual exploitation or of child-on-child sexual abuse occurs in out-of-home care, a safety plan shall immediately be developed. The safety plan shall be preventive in nature and be signed by the Services Worker and the caregiver.

1. Consideration shall be given to the safety of all children residing in the placement.

2. If any child remains in the home, the Services Worker and any assigned therapists shall determine if immediate services are needed to stabilize or support the child involved or the placement in which he or she lives.

3. Both the alleged offender and victim shall, within three working days of the child being so identified, be referred to the appropriate mental health provider for assessment if they do not already have therapists. Any alleged offender who has a therapist, but has not been assessed by a clinician qualified to assess juveniles exhibiting sexually inappropriate behaviors, shall be referred to such a qualified clinician within three working days of being notified of the incident.

(12) Therapeutic Foster Care. The Services Worker shall contact the Single Point of Access (SPOA) in the district/region or zone for consultation in accessing services and treatment at levels appropriate to the severity of the child's condition, which includes possible placement in a therapeutic foster care setting.

(13) Specialized therapeutic foster care. The referral guidelines for specialized therapeutic foster care are contained in the current edition of the Florida Medicaid Community

Behavioral Health Services Coverage and Limitations Handbook, which is incorporated by reference in Rule 59G-4.080, F.A.C.

(14) Medicaid Fair Hearing Requirements: When a child or family has had Medicaid funded services denied, suspended or terminated, the CPI or Services Worker shall assist the child or family in requesting a fair hearing. The current edition of the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook addresses Fair Hearing Notices. Refer to Rules 65-2.042- 65-2.069, F.A.C., regarding the conduct of fair hearings.

(15) These placement-matching requirements apply to both initial placements and to any subsequent placements of the child.

Specific Authority 39.012, 39.0121(6),(12),(13), 39.5075(8) FS. Law Implemented 39.001(1)(d),(m), 39.01(7),(17),(48),(63),(67),(71), 39.407, 39.4085(6),(7),(9),(10),(17),(23), 39.5075 FS. History—New

65C-28.005 Changing Placements.

(1) Except in emergency situations or when ordered by the court, licensed out-of-home caregivers and the Guardian ad Litem or Attorney ad Litem, if appointed, shall be given at least two weeks notice prior to moving a child from one out-of-home placement to another. In emergency situations, a change of placement can be made immediately. The Services Worker shall within 72 hours inform the child, family, and the guardian ad Litem or Attorney ad Litem, if appointed, of the move and the reasons an emergency placement change was necessary.

(2) The Services Worker shall prepare the child for a move and support the child during the re-placement process. The Services Worker shall:

(a) Assess the suitability of the placement as set forth in Rule 65C-28.004, F.A.C.:

(b) Ensure that the new caregivers, if relative or non-relative, have met all of the requirements of Rules 65C-28.011 and 65C-28.012, F.A.C.:

(c) Prior to the change in placement, inform the child, family, child's attorney, as well as the guardian ad litem or attorney ad litem, if appointed, of the move and the reasons a placement change is necessary.

(d) The Services Worker shall make efforts to continue the child's education in the school of origin for the duration of the removal episode unless the child is placed in another school district or out-of state. In this regard, the Services Worker shall meet the requirements of subsection 65C-28.004(3), F.A.C.

(3) The Services Worker shall provide supportive services to the caregiver where the child is residing to avoid a change in placement when possible. When a placement is in danger of disrupting, the Services Worker shall urge the caregiver to wait, when appropriate, to request removal of the child until:

(a) There is an appropriate break in the school year and

(b) An appropriate alternative placement can be located.

(4) The caregiver at the new placement shall be prepared and informed prior to placement of the child and shall be given needed supports to strengthen and maintain the child's placement. Out-of-home caregivers shall be given all relevant information about the child in their care while maintaining confidentiality requirements. Specifically, the Services Worker shall:

(a) Inform the caregiver of all identified needs of the child and of the need to obtain services for those needs;

(b) Inform the caregiver about available programs that may provide financial and medical assistance for the child;

(c) Provide the caregiver with counseling and information regarding the dependency process and support services available in the community;

(d) Review with the licensed caregivers their roles and responsibilities according to the Bilateral Service Agreement; and

(e) Provide to the caregiver the Child's Resource Record. The Child's Resource Record from the previous placement(s) shall be reviewed with the caregiver upon the child's new placement. The Services Worker shall discuss with the caregiver the caregiver's role in maintaining and updating the Child's Resource Record.

(f) Notify parents whose whereabouts are known when the child is moved to another placement.

Specific Authority 39.012, 39.0121(3),(12),(13), 409.165(3) FS. Law Implemented 39.0132(4), 39.407(5), 39.522, 409.145(6) FS. History--New

65C-28.006 Permanency Staffings.

(1) Permanency staffings shall be held:

(a) When preparing for a permanency hearing; and

(b) As the department or contracted service provider deems necessary.

(2) When there are concurrent goals, an early decision making evaluation shall be part of each permanency staffing.

(3) At a minimum, the following persons shall be invited, at least ten working days in advance, to attend:

(a) Child Welfare Legal Services (CWLS) attorney;

(b) Child's out-of-home caregiver;

(c) Guardian ad litem and attorney ad litem, if appointed;

(d) Child's surrogate parent if one is appointed;

(e) Appropriate case management staff including the child's Services Worker and his or her supervisor;

(f) The school foster care liaison or other appropriate school representative;

(g) Other service providers who are involved with the family and are determined by the Services Worker to have information pertinent to the issue of permanency;

(h) The child's parents, if available; and

(i) The child, depending on his or her age, maturity level, and ability to effectively participate in the staffing, as determined by the Services Worker.

(4) If a parent, his or her attorney or the Guardian ad Litem, if appointed, does not attend the permanency staffing, the department or contracted service provider shall hold other conferences, meetings or staffings where these parties shall be provided an opportunity to participate in the case planning process with other stakeholders. The case documentation shall provide evidence that such opportunities have been provided.

(5) If a child is able to understand the purpose of the meeting and could actively participate but does not attend the permanency staffing, the department or contracted service provider shall hold other conferences, meetings or staffings where the child is provided an opportunity to participate in development and discussions regarding the permanency plan. The case documentation shall provide evidence such opportunities have been provided.

(6) The standard for recommending the child's reunification with the parents shall be based on whether the parents have substantially complied with the case plan and whether the adjudicated risk of harm to the child has been remediated to the extent the child can safely return home. At any time it is determined this standard has been met, regardless of the time since the previous permanency hearing or other court hearing, the Services Worker shall notify the CWLS attorney who shall take the matter before the court.

(7) Follow-up actions from the staffing shall be documented and placed in the child's record. The child's Services Worker and supervisor shall ensure that all follow up tasks are completed and the recommendations from the staffing, details of all services provided since the last review and any recommended changes of goal are recorded in the Judicial Review Social Study Report (JRSSR) and reported to the court.

(8) Staffings shall occur with sufficient time to write a comprehensive JRSSR draft, which shall be provided to CWLS at least ten working days prior to the judicial review hearing. CWLS shall review the draft report for legal sufficiency and, if corrections are necessary, return the draft report to the Services Worker who shall make all necessary corrections. Corrections to the JRSSR shall be completed with sufficient time to provide copies to all parties at least seventy-two hours prior to the hearing.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.407(5)(g)3., 39.521(1)(b)3., 39.521(1)(c), 39.521(3)(d) FS. History--New

65C-28.007 Voluntary Licensed Out-of-Home Care.

(1) Voluntary Licensed Placement.

(a) Before accepting a voluntary placement, the Services Worker shall conduct a thorough assessment of the circumstances.

1. The assessment shall include identification of the family's strengths and weaknesses, an evaluation of whether the family's current situation is temporary in nature and shall provide a basis upon which a mutual decision regarding the child's short-term placement out of the home can be made.

2. A history of the family shall be reviewed, including prior abuse reports and prior out of home episodes, prior to considering a voluntary placement.

3. A child shall not be accepted for voluntary placement unless current circumstances clearly indicate a out-of-home care placement of three months or less is anticipated and no dependency issue exists.

(b) The Services Worker shall begin immediately to identify available social, physical health, mental health, educational, and other support services within the community that would enable the parent, guardian or relative to adequately provide for the child's care.

(c) The Services Worker shall, prior to considering placement in out-of-home care, assist the family in using and coordinating available services effectively, including the identification of relatives able to care for the child.

(d) The Services Worker shall provide for the child's educational stability by determining if the child should remain in his or her current school during the time of the placement.

(2) Voluntary Medical Out-of-Home Care. If a child's medical condition is such that the parent is unable to provide or arrange for necessary care for the child and the department or contracted service provider has determined the child would benefit from out-of-home care, the parent may apply for voluntary placement in licensed medical out-of-home care. Voluntary placement is contingent upon:

(a) The child having medical needs identified and medical foster care recommended by the Children's Multidisciplinary Assessment Team (CMAT). Once medical foster care has been recommended, the Services Worker shall coordinate with the Medical Foster Care program in the local area regarding arrangements necessary to meet the child's needs; and

(b) Vacancies in existing medical foster homes and the capacity of an available home to meet the needs of the child as determined by the medical out-of-home care program.

(3) Return of Child. When a parent or other legal custodian requests in writing the return of a child in voluntary licensed placement, the child shall be immediately released once it has been verified the person requesting custody of the child:

(a) Is the same person who placed the child into voluntary placement or is a person authorized by the person who placed the child into voluntary placement to receive custody of the child; and

(b) Appears to present no risk of harm to the child. If there appears to be a threat, the Services Worker shall take the steps necessary to protect the child. The Services Worker shall immediately report allegations to the Florida Abuse Hotline.

(4) Voluntary Placement Agreement. When the child is placed into licensed out-of-home care voluntarily, the parent, legal guardian or relative requesting the placement and the department or contracted service provider shall enter into a written voluntary placement agreement, which at a minimum shall specify:

(a) The child's date of birth;

(b) The rights, obligations and responsibilities of the parent, relatives, legal guardian, child, and the department or contracted service provider during the time the child is in placement, including the parent's child support responsibilities;

(c) The conditions under which the agreement would be breached, modified, or terminated; and

(d) The parent's, legal guardian's or relative's right to revoke the agreement and to request that the child be returned home or be placed in the home of a relative.

(5) Timeframes for voluntary licensed out-of-home length of stay.

(a) A child voluntarily placed may not remain in out-of-home care on a voluntary basis beyond ninety days unless the District/Region or Zone Program Administrator, Lead Agency Executive Director or a designee has determined the specific circumstances of a child or family necessitates continued placement beyond three months and has given written authorization for continuance. However, a child may not remain voluntary placed beyond 180 days.

(b) If a child placed voluntarily remains in care beyond ninety days, a judicial hearing shall take place within the first 180 days and the resulting court order shall include a judicial determination that the continued placement is in the child's best interest and that reasonable efforts have been made to reunify the family. This judicial determination shall occur within 180 days of the voluntary service agreement.

(6) Requests for Court Action. When parents, legal guardian or relative who requested the placement request their child be returned to them from a voluntary out-of-home care placement, the child shall be released unless the department or contracted service provider seeks relief from the court. If the department or contracted service provider opposes or otherwise objects to the release of the child or reunification of the family, a judicial determination at a shelter detention hearing shall be obtained.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.01(14)(c), 39.402(15), 39.701(3)(f) FS. History--New _____.

65C-28.008 Relative Caregiver Program Requirements.

(1) In order for a relative caregiver to receive a monthly Relative Caregiver Program (RCP) payment, the requirements of Section 39.5085, F.S., shall be met.

(a) Prior to recommending to the court the placement of the child with the relative, a caregiver home study shall be completed in accordance with Section 39.521(2)(r), F.S. When a request for a referral for a RCP payment is made in regard to

a child in a closed long-term custody case, if a home study has already been performed on the placement, another one is not required. The following requirements apply regarding the need for a home study:

1. When long-term custody has been granted and supervision of the case has been terminated, a Services Worker in the geographic area where the child and caregiver reside shall be assigned by the contracted service provider to complete a home study, if required, and provide to the Economic Self-Sufficiency Program (ESS) the information necessary to determine whether or not the caregiver is eligible for the RCP payment. The home study shall be completed within 30 days of the caregiver's request for a referral for the Relative Caregiver Program payment and, if the caregiver is determined to be potentially eligible for the RCP payment, the ESS eligibility office shall be notified in writing within five days following this determination.

2. If the current placement was made prior to October 1998 and the caregiver has been granted long-term custody of the child and a home study has already been performed in conjunction with the child's placement, a new home study is not required, regardless of the form or content of the home study.

3. However, in placements made prior to October 1998, if a home study has not been performed on the caregiver's home, whether or not long-term custody has been granted, a home study shall be performed by the child's Services Worker within thirty days following a request by the caregiver to the Services Worker to apply for the RCP payment or a referral of the caregiver by ESS to the department or the contracted service provider.

4. If the current placement was made after October 1998 and a home study was performed in conjunction with the placement, a new home study is not required.

5. A copy of a home study performed in conjunction with the placement of the child in the caregiver's home is required to verify that a home study was conducted; otherwise, a current home study shall be performed to establish eligibility.

(b) The child shall be adjudicated dependent and be in the court-ordered temporary legal custody of the relative pursuant to Section 39.521, F.S., or in the court-ordered long-term custody of the relative pursuant to Section 39.622, F.S. For children in long-term custody, it is not necessary that the court continue supervision by the department or contracted service provider or that the court retain jurisdiction.

(c) The child shall live in an approved home of an adult relative who meets a specified degree of relationship to the parent or stepparent of the child by blood or marriage. If the parent or stepparent of the child is not related to the caregiver or is not within the required degree of relationship, the child must be a half-sibling of another child who is related to the caregiver and both children shall have been court ordered into the same placement.

1. Half-sibling eligibility shall meet the following requirements:

a. The eligibility of a half-sibling who is not related to the caregiver remains in effect only as long as the half-sibling who is related to the caregiver remains in the court-ordered custody of the caregiver. When the half-sibling who is related to the caregiver becomes eighteen years of age or for any reason leaves the legal custody of the caregiver, the half-sibling who is unrelated to the caregiver loses eligibility.

b. It is not necessary that the half-sibling who is related to the caregiver be receiving the RCP payment in order for the half-sibling who is unrelated to the caregiver to receive the RCP payment.

2. Termination of marriage for the parent or other relatives affects eligibility as follows:

a. The termination of the marriage of a stepparent from the parent due to death or divorce shall not disqualify relatives of the ex-stepparent as eligible caregivers if they are within the required degree of relationship to the ex-stepparent. The ex-stepparent shall be considered to be within the required degree of relationship to the parent and shall be eligible for the RCP payment if all other eligibility factors are met.

b. The termination of the marriage of a non-blood relative to a blood relative due to death or divorce shall not disqualify the non-blood relative as an eligible caregiver if the blood relative to whom he or she was married is, or was when living, within the required degree of relationship to the blood relative.

(d) The child shall live in a home where neither parent resides. If the parent is in the home thirty consecutive days or longer, the child's eligibility for the RCP payment ends. However, a relative may receive the RCP payment for a minor parent who is in his or her care, as well as for that minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements.

(e) The child shall reside in the state of Florida. Children who move out-of-state or are placed out-of-state with a relative caregiver, are not eligible for a RCP payment. A child placed with a relative in Florida by another state is not eligible for the RCP payment.

(f) Failure by the relative caregiver, without good cause, to cooperate with the Child Support Enforcement Program in regard to a child shall terminate that child's eligibility to receive the RCP payment while in that placement.

1. If a child is not eligible for the payment due to the relative's lack of cooperation, the child remains eligible for Medicaid and other services necessary to ensure his or her safety and well-being.

2. If a child is not eligible due to the relative caregiver's lack of cooperation, eligibility for the RCP payment for other children in the same placement is not affected if the relative caregiver is cooperating with the Child Support Enforcement Program in regard to those children.

(g) Once all of the preceding eligibility requirements in this section are met, the eligibility requirements of the ESS cash assistance programs in Chapters 65A-1 and 65A-4, F.A.C., applicable to "child only cases" in the Temporary Cash Assistance Program (TCA) shall be met, with the following exceptions:

1. The basic monthly payment schedule (not including Medicaid, family support services, flexible funds utilized in accordance with Section 409.165, F.S., subsidized child-care and other services that may be available through the department or contracted service provider or other local, state or federal programs), is based on the age of the child. The monthly amount of the payment, before any deductions for income of the child, shall be:

- a. Age zero (0) through five (5) years – \$242.
- b. Age six (6) through twelve (12) years – \$249.
- c. Age thirteen (13) to eighteen (18) years – \$298.

2. Financial eligibility is based on a comparison of the income of the child to the benefit payment standard for the child's age. The difference between the RCP payment standard for the child's age and the income of the child is the amount of the payment; and

3. Each child applying for or receiving the RCP payment is a filing unit of one and only the child's income and assets are considered in establishing or maintaining eligibility. In this regard, a child receiving a Supplemental Security Income grant is ineligible for a RCP payment.

(h) When a relative caregiver is approved as a guardian pursuant to Section 39.621, F.S., or Chapter 744, F.S., subsequent to an adjudication of dependency, completion of a home study and placement by the court with the relative, continuing eligibility for the RCP benefits shall not be affected.

(i) A child receiving an RCP payment shall not simultaneously receive a TCA grant, except when timely action has not been taken by the department or a contracted service provider to timely convert a payment from TCA to RCP once all eligibility requirements have been met. When converting from TCA to RCP, the ESS case will be processed as a change and the benefit will be effective the next recurring month. No auxiliaries to restore lost RCP benefits may be issued without approval of the district/region or zone ESS Program Office.

1. Restoration of RCP benefits must be issued when:

a. An application for RCP benefits has been denied in error, or

b. A TCA payment is not terminated timely (the next recurring month) following the establishment of all RCP eligibility requirements. This includes delays by the contracted service provider or departmental Family Safety program staff following a determination of potential placement eligibility in accordance with Section 39.5085, F.S., to timely communicate the potential placement eligibility within five days of making this determination.

2. A child may not be included in a TCA assistance group and receive full RCP benefits in the same month. Any auxiliaries approved for the restoration of RCP benefits for months in which the child received a TCA benefit, shall only be authorized for the difference between the amount of the TCA benefit and the amount of the RCP benefit during the affected months.

(2) In addition to monitoring, evaluating and assessing services and progress of the case plan and keeping the court informed through periodic judicial reviews, the Child Protective Investigator (CPI) at time of initial placement or Services Worker at time of a change in placement is responsible for the following steps of the RCP payment eligibility process:

(a) Informing the relative caregiver in writing, at the time of the child's placement, of the financial assistance options, including the RCP payment and TCA grant;

(b) Immediately providing a referral to the Economic Self-Sufficiency Services program to apply for a TCA grant when the relative caregiver indicates a desire to apply;

(c) Completing a caregiver home study within thirty days after the Early Service Intervention staffing, unless the home study has already been completed by the Child Protective Investigator;

(d) Completing court preparation;

(e) Notifying the Economic Self-Sufficiency Services eligibility office in writing immediately when it is determined by the Services Worker that a child in the home of a relative caregiver may be eligible for the RCP payment, unless the relative has indicated a desire to not apply for the payment. This notification shall be made whether or not the caregiver is already receiving a TCA payment and shall be prepared on "Relative Caregiver Communication", CF-FSP 5233, June 2002, incorporated by reference, or communicated by electronic means of notification. A relative caregiver's decision to not apply for the RCP payment shall be documented in the case file;

(f) Petitioning the court, as appropriate, for court ordered long-term custody to the relative, or legal guardianship by the relative, and termination of supervision once the child has been in the court ordered custody of the relative caregiver for a minimum of six months and ensuring service provision in accordance with Rule 65C-30.007, F.A.C., following this termination of supervision; and

(g) Notifying the Economic Self-Sufficiency Services eligibility office without delay when the Services Worker becomes aware of changes in the active services case of a child in the home of a relative that may impact the RCP payment. At a minimum, this notification shall be made when:

1. The child is adopted;

2. The child's age changes, resulting in a change to a new age group;

3. The child leaves the relative caregiver's home;

4. The child has an increase or decrease in unearned income; or

5. The parent resides in the relative caregiver's home for over thirty days.

(3) Relative caregivers may self-refer for TCA or TCP benefits through the ESS program. The Economic Self-Sufficiency Eligibility Specialist shall be responsible for performing the following tasks related to providing information regarding the RCP and determining eligibility, including individuals who self-refer:

(a) At time of application or eligibility redetermination, inform all ESS public assistance applicants or recipients caring for children who are relatives about the RCP and allow them to indicate an interest in applying for RCP;

(b) Explain the options associated with the RCP to the applicant;

(c) Determine the child's initial and ongoing eligibility for the RCP payment and Medicaid;

(d) Determine continuing eligibility for the child's monthly RCP benefits, including Medicaid, through complete reviews, and scheduled and unscheduled partial reviews;

(e) Communicate with the Services Worker as necessary and providing updates on the status of the eligibility case; and

(f) When the request for Relative Caregiver payments is originated at the Economic Self-Sufficiency office, the ESS Eligibility Specialist shall provide written notification to the Services Worker or the department, within ten working days. This notification shall be prepared on "Relative Caregiver Communication", CF-FSP 5233, June 2002, incorporated by reference, or communicated by electronic means of notification and shall be documented in the case file of the CPI or the contracted service provider responsible for determining potential eligibility for RCP in accordance with Section 39.5085, F.S.

1. When a relative caregiver self-refers for the RCP payment and he or she has court ordered temporary custody of the child, the CPI or Services Worker responsible for the case shall make the determination of potential placement eligibility for RCP.

2. When a relative caregiver self-refers for the RCP payment and he or she has court ordered long-term custody of the child with supervision terminated, departmental district/region or zone staff, or through prior arrangement, contracted service provider staff, shall make the determination of potential placement eligibility for RCP.

3. In either instance, the CPI, Services Worker or departmental staff who make the of potential placement eligibility for RCP in accordance with Section 39.5085, F.S., shall immediately notify ESS staff of this determination. This notification shall be prepared on "Relative Caregiver Communication", CF-FSP 5233, June 2002, incorporated by reference, or communicated by electronic means of

notification. This notification shall be documented in the case file of the CPI, the Services Worker or the departmental staff responsible for determining the potential eligibility for RCP.

(4) As provided in subsection 65C-30.007(15), F.A.C., when supervision of a child has been terminated due to court ordered long-term custody to the relative, any documentation required for the relative or child to receive services needed in support of the placement shall be provided.

Specific Authority 39.012, 39.0121(7),(10),(12),(13), 39.5085(2)(a) FS. Law Implemented 39.001(1)(i), 39.01(50), 39.4085(7),(23), 39.5085(2)(a),(b)(e),(g), 39.5085(2)(9), 39.521(1)(b)3., 39.521(1)(d)7., 39.521(2)(r), 39.521(2)(r)7., 39.621(3)(a), 39.622, 414.045(1)(b)5.b., 414.095(2)(a)2., 414.095(7), 414.095(10)(e) FS. History—New _____.

65C-28.009 Adolescent Services.

(1) Independent Living services and life skills services include a comprehensive array of services available to adolescents in the custody of the department and young adults who were in the custody of the department at the time of their eighteenth birthday. Independent living services consist of pre-independent living services, life skills services, and subsidized independent living (SIL) services for children in the custody of the department. Children in the custody of the department who are receiving independent living services remain subject to the requirements of case plans and judicial reviews until permanency is established. Aftercare Support Services, the Road-to-Independence Scholarship and Transitional Support Services are available for young adults who were in the custody of the department on their eighteenth birthday.

(a) Older children in foster care who have disabilities or mental health needs shall be provided with an equal opportunity to participate in the continuum of independent living services. Though a youth who has a physical, emotional or learning disability may need additional support, he or she still is eligible for all independent living services from the program.

(b) To ensure the equal participation of these youth, the Services Worker shall identify older foster children with disabilities or mental health needs and assist them with reasonable accommodations for their disabilities.

(2) Children age thirteen up to age eighteen are eligible for independent living services from the time of placement in shelter status with the department.

(3) Goal Setting. Beginning at age fourteen, upon entering ninth grade or upon entering licensed out-of-home care past the age of fourteen, whichever occurs first, each child in licensed out-of-home care, with the assistance of his or her foster parents and the Services Worker, shall set early achievement and career goals for the child's post secondary educational and work experience as required in Section 409.1451(3)(b)1., F.S.

(a) The process shall be child-centered, and any staffings related to the child's post secondary or career goals, shall include the child, and shall be held in a time and place convenient to the child, taking into account the child's school and work schedule.

(b) If the child is enrolled in the Exceptional Student Education program, such goal setting shall be coordinated with the school and agree with the Individual Educational Plan transitional plan.

(c) The case plan shall be written simply and clearly in English and, if English is not the principal language of the child, to the extent possible a copy of the case plan shall be prepared in the language of the child.

(4) Independent Living Staffings. Staffings for children age 13 and older who are in an out-of-home placements are held periodically to develop plans for meeting the identified needs of these children.

(a) Every Independent Living staffing shall, at a minimum, address the following topics:

1. The child's educational and work goals, including the child's progress and any obstacles the child is facing,

2. What life skills the child needs and the child's progress toward developing already identified skills,

3. The SIL program, including program requirements and benefits,

4. The Road to Independence program, including program requirements and benefits, the tuition fee exemption, and the Bright Futures Program.

5. Permanency arrangements, including the child's wishes regarding adoption.

6. For children age 17, the child's plans for living arrangement after age 18 and the life skills services that may need to be continued past age 18, and

7. Any other identified obstacles and needs the child has with regard to Independent Living.

(b) Every Independent Living staffing shall meet the following requirements:

1. The Services Worker shall attend the staffing. The Services Worker's supervisor, Child Welfare Legal Services (CWLS), the child, the child's caregiver, the child's guardian ad litem, and the child's attorney, if the child is so represented, shall be invited to attend the staffing. The independent living service provider and any other individuals significant to and familiar with the child, including family members likely to be involved with the child after the child leaves foster care shall also be invited.

2. The child shall be encouraged to invite any adults who are important in the child's life;

3. The staffing shall be conducted in and with a language the youth can understand or, if needed, through a translator, and the process shall be child-centered.

4. The staffing shall be held in a time and place convenient to the child, taking into account the child's school and work schedule.

5. The Services Worker shall be responsible for inviting the child's guardian ad litem and attorney ad litem to the staffing.

6. Information from the pre-Independent Living life skills assessment and all Independent Living staffings shall be included in the written report submitted to the court for each judicial review.

(5) Pre-Independent Living (Age 13 but not yet 15 years of age).

(a) These services include but are not limited to life skills training, educational field trips and conferences.

(b) Each child in the custody of the department shall be referred for independent living services thirty days prior to his or her thirteenth birthday. A child placed in the custody of the department after his or her thirteenth birthday shall be referred within thirty days after the court enters an order placing the child in the custody of the department.

(c) Each child in the custody of the department shall receive a pre-independent living assessment within thirty days after his or her thirteenth birthday. A child placed in the custody of the department after his or her thirteenth birthday shall be assessed within sixty days after the court enters an order placing the child in the custody of the department. The results of the assessment shall be filed with the court and served on all parties.

1. The assessment for a child thirteen to fifteen years of age shall be conducted through the use of a pre-independent living assessment tool; review of the file; review of other assessments and evaluations, including educational, psychological and psychiatric evaluations; personal observation and interviews with any person who is familiar with the child and can be helpful in the assessment process.

2. The Services Worker shall discuss the results of the assessment with the child and caregiver and shall use the results to determine the training and services needed for the child to begin learning skills necessary for success and self-sufficiency in the future.

3. The pre-independent living assessment shall be used to determine the child's strengths and needs. The Services Worker shall ensure that the child's identified needs are met. Life skills can be taught through instruction and interaction with the out-of-home caregivers or group-care staff through contracted services, referrals to community providers, one-on-one coaching and group learning sessions. The child may also be able to learn some of the needed skills in the public school curriculum.

4. For every needed skill, the Services Worker shall document in the child's case file who is to help the child develop that skill and the timeframe in which the child will

receive the training. It is the responsibility of the Services Worker to ensure the child receives all needed life skills training.

(d) Children in out-of-home care shall be fully informed when making decisions about educational options, including high school participation choices and college or vocational school entrance requirements. Possible rewards and consequences of the available options shall be presented to the child.

1. The Services Worker shall encourage the child to choose and achieve realistic goals.

2. The Services Worker shall discuss with the child his or her potential limitations, including physical, emotional, and behavioral limitations. The child shall not be told that a career or educational option is unavailable unless an explanation is given and ways to overcome perceived obstacles are explored.

(e) During contacts with the child time shall be dedicated to evaluating progress in learning the skills identified through the assessment process as well as to educate the child and the caregiver about available independent living services.

(f) Staffing. In addition, the department shall conduct an annual staffing for children who are thirteen and fourteen years of age and meet the requirements for these staffings as contained in Section 409.1451(4)(a), F.S.

(6) Life Skills Services (Age 15 but not yet 18 years of age).

(a) Life skills services include but are not limited to, independent living skills training including training to develop banking and budgeting skills; parenting skills; educational support; employment training and counseling.

(b) Life skills services shall be designed to meet the child's needs as identified in the independent living skills assessment. A child with developmental disabilities, mental health needs or other special needs shall be identified and services shall be tailored to meet the child's needs.

(c) A referral for life skills services shall be submitted within thirty days of a child's fifteenth birthday and an age appropriate independent living skills assessment completed within thirty days after the child's fifteenth birthday. If the child is fifteen years of age or older when placed in the custody of the department, a referral and an independent living skills assessment shall be submitted within thirty days after the court enters an order placing the child in the custody of the department. If a child was previously referred for independent living services only an additional independent living skills assessment shall be completed and submitted.

(d) The results of the assessment shall be discussed with the child and caregiver and be used to determine the training and services needed for the child to continue learning skills necessary for successful transition to adulthood.

(e) The independent living assessment shall be used to measure life skills development progress for a child who was administered a pre-independent living assessment and also to

determine each child's strengths and needs. The Services Worker shall ensure that the child's identified needs are met. The needed skills may be taught through instruction and interaction with the out-of-home caregivers or group-care staff, through contracted services, referrals to community providers, one-on-one coaching and group learning sessions. The child may also be able to learn some of the needed skills in the public school curriculum. For every needed skill, the Services Worker shall document in the child's case file who is to help the child develop that skill and the timeframe in which the child will receive the training. It is the responsibility of the Services Worker to ensure the child receives all needed life skills training.

(f) Staffing. Pursuant to Section 409.1451(4)(b), F.S., the department shall conduct a staffing at least once every six months for each child in licensed out-of-home care who has reached fifteen years of age but is not yet eighteen years of age.

(g) Assessment at Seventeen Years Old. Pursuant to Section 409.1451(4)(b), F.S., during the month following his or her seventeenth birthday, each child in licensed out-of-home care shall be provided an independent living assessment, separate and distinct from the previous independent living assessment, to determine the child's skills and ability to live independently and become self-sufficient regardless of his or her permanency goal. Based on the results of this assessment, expedited and age appropriate services and training shall be provided in order for the child to develop the necessary skills and abilities prior to his or her 18th birthday. This final assessment shall be used to measure life skill development progress.

1. The assessment for a child seventeen years of age shall be conducted through the use of an independent living assessment tool; review of the file; review of other assessments and evaluations, including educational, psychological and psychiatric evaluations; personal observation and interviews with any person who is familiar with the child and can be helpful in the assessment process.

2. Based on the results of this assessment, the Services Worker, in conjunction with the youth, shall update the life skills plan to ensure that the youth receives all skills training needed before the child's 18th birthday.

3. If, based on the results, the child will most likely need additional life skills training and services after age 18, the Services Worker shall include a staff member from the unit handling post-emancipation services in order to ensure a smooth continuum of services.

(h) Information from the independent living life skills assessment and all staffings, including an enumeration of the services provided and an assessment of the youth's progress toward developing independent living skills, shall be included in the written report submitted to the court for each judicial review.

(i) The case plan for children in out-of-home care who are age sixteen and seventeen shall include appropriate independent living and transitional services and shall be filed with the court and served on all parties.

(7) Subsidized Independent Living (SIL) (Age 16 but not yet 18 years of age).

(a) Subsidized Independent Living provides an opportunity for teenagers in foster care to receive a subsidy and other supports from the department in order to live in a setting that is not required to be licensed. Participants learn to pay their own bills and live on a budget while still under the supervision of a contracted service provider and the courts.

(b) Youth Eligibility for Subsidized Independent Living. In order to be approved to live in a subsidized living arrangement, a youth must meet the following criteria as required by Section 409.1451, F.S.:

1. Age. Must be 16 or 17 years of age and not yet reached their 18th birthday (Section 409.1451(4)(c)2., F.S.). At minimum, the youth's parents and the court must be notified that a placement in Subsidized Independent Living has been made. It must be noted that, in some cases, the department or Community-Based Care (CBC) agency may choose to gain approval from the court or the youth's parents prior to placement in Subsidized Independent Living and while this is acceptable, it is not required under law or these guidelines.

2. Legal Status. Must be adjudicated dependent, as defined in Chapter 39, F.S. and have been in custody of the department, at least 6 months prior to entering subsidized independent living, with a goal of either adoption, long-term licensed care or independent living (Section 409.1451(4)(c)2.a., F.S.). The 6 months in department custody do not have to be immediately preceding placement in SIL and can accumulate over the youth's lifetime.

(c) According to Section 409.1451(4)(c)2.b., F.S., the youth must be able to demonstrate independent living skills. The following criteria are ways that the youth can demonstrate these skills, but exceptions to some of these criteria may be allowed by the District Administrator, Chief Executive Officer of the Community-Based Care agency (CEO of the CBC) or Independent Living Coordinator with approval of the District Administrator or CEO of the CBC with consideration of the youth's safety and best interests:

1. Employment or Extra-curricular activities. Must be employed at least part-time earning a minimum of \$100.00 per month or be involved in extra-curricular activities as deemed appropriate by the Independent Living Coordinator. These extra-curricular activities may include but not be limited to: participation on sports teams, cheerleading squads, school bands, internships, school advisory boards or any other beneficial activity that would be important to the youth's personal development but would also limit the youth's ability to obtain employment.

2. Savings. Must have sufficient earned savings or other means to pay move-in and first month's living expenses, until the first subsidy check arrives. The youth may submit a statement that includes the projected move-in cost and proof of available resources to meet these costs.

3. Education. Must be enrolled in a full-time educational program. Full-time is defined as: regular attendance at high school, at least 12 credit hours per semester at an accredited college or university, or full time as defined by the GED/Vocational Technical program which the youth is attending.

4. Grades. Must maintain adequate progress as determined by the school or educational program.

5. Assessment. Assessment of Skills by completion of curriculum determined by the independent living coordinator. Should indicate that living in an unlicensed setting with minimal supervision is potentially viable. The youth must be able to articulate and demonstrate their ability to perform certain skills as determined by the Independent Living Coordinator.

6. Behavior. Participants in the Subsidized Independent Living program are expected to exhibit responsible behavior. Prospective participants who have displayed irresponsible behavior, such as running away from home, committing violent acts toward others, delinquencies, or property crimes, within six months of requesting entrance into the Subsidized Independent Living program must be strictly evaluated to determine whether SIL placement is in their best interest and if they are at risk of exhibiting future irresponsible behaviors. Letters of reference from school, mental health personnel, foster parents, Services Workers and Department of Juvenile Justice should be requested if there is a history of irresponsible behavior.

7. Staffing/Approval. Staffing and approval by the department or CBC independent living coordinator. The coordinator must approve the youth's living arrangement, including the cost and selection of a roommate, if applicable. The safety of the youth is a paramount consideration. Youth and Services Worker must attend the staffing which the independent living coordinator chairs. The Services Worker must invite the youth's parent (if parental rights are still intact and at the youth's discretion) to the staffing and any other persons involved or important to the youth, such as guardian ad litem, teachers, therapists, relatives and mentors.

(d) Dependent youth in custody of the department with disabilities are eligible for this program and may not be deemed ineligible from this program on the basis of the disability, according to the Americans with Disabilities Act of 1990, Title II. Though a youth with a disability may need additional supports from other organizations or agencies such as Developmental Services, Mental Health or Vocational Rehabilitation, the youth is still eligible for any and all services offered in the independent living program, including

subsidized independent living. Reasonable accommodations must be provided to insure that each youth has access to the services provided by the program. Transitional staffings should be initiated by the Services Worker, with the Agency for Persons with Disabilities, adult and children's mental health services or other programs, on dual clients on or before the youth's 17th birthday. If the youth requires continued supported living, a written plan must be in place by the youth's 18th birthday in order to transition youth from foster care and/or SIL to another supported living program.

(e) Program Instructions.

1. Parental Notification. The Services Worker, at minimum, must notify the parents of any youth placed in a subsidized independent living arrangement no longer than ten days after the placement has been made, unless parental rights have been terminated. It is preferred that this notification is in writing, but, at minimum, any attempts at notification must be entered into the HomeSafenet chronological notes. The Services Worker must NOT reveal the youth's physical address to the parent unless written permission is provided by the youth.

2. Subsidized Independent Living Agreement. A written agreement must be developed between the youth and the department or CBC prior to the beginning of SIL. The agreement must be reviewed and updated annually, but more frequently as needed. The agreement must include, at a minimum:

a. A description of the youth's educational program, school or college, including start date, ending date and educational goals.

b. The youth's responsibilities, including and not limited to regular attendance and/or completion of life skills training, submission of payment stubs from work monthly or report from an official conducting the youth's extracurricular activities that verifies continued involvement, and verification of school attendance.

c. The department or contracted service provider's responsibilities, including and not limited to regular staffings, frequent Services Worker contacts, provision of life skills training, counseling, and therapy.

d. Requirements for continued eligibility in the SIL arrangement.

e. A target date for discharge and the completion of the goals and objectives in the case plan.

f. An acknowledgement that this placement is in the youth's best interest and that safety concerns have been addressed. In addition, to prevent the independent living program from losing community support, gaining a poor public image and possibly losing statutory authority, the youth must be informed in writing by the Independent Living Coordinator of the consequences of behavior that violates the law or

community standards. Program participants have a responsibility beyond themselves, extending to the department and to fellow program participants.

g. A full explanation of the consequences of the youth's non-compliance with the Subsidized Independent Living requirements.

3. Case Plan. Independent living arrangements established for a youth must be part of the case plan, including the goals and objectives leading to the total independence of the youth from department supervision.

a. The case plan must be reviewed and updated, at a minimum, on an annual basis.

b. The case plan must include, but is not limited to:

i. A description of the youth's skills and a plan for learning additional skills as identified in the independent living assessment.

ii. Documentation of proposed services by the department, such as educational and employment-related assistance, counseling, therapy, skills training, and services of other agencies, including the type of service, nature, and frequency of contact.

iii. A description of behaviors the youth has exhibited that indicate an ability to be responsible and a plan for developing additional, responsible behaviors such as increasing decision-making skills.

iv. Documentation that the youth understands the specific consequences of his or her conduct in the independent living program.

v. A plan for maintaining or developing personal support relationships with family members, other adults, friends, and community support groups, among others as appropriate.

4. Frequency and Purpose of Services Worker Contact.

a. During the first three months the youth is living in a SIL arrangement, the Services Worker and the participant must have at least two contacts per week. At least one of these contacts must be in the residence of the youth. These contacts must be used to assess the participant's strengths and needs in maintaining oneself in the living arrangement. The Services Worker must maintain weekly contact with the Independent Living Coordinator during the first three months as to the youth's progress in adjusting to their subsidized independent living arrangement. After the first three months, the Services Worker must maintain contact with the independent living coordinator at a minimum of once a month. Note: The youth's assigned Services Worker may be assisted in making these contacts by other Services Workers within the CBC agency, independent living staff, and/or courtesy supervision workers.

b. After the first three months the number of contacts that the Services Worker has with the youth may be reduced, but only if the youth is progressing satisfactorily. However, these contacts must not be less than once per month and must be in

the residence of the youth. The number of contacts must be increased if the youth demonstrates the need for more supervision.

c. The HomeSafenet chronological notes must describe, at minimum, the issues discussed, any safety factors addressed and progress made during the contacts between the Services Worker and the youth. This record can be used to measure progress, identify resources, and establish a clear understanding of the areas where the youth and the Services Worker are concentrating their efforts.

5. Periodic Review.

a. Since 16- and 17-year-old youths in a subsidized independent living arrangement are still in the legal custody of the department, their cases are subject to regular six-month judicial reviews.

b. Staffings should be scheduled around the youth's school, work and extra-curricular activity schedule. The youth may invite anyone the he/she chooses to the staffing such as, but not limited to, guardian ad litem, personal friend, potential roommate, relative, employer or teacher.

6. Financial Supports.

a. Independent Living Board Rate Payment (Subsidy). Payments must be drawn from out-of-home care, room and board state funds. The subsidy check may be mailed directly to the youth, or it may be sent to staff so that the youth can report to his/her Services Worker or the coordinator at the time the check is picked up.

b. Clothing Allowance. Youth in SIL will continue to receive the annual clothing allowance from the out-of-home care budget in addition to the monthly subsidy payment.

7. Budgeting for Subsidized Independent Living.

a. The independent living coordinator, the Services Worker and the youth must work together to determine a fair and reasonable budget for living independently. The youth must maintain the budget on a month-to-month basis. Suitable lodging must be located and funds for rent and utility deposits, phone deposits, etc. must be put aside in preparation for the youth's move into the living arrangement. The first month's living expenses and move-in expenses are the responsibility of the youth. The youth may obtain move-in costs either through savings by earned income, unearned income or by any other legal methods including gifts by relatives or other concerned parties. However, the youth must also be able to demonstrate the ability to budget and meet on-going monthly financial obligations.

b. The Services Worker must provide assistance in locating a safe and stable living arrangement that will be affordable based on the youth's financial situation. The location of the placement must be easily accessible to school, work and other needed resources.

c. Youth may be assisted in accessing any community resource that might help in arranging their utility deposits.

d. A youth may chose to live alone, with a roommate (non-cohabitation) in a college dormitory, or rent a room from a family. The Services Worker must assess the living arrangement and present a report to the independent living coordinator for approval. Each individual's situation must be considered when determining the budget with the youth and the amount of the subsidy check. The factors in #2 above must also be considered as well as criminal, delinquency and abuse/neglect history checks.

e. For all household members or frequent visitors ages 12 through 26, a delinquency records check through the Florida Department of Law Enforcement and the Florida Department of Juvenile Justice. In addition, the following background checks must conducted for any household members age 12 and over:

i. A local criminal records check through local police and sheriff's offices.

ii. A state criminal records check through the Florida Department of Law Enforcement.

iii. An inquiry to the Florida Child Abuse Hotline.

8. Monthly Subsidy Rate Determination.

a. The amount of the monthly subsidy should be determined on an individual basis, considering the cost-of-living and the youth's monthly expenses. The maximum amount of the youth's board rate is based on what an individual can earn working a 40-hour week at federal minimum wage. The department or CBCs have discretion in the amount of the subsidy rate based on budget considerations within the agency providing services for the youth.

b. Program Incentives. Subject to the availability of funds, the department or CBCs have the option of providing financial incentives in addition to the monthly subsidy amount. Incentives may be based upon attendance at skills training or other required monthly meetings, timely submission of payment stubs, participation on youth advisory boards, public speaking promoting the program, etc., with each incentive adding \$10-50 to the base amount.

9. Out-of-State Supervision of a Youth in SIL.

a. Some youth in custody of the department, under the Jurisdiction of Florida courts, reside in foster or group homes in other states. These youth must be given the same opportunities to participate in the Subsidized Independent Living program as youth that reside in state as long as they meet eligibility criteria. Although it is rare for a youth under 18 to attend college, arrangements may be made for a youth to attend college in another state and still receive a subsidy check and/or other services and supports from the department.

b. Some states offer courtesy supervision through the independent living program. Other options might be to ask the college for staff or volunteer assistance, or to contract with a provider in that state to provide supervision.

c. For a youth under the age of 18, attendance at a college exempts the youth from the Interstate Compact for the Placement of Children (ICPC). However, if a youth needs supervision, submit ICPC form 100A and check the "other" box under "type of care" and write in "College ILP." A cover letter should explain that the judge and/or the department would appreciate arrangements for supervision.

(8) Permanency Planning for Older Adolescents. The Services Worker shall, concurrent with delivery of independent living services, continue efforts to locate and achieve placement with a permanent family until the child reaches age eighteen. In cases in which the child has made the decision not to pursue adoption, the decision shall be revisited at least twice per year to determine the child's needs and preferences. In all cases, whether the child has made the decision to be adopted or not, the Services Worker shall assist the child in making connections within the community and establishing relationships. Connections with adults may be established in foster care placements, at school, through extra-curricular activities with mentors, coaches, youth leaders, instructors and others. The Services Worker shall assist each child exiting the foster care system to establish a lifelong connection with a committed adult.

(9) Children Becoming Eighteen Years of Age. The Services Worker or independent living staff shall ensure that a child in the custody of the department is counseled as to the options available to him or her upon reaching his or her eighteenth birthday. The department or contracted service provider shall ensure, as feasible, that the child and his or her attorney participates in the required staffings and special judicial review hearings.

(a) Special Judicial Review. A judicial review hearing shall be held within ninety days after a child's seventeenth birthday and shall meet the requirements contained in Sections 39.701(6)(a) and (b), F.S. In addition, pursuant to Section 39.013(8), F.S., a hearing shall be conducted within the month that begins the six-month period before the child's eighteenth birthday to review the child's progress while in the custody of the department. A plan for the child's transition to adulthood shall be outlined in writing and details discussed during these reviews. The transition plan shall be filed with the court and served on all parties.

(b) Staffing at Seventeen Years Old. Within thirty days prior to the Special Judicial Review a staffing shall be conducted to notify the child of the options available upon reaching his or her eighteenth birthday and to discuss the child's plans.

1. Planning shall take place to ensure that the child has a place to live and a source of income, whether earned or unearned, sufficient enough to meet his or her needs upon attaining his or her eighteenth birthday. Potential problems

shall be identified early in the process to avoid disruptions from occurring in the child's education, employment and social environments.

2. If the child desires or intends to live with a family member upon reaching his or her eighteenth birthday, the Services Worker shall assist the child in planning for a safe and smooth transition. The services worker shall seek court approval through CWLS when necessary to allow contact with family members while the child remains under supervision.

(c) Assessment. During the month following his or her seventeenth birthday, each child in licensed out-of-home care shall be provided an independent living assessment.

(d) Written Notification. In conjunction with the special judicial review and staffing, each child in the custody of the department shall be notified in writing of the options available to him or her upon reaching eighteen years of age, including but not limited to the Road to Independence Program, continued court jurisdiction to age nineteen and the ability to reside in a licensed foster home. The notification shall be written in such a way that the child is able to easily understand it.

(e) The department or contracted service provider shall assist the child in making application for the Road to Independence Scholarship and/or transition support services/aftercare support services no later than ninety days prior to his or her eighteenth birthday.

Specific Authority 39.012, 39.0121(7),(13), 409.1451(2)(a), 409.1451(8) FS.
Law Implemented: 39.001(1)(i),(j), 39.621(3)(d), 39.624, 39.701(6)(a)-(c), 409.1451(1)-(5) FS. History-New _____.

65C-28.010 Minor Parents in the Custody of the Department.

(1) When a minor child in the custody of the department becomes a parent or enters licensed care with his or her own child, the parent and child shall reside together in the same placement unless the younger child's safety is at substantial risk in such placement or there is no foster home or facility available to house both. A petition for adjudication of dependency shall not be filed for the younger child unless there are grounds for dependency of that child independent of the minor parent's dependency. See subsection 65C-30.016(4), F.A.C., regarding assistance to be provided to the minor parent or expectant parent.

(2) In the event that the minor parent's child is not dependent, the cost of care of the child of a minor parent can be included in the maintenance payment for the minor parent. There shall be one payment that is enhanced to include the child's needs. If the minor parent is Title IV-E eligible, the total payment is Title IV-E reimbursable.

(3) If the minor parent is in the SIL Program and the minor parent's child lives with the parent, the parent is not eligible to receive an additional subsidy for the child. However, the Services Worker shall assist the minor parent in applying for other assistance for which the parent or child may be eligible.

(4) If the Florida Abuse Hotline receives a report regarding known or suspected abuse, neglect or abandonment of the child of a minor parent in the custody of the department, the report shall be investigated as any other report of abuse, neglect, or abandonment. The departmental staff person or contracted service provider shall cooperate with the Child Protective Investigator assigned to investigate the report.

(5) Minor parents in the custody of the department, including those who are expectant mothers and fathers, shall be provided with an equal opportunity to participate in the continuum of independent living services. The Services Worker shall provide information to the minor parent on appropriate services needed to ensure appropriate care for the care of the minor parent's child and the stability of the living arrangement. As a minor parent approaches discharge from foster care at age 18, the Services Worker shall assist the minor parent by providing information on educational services available upon exit from foster care.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 409.165(1) FS. History--New _____.

65C-28.011 Criminal, Delinquency and Abuse/Neglect History Checks For Relative and Non-Relative Placements.

(1) Criminal, delinquency and abuse/neglect history check activities shall be performed when a child is initially placed with, remains with or has a planned placement with a relative or non-relative. Less extensive criminal, delinquency and abuse/neglect history check activities are required when a child is initially released to, remains with or has a planned release to a parent. The court shall be informed of all results, including the disposition of all criminal offenses that are received regarding any proposed or existing relative or non-relative placement and any proposed or existing release to a parent.

(a) Except for emergency placements or releases made in exigent circumstances, approval for sheltering a child in non-licensed care shall be sought from the court prior to the placement.

(b) Unless placement is being made in a licensed substitute care home or facility, all relatives and non-relatives with whom a child is placed are considered to be persons who are not licensed as shelter or out-of-home caregivers for purposes of caring for the child in question. Any relatives or non-relatives who become licensed as shelter or foster parents must meet the licensing requirements of Chapter 65C-13, F.A.C., including the criminal, delinquency and abuse/neglect history check requirements for licensed caregivers.

(c) The criminal offenses that may disqualify a potential relative or non-relative caregiver are contained in Sections 435.045 and 435.04, F.S., and are clarified in subsection 65C-28.011(6), F.A.C.

(d) The application of information gathered in an abuse/neglect records check in determining the appropriateness of a placement is contained in Sections 39.301 and 39.302, F.S., and is clarified in subsection 65C-28.011(6), F.A.C.

(2) Emergency Placements in Exigent Circumstances.

(a) There are three situations in which emergency placements are made with relatives or non-relatives in exigent circumstances and it is anticipated that a placement will be made within seventy-two hours:

1. Following the emergency removal of a child from his or her home or from another location where the child resides prior to departmental involvement. This removal of the child initiates a removal episode;

2. Following the change of placement of a child from a location where the child was previously placed and where the child remains under supervision. Since the child is already in an out-of-home placement, a change of placement is being made. The change in placement is part of the existing removal episode and does not initiate a new removal episode; and

3. Following the emergency removal of a child from a location where the child was previously placed and where the child has achieved permanency through court ordered long-term custody to the caregiver. Since the child has achieved permanency, this initiates a new removal episode.

(b) Whenever an emergency placement with a relative or non-relative is to be made in exigent circumstances, the required criminal, delinquency and abuse/neglect history checks shall be initiated without undue delay to avoid placing the child elsewhere in the interim. Prior to making such an emergency placement in exigent circumstances, the following criminal, delinquency and abuse/neglect history checks, including receipt and consideration of the results of the checks, are required:

1. For all persons who are either household members or who are known to be frequent visitors to the home there shall be an abuse/neglect records check through the department's information system containing statewide abuse/neglect records.

2. Additionally, the following checks shall be performed for specified persons based on his or her role in the household and his or her age:

a. For all household members and frequent visitors age twelve or older, a local criminal records check through local police and sheriff's offices.

b. For all household members or frequent visitors ages 12 through 26, a delinquency records check through the Florida Department of Juvenile Justice.

c. For all household members and paramours age twelve or older, a state criminal records check through the Florida Department of Law Enforcement.

d. For all persons who are age eighteen or older who are household members, a name check through the National Crime Information Center (NCIC) is also required. If the child is placed in the home the fingerprints of these persons shall be submitted to the Florida Department of Law Enforcement the next business day but no later than within ten calendar days of the name check.

e. For household members age twelve and older and frequent visitors age eighteen or older who are known to have resided in another state, an attempt shall be made to gather criminal history information from that state.

(3) Continued Placement and Recommendation for Court Ordered Custody. Any criminal, delinquency and abuse/neglect history check results received subsequent to placing a child shall be considered in regard to the child's safety and shall be provided to the court.

(4) Planned Placements. If a relative or non-relative placement is planned, and there are no exigent circumstances requiring an emergency placement within seventy-two hours, court approval shall be received prior to making the placement. Prior to recommending the placement to the court, all criminal, delinquency and abuse/neglect history check activities required for emergency placements in exigent circumstances shall be performed, with the exception of name checks through NCIC being made prior to the submission of fingerprints. Prior to making a recommendation to the court, the fingerprint results shall be received and considered for all persons required to undergo a criminal, delinquency and abuse/neglect history check.

(5) Release of a Child to a Parent. Prior to recommending to the court that a child be released to a parent, the parent, household members, frequent visitors and any paramours of household members at the home shall undergo all criminal, delinquency and abuse/neglect history checks s that are required for placement with relatives and non-relatives, with the exception of national criminal history checks.

(6) Criminal, Delinquency and Abuse/Neglect History Check Results. The department or contracted service provider shall not make or recommend a relative or non-relative placement if the results of criminal, delinquency and abuse/neglect history checks indicate that the child's safety may be jeopardized in the placement.

(a) Results of Abuse/Neglect Records Check. The results of an abuse/neglect records check indicating that a person is named in some capacity in an abuse/neglect report shall not be used to deny placement in the home where that person resides unless that person is identified as a caregiver responsible for the abuse, neglect or abandonment alleged in the report.

(b) Disqualifying Criminal Offenses. For placements with relatives or non-relatives, there are criminal offenses that disqualify these persons for placement of the child. For releases to a child's parent, there are no offenses that automatically disqualify the parent regardless, of whether the offense was committed by the parent, a household member, a frequent visitor or a paramour of a household member. For releases to parents, prior to the release, information obtained from the criminal, delinquency and abuse/neglect history checks shall be provided by the Services Worker or Child Welfare Legal Services attorney to the court, which shall make

the final decision regarding the placement decision when the results of the checks raise concerns about the safety of the child.

1. A relative or non-relative home is disqualified as a placement option when a criminal records check reveals any of the following felony convictions, including a plea of nolo contendere or guilty, regardless of adjudication, for any of the individuals checked in regard to the home. The home shall be disqualified under the following circumstances:

a. The home is disqualified in any case in which a criminal records check reveals a felony conviction, including a plea of nolo contendere or guilty, regardless of adjudication, for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the felony was committed at any time. This includes, but is not limited to, felony offenses prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

i. Section 782.04, F.S., relating to murder;

ii. Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child;

iii. Section 794.011, F.S., relating to sexual battery;

iv. Former Section 794.041, F.S., relating to prohibited act of persons in familial or custodial authority;

v. Section 796.03, F.S., relating to procuring a person under the age of eighteen for prostitution;

vi. Section 800.04, F.S., relating to lewd or lascivious offenses committed upon or in the presence of persons less than sixteen years of age;

vii. Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child;

viii. Section 827.04(3), F.S., relating to the impregnation of a child under the age of sixteen by a person over the age of twenty-one;

ix. Former Section 827.05, F.S., relating to negligent treatment of children;

x. Section 827.071, F.S., relating to sexual performance by a child;

xi. Section 847.0135, F.S., relating to computer pornography;

xii. Section 847.0145, F.S., relating to selling or buying minors; and

xiii. Sections 741.28-31, F.S., relating to domestic violence.

b. The home is disqualified in any case in which a criminal records check reveals a felony conviction, including a plea of nolo contendere or guilty, regardless of adjudication, for physical assault, battery, or a drug-related offense, if the department or contracted service provider finds that, within the

past five years, a court of competent jurisdiction has determined that the felony was committed. This includes, but is not limited to, felony offenses prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

- i. Section 784.021, F.S., relating to aggravated assault;
- ii. Section 784.045, F.S., relating to aggravated battery;
- iii. Section 893.13, F.S., relating to prohibited acts (drug abuse); and
- iv. Section 893.149, F.S., relating to the unlawful possession of listed chemicals;

2. If results of the criminal, delinquency and abuse/neglect history checks that disqualify a home are received after a child has already been placed in the relative's or non-relative's home, the child shall be immediately removed. The court shall be informed of the disqualification and of the child's removal without delay.

3. Criminal Offenses – General.

a. For any criminal or delinquency records check results revealing any felony or misdemeanor offense that does not automatically disqualify a relative or non-relative home as a placement alternative or a parental home for release of the child, the department or contracted service provider shall determine whether the child may safely be placed in the relative or non-relative home or released to the parent without prior court approval. If so, the court shall be informed of the results at the shelter hearing or at a hearing scheduled in regard to the placement or release.

b. Whenever criminal history or delinquency record information that does not automatically disqualify a home is received following the placement of a child, the court shall, within seventy-two hours of receipt of the results, be informed of the criminal history and delinquency record check results including all available information on the disposition of all offenses.

(7) Criminal, Delinquency and Abuse/Neglect History Checks on Additional Persons Subsequent to Placement in a Relative's or Non-Relative's Home. The following criminal, delinquency and abuse/neglect history checks, as specified in subsection 65C-28.011(1), F.A.C., are required for new household members, frequent visitors or paramours of any household members if they have not otherwise received the checks within the previous twelve months and there has been no break in service for over ninety days. The court shall be informed of the results within seventy-two hours of their receipt:

(a) A local criminal records check, a child abuse/neglect records check and a delinquency records check are required on new household members, frequent visitors or paramours of any household members.

(b) A state criminal records check is required on new household members or paramours of any household members.

(c) A federal criminal records check, including a name check followed by submission of fingerprints to the Florida Department of Law Enforcement, is required for any new household members eighteen years of age or older.

(8) Out-of-State Placements and Releases. Any out-of-state placement or release shall have the prior authorization of the court and of the Interstate Compact on the Placement of Children (ICPC).

Specific Authority 39.012 FS, Law Implemented 39.401(3), 39.521(2)(r)2, FS, History–New _____.

65C-28.012 Home Studies for Relative and Non-Relative Placements.

(1) For each non-licensed placement, a home study shall be completed by the Services Worker or Child Protective Investigator within thirty days following the placement of the child in the caregiver's home. In all instances a home study shall be completed and provided to all parties to the case within seventy-two hours prior to the disposition hearing, as required by Section 39.521(1)(a), F.S. A home study shall be initiated in the following circumstances:

(a) A child remains with a non-licensed, non-parental caregiver for more than fifteen working days beyond the Early Service Intervention staffing, unless there is a planned change of placement that will occur before the child has been in the current placement for thirty days;

(b) A child remains with a non-licensed, non-parental caregiver past the date of adjudication of dependency; or

(c) A child is in licensed or non-licensed care and a potential alternative non-licensed caregiver is identified.

(2) The home study shall be completed according to Section 39.521, F.S., filed with the court as part of the predisposition study and served on all parties. A recommendation shall be made to the court based on the results of the home study.

(a) The home study shall include a visit to the home and an interview with the proposed adult caregivers, as well as a criminal, delinquency and abuse/neglect history check as specified in Rule 65C-28.011, F.A.C. In addition, a determination shall be made and documented regarding the child's feelings on the placement if the child is of sufficient maturity, understanding, and experience to reliably express such feelings concerning placement in this home.

(b) In fulfilling the requirements of Section 39.521, F.S., a summary of the results of the home study shall be prepared, which shall include the recommendation to be made to the court. This summary includes the following categories, each of which shall be summarized:

1. Whether each proposed caregiver understands and is able to meet the child's need for protection.

2. Whether each proposed caregiver understands the child's need for care and permanency and can provide long-term permanency if needed.

3. Whether each proposed caregiver has been informed regarding rights and responsibilities in the dependency process.

4. Whether each proposed caregiver will provide adequate and nurturing care and can ensure an adequate and safe home.

5. Whether each proposed caregiver has a history free of child abuse and free of a criminal record.

6. Whether each proposed caregiver is financially able to care for the child to determine if the caregiver's financial situation is marginal or tenuous so he or she would be totally dependent on financial assistance to care for the child. This shall include a summary of the caregiver's understanding of the financial assistance, if any, and other services that will be available from the department or contracted service provider to assist in caring for the child.

7. Whether each proposed caregiver has been counseled on available support in the community.

8. Whether or not the placement is to be recommended and an explanation of the decision.

(3) If the recommendation in the home study is unfavorable, the child is in the placement and is at imminent risk, the department or contracted service provider shall request an emergency hearing to inform the court of the findings and make a recommendation for an alternate placement. If it is determined the child is not at imminent risk, a hearing to inform the court shall be scheduled as soon as possible.

(4) If the child is not in the home where the home study was completed and the proposed caregiver is not selected, he or she shall be verbally so advised by the Services Worker within five working days.

(5) Regardless of the result of the caregiver home study or the department or contracted service provider's recommendation, the placement shall be made or continued if the court so orders.

(6) If a child is placed in the custody of a relative pursuant to order of the court after the department or contracted service provider recommends against such placement, the relative shall be allowed to participate in the Relative Caregiver Program in the same manner as if the department or contracted service provider had approved the home study.

(7) When a child has been placed in the custody of a relative or non-relative by the court against the recommendation of the department or contracted service provider, the Services Worker shall immediately notify his or her supervisor of the court's determination. The supervisor shall schedule a staffing to be held within three working days to discuss the reasons for the negative home study and to develop a plan of action and services for the family with whom the child is placed that shall address the child's safety needs.

(8) When a child has been placed in a relative or non-relative home subsequent to a home study being performed for the placement of other children in the home, an updated home study addressing issues surrounding placement

of an additional child in the home shall be prepared and provided to the court in conjunction with a recommendation regarding the appropriateness of the child's placement.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.001(1)(i), 39.5085(2)(b), 39.521(2)(r),(3)(b), 39.522(1) FS. History--New

65C-28.013 Indian Child Welfare Act.

The Indian Child Welfare Act of 1978 ("ICWA"), is federal legislation found in 25 U.S.C. 1901 et seq., that governs child custody proceedings involving American Indian or Alaskan Native children as defined by the Act. See the definition of Indian Child Welfare Act in Rule 65C-30.001, F.A.C.

(1) The Child Protective Investigator (CPI) shall determine at the onset of each child protective investigation if the children are American Indian or Alaskan Native children as defined by the Act. If a child involved in a child protective investigation is identified as being eligible for the protections of the Indian Child Welfare Act, all legal proceedings and case planning activities shall be in compliance with the provisions of the Act and with any existing written Tribal Agreements between the Department and the child's tribe.

(2) The child's parent or Indian Custodian and his or her tribe shall be noticed of all legal and case planning activities. If the child's tribe is unknown, notice shall be provided to the Secretary of the Interior through the Bureau of Indian Affairs, Eastern Regional Office.

(a) Letters of inquiry and notification and all legal and other notification to the tribe shall be in writing and sent by registered mail, return receipt.

(b) Any correspondence to or from the tribe shall be made a part of the court record and the child's eligibility for the protections of the Indian Child Welfare Act shall be included in all findings and orders of the court.

(3) The criteria for enrollment in a tribe is established by the individual tribe and its decision is conclusive. The child's tribe has the right to intervene in the proceedings at any time and may request that jurisdiction in the case be transferred the tribal court.

(4) If the tribe does not respond to written notification that an Indian child is the subject of an investigation, the Services Worker shall continue efforts to communicate with the tribe. Additional letters shall be sent registered and "return receipt" to the Secretary of the Interior through the Bureau of Indian Affairs Office located in the geographic region of the United States in which the child's tribe is located. Cases in which American Indian ancestry has been reported shall be handled as ICWA cases until shown to be otherwise.

(5) If the tribe does not assume legal jurisdiction, the tribe shall continue to receive notice of all judicial hearings and case planning reviews and to be kept informed of significant changes in the status of the case. The tribe has a right to examine all reports or other documents filed with the court.

(6) If the tribe assumes legal jurisdiction, all case file documents (except the name of the reporter of the abuse, abandonment or neglect) and the child shall be released to the tribe.

(7) If the tribe assumes jurisdiction in the case the American Indian or Alaskan Native children may remain eligible for services such as referrals to child protection teams or for certain economic services.

(8) Remedial or rehabilitative efforts to effect reunification shall be by active efforts. Any party seeking placement of an American Indian child in out-of-home care or the termination of parental rights shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family including community services and culturally appropriate programs and that these efforts have proved unsuccessful.

(9) Placement of an American Indian child shall be made in accordance with the placement preferences outlined in the Act. Attempts to place a child in accordance with the placement preferences outlined in the Act, and any failure to do so, shall be documented in the case file and in HomeSafenet. The placement preferences apply upon each move of the child while in out-of-home care.

(10) In any adoptive placement of an Indian child, the Indian Child Welfare Act shall govern the order of placement preference. While the Indian Child Welfare Act gives a placement preference, it allows each tribe to establish a different order of preference by resolution. The Act lists the placement preference for adoption of an Indian child in the following order:

(a) A member of the child's extended family (as determined by the child's tribe);

(b) Other members of the Indian child's tribe; or

(c) Other Indian families.

(11) In order for an Indian child to be placed in out-of-home care, there shall be a judicial determination, supported by clear and convincing evidence, including the testimony of a qualified expert witness in the cultural practices of the child's tribe, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(12) Some tribes do not support adoption of an Indian child. Termination of parental rights requires a judicial determination, supported by evidence beyond a reasonable doubt, including the testimony of a qualified expert witness in the cultural practices of the child's tribe, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Legal notification requirements and other provisions of the Act including placement preferences continue to apply following termination of parental rights.

(13) Notification, process and service for all legal proceedings including termination of parental rights shall be in accordance with the provisions of the Act.

(14) All casework activity related to compliance with the provisions of the Indian Child Welfare Act shall be documented in the child's case file.

(15) The Services Worker shall consult with Child Welfare Legal Services regarding issues related to compliance with the provisions of the Indian Child Welfare Act.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented History--New

65C-28.014 Behavioral Health Services.

(1) Comprehensive Behavioral Health Assessment (CBHA).The CBHA referral guidelines are contained in the current edition of the Medicaid Community Mental Health Services Coverage and Limitations Handbook, which is incorporated by reference in Rule 59G-4.080, F.A.C. The Handbook provides guidelines for providing the CBHA to children ages zero through five and six through seventeen.

(2) A child shall be referred for a CBHA:

(a) When a child is in shelter status, the Services Worker or Child Protective Investigator (CPI), as appropriate, shall refer the child for a CBHA if this assessment was not conducted prior to case transfer; or

(b) If a child is already in out-of-home care and is exhibiting emotional or behavioral issues that might result, or may have already resulted, in the child losing his or her placement, the Services Worker may refer the child for a CBHA to assist in determining services that would allow the child to maintain his or her placement. This may be done if a CBHA has not been conducted on the child within the past year; and

(c) The child has been determined to be Medicaid enrolled. If the child is not Medicaid enrolled, the CPI or Services Worker shall take all steps necessary to ensure the child becomes enrolled as soon as possible, including assisting the child's caregiver to establish enrollment.

(3) The Services Worker shall refer the child and family for all services identified through a CBHA. The Services Worker has the primary responsibility throughout the case for coordinating, managing, and monitoring all aspects of the child's care and treatment.

(4) The mental health service needs identified through the CBHA will be considered when developing the child's case plan.

(5) The planned services shall be implemented within thirty days of identification of the need. If services are not initiated within thirty days, the Services Worker shall document reasons in the case file as to why services were not initiated. The Services Worker shall ensure that the services begin as soon as possible.

(6) If the child is also served by the Department of Juvenile Justice (DJJ), the CPI or Services Worker shall document attempts to coordinate planning and service delivery with DJJ staff.

(7) When service needs are identified, children shall be referred whenever possible to community mental health providers who are enrolled as Medicaid providers.

(8) When the Services Worker determines that a Behavioral Health Multidisciplinary Team is needed due to the significant behavior issues of the child, the Services Worker shall convene a meeting of the team. The team shall:

(a) Review all referrals for services to ensure that the child and family receive essential services to assist them in meeting the permanency goals as well as ensuring the child's safety and well-being;

(b) Provide recommendations for changes in the case plan. This information is to be placed into the Judicial Review Social Study Report (JRSSR) at least three weeks prior to each judicial review; and

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.4085(4),(6),(7), 39.601(1)(d), 39.9082, 409.165(1) FS. History—New _____.

65C-28.015 Residential Mental Health Treatment.

(1) Initial Consideration of Need for Residential Treatment.

(a) Residential mental health treatment is provided to a child for the specific purpose of addressing their mental health needs through observation, diagnosis and treatment in a therapeutic setting, which includes therapeutic group homes and residential treatment centers as defined in Section 394.67, F.S. Residential mental health treatment shall not be used for emergency placements or to provide secure shelter for the child. If the child is in acute psychiatric crisis, the child shall be referred to the crisis stabilization unit for emergency screening and stabilization.

(b) The department and contracted service providers shall comply with the requirements of Section 39.407, F.S., and Florida Rules of Juvenile Procedure 8.350 when pursuing placement of a child into a residential treatment center, as defined in Section 394.67, F.S.

(c) The department or contracted service provider and the district region or zone Substance Abuse and Mental Health Program Office shall establish written procedures that outline the process of how determinations to pursue residential mental health treatment and referrals for placements for children are made, to include criteria for Suitability Assessment referrals, per Section 39.407, F.S., and the provision of behavioral health assessments and services to children during that process.

(2) Out-of-State Placements.

(a) The department or contracted service providers shall not approve or participate in funding out-of-state placements for behavioral health treatment of children, unless these placements meet all of the following conditions:

1. The case plan goal is for the child to join a family who resides in the other state;

2. The home study on the out-of-state home has been completed and the move of the child out-of-state has been approved by the Interstate Compact on the Placement of Children; and

3. The District/Region or Zone Administrator or Lead Agency Executive Director has provided prior written approval of the placement.

(b) When a placement is made pursuant to this paragraph, the district/region or zone Children's Mental Health program office shall be notified promptly.

(3) Reviews and Reports of Children in Residential Treatment Centers. The department or each contracted service provider shall establish systems to ensure that reports required by Section 39.407(5), F.S., and Florida Rules of Juvenile Procedure 8.350 are prepared and distributed timely and that all requirements for filing with the court are met.

Specific Authority 39.012, 39.0121(13), 39.4781(3)(c),(5), 39.479, Article X (b) FS. Law Implemented 39.407(5)(a)3., 39.4781, 39.4785, 39.479, 39.495 FS. History—New _____.

65C-28.016 Psychotropic Medications.

(1) Behavioral health services shall be provided to children in out-of-home care as a need is identified through a behavioral health assessment. These services may include the provision of psychotropic medications as ordered by the child's prescribing physician. The department and contracted service providers shall comply with the requirements of Section 39.407(3), F.S., and the Florida Rules of Juvenile Procedure 8.255 whenever a child is considered for considered for evaluation for psychotropic medications.

(2) The "Psychotropic Medication Treatment Plan" CF-FSP 5291, October 2005, incorporated by reference, will be used to document express and informed consent from the child's parent or legal guardian provided to the prescribing physician.

(3) The department or contracted service provider shall establish operating procedures to ensure that any use of psychotropic medications is individualized, monitored and informed.

(4) The following steps, at a minimum, shall be taken to facilitate the proper provision of express and informed consent of parents or guardians to the prescribing physician or to obtain court orders, when needed, to authorize the department to provide psychotropic medications to children in out-of-home care. Express and Informed consent is defined in Section 394.455(9), F.S., and described in Section 394.459(3), F.S.

(a) To facilitate express and informed consent, the Services Worker shall:

1. Attempt to contact a parent or guardian by phone as soon as feasibly possible upon learning of the recommendation for psychotropic medications by a prescribing physician.

2. Send all written information concerning the prescription to the parent's last know address.

3. Document all phone calls and written communication to the child's parent or legal guardian to ensure parental awareness of the need to provide express and informed consent for the prescription of psychotropic medications.

4. Facilitate transportation arrangements to appointments and/or telephone calls between the child's parent and the prescribing physician.

(b) When express and informed consent cannot be obtained from the child's parents, the case worker shall submit to Child Welfare Legal Services a request for court authorization to provide psychotropic medications within 12 working hours of receipt of the prescription from the prescribing physician. This request shall be accompanied by all other required documentation including:

1. The "Psychotropic Medication Treatment Plan", CE-FSP 5291, as the physicians signed medical report as required by Section 39.407(3)(c), F.S.

2. A report generated by the Services Worker delineating:

a. The efforts made by the Services Worker to help the physician obtain express and informed consent from the child's parents AND

b. Other treatments considered or recommended for the child.

(5) All Judicial Review Social Study Reports (JRSSR) will include documentation of the effectiveness of all psychotropic medications and any medication changes not otherwise reported.

(6) Unless the parental rights have been terminated, the child's parents must be notified of all treatment team meetings. The child's case manager will ensure that meetings are held when the child's parents can attend and facilitate their attendance.

(7) The child's Services Worker will ensure that any other behavioral health services that are identified in behavioral health assessments have been integrated into the child's case plan and treatment plan.

(8) In cases where a Medicaid targeted Case Manager has been assigned to a child, they may assist the child's Services Worker in functions listed above.

Specific Authority 39.407(3)(g) FS. Law Implemented 39.407(3) FS. History--
New _____.

65C-28.017 Exit Interviews.

(1) The Services Worker shall conduct an exit interview with every child age five and older up until the eighteenth birthday who leaves a licensed out-of-home care placement if the child has resided in that placement for thirty days or more.

(a) The interview shall be conducted within five days of the child's exit from the licensed out-of-home care placement.

(b) If the child alleges abuse, neglect or any maltreatment during the exit interview, the interviewer shall make an immediate report to the Florida Abuse Hotline.

(c) If the child reports issues relating to the quality of care that do not rise to the level of abuse, neglect, or maltreatment, the interviewer shall report these issues to the licensing unit responsible for licensing the out-of-home caregiver or group care facility.

(2) The information gathered during the interview shall be dependent on the age of the child. The interviewer's observations and any information to explain the child's responses shall be recorded on the interview form.

(a) For children ages five through eight, a response shall be requested to the following:

1. I felt happy in this foster home.

2. I was given plenty of food in this foster home.

3. I had enough clothing that fit me to wear in this foster home.

4. I was taken care of in this foster home when I was sick or had an accident.

5. When I asked, I got to call my:

a. Counselor.

b. Guardian ad Litem.

c. Others.

6. I was punished fairly when I did something that I was not supposed to do. An explanation shall be requested.

7. I was satisfied with this foster home.

8. I felt safe in this foster home.

(b) For children ages nine to eighteen a response shall be requested to the following:

1. I felt comfortable in this foster home.

2. I was treated with respect by the foster parents.

3. I was given plenty of food in this foster home.

4. I had enough clothing in my size to wear in this foster home.

5. I was taken care of in this foster home when I was sick or had an accident.

6. When I asked, I was allowed to call my:

a. Counselor

b. Guardian ad Litem

c. Others

7. I was disciplined fairly when I did something that I was not supposed to do. An explanation shall be requested.

8. Overall, I was satisfied with the care that I got in this foster home.

9. Overall, I felt safe in this foster home.

(3) When needed as a result of safety or quality of care issue raised by the child, the department or contracted service provider shall develop a corrective action plan. The type of plan can range from providing more intense supervision,

support, or training for the caregiver to a more formal corrective action plan or a recommendation for revocation of the license, if appropriate.

(4) When corrective action is necessary, written follow-up shall be due within ninety days.

(5) The completed interview form, department or contracted service provider response, if any, and follow-up tasks shall be handled as follows:

(a) The completed interview form, department or contracted service provider response, if any, and record of follow-up shall be placed in the child's case record;

(b) A copy of the completed interview form shall be provided to licensing staff and placed in the out-of-home caregiver's licensing file;

(c) A copy of the completed interview form, department or contracted service provider response, if any, and record of follow-up shall be sent to the District/Region or Zone Program Administrator or Lead Agency Executive Director; and

(d) A summary of exit interviews conducted shall be sent to the Department's Office of Family Safety as requested by that office.

Specific Authority 39.012, 39.0121(13), 409.1676(10) FS. Law Implemented 409.165(1) FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nelson Simmons, (850)922-0375, 1317 Winewood Blvd., Bldg, 6, Tallahassee, FL

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-29	Protective Investigations
RULE NOS.:	RULE TITLES:
65C-29.001	Definitions
65C-29.002	Reports of Child Abuse, Neglect or Abandonment
65C-29.003	Child Protective Investigations
65C-29.004	Institutional Child Protective Investigations
65C-29.005	Children Denied Shelter (Lockouts)
65C-29.006	Foster Care Referrals
65C-29.007	Child-on-Child Sexual Abuse
65C-29.008	Initial Health Care Assessment and Medical Examination of Children Alleged to be Abused, Neglected or Abandoned.
65C-29.009	Criminal, Juvenile and Abuse/Neglect History Checks
65C-29.010	False Reports
65C-29.011	Out-of-Town Inquiries

65C-29.012	Transfer of Child Protective Investigations Within and Between Districts
65C-29.013	Reasonable Efforts to Locate High Risk Tracking and Review
65C-29.014	Pre-Arranged Private Interstate Placements Involving Drug-Exposed Newborns
65C-29.015	

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which was published in Vol. 31, No. 49, of the December 9, 2005 issue of the Florida Administrative Weekly. The changes are based upon comments received subsequent to the December 9, 2005, publication of the proposed rule.

The revised proposed rule is as follows:

65C-29.001 Definitions.

All definitions for this rule are located in Rule 65C-30.001, F.A.C.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012 FS. History—New _____.

65C-29.002 Reports of Child Abuse, Neglect or Abandonment.

(1) The department shall maintain an automated master file for all calls received by the Florida Abuse Hotline for screening. This file shall contain relevant information on all calls received concerning a child and be maintained in the department's automated system of record.

(2) The telephone number from which a call to the Florida Abuse Hotline is placed (Caller ID) is displayed at the onset of each call received by the Florida Abuse Hotline. This number shall be entered into the report of abuse, neglect or abandonment and become part of the record of the report, but shall enjoy the same confidentiality as provided to the identity of the caller pursuant to Section 39.202, F.S. This number may be used in the following circumstances:

(a) The department, designee or sheriff's office who responds to reports of child maltreatment shall not call the number provided by Caller ID to verify that the report was made from that number or to make inquiries about the content of the report. If the telephone number provided by Caller ID is the same as provided by the reporter, telephone contact with the reporter is appropriate.

(b) If the caller is a child who is self-reporting abuse, neglect or abandonment and the child's immediate location is not known, the department employee or agent may verify the location by using the Caller ID information.

(c) If all means to locate any child victim and attempts to contact the reporter at the telephone number provided by the reporter are unsuccessful, contacting the reporter at the

telephone number provided by Caller ID is appropriate. The purpose of this is to obtain additional information that would allow the child and or family to be located and seen.

(3) The Florida Abuse Hotline shall operate twenty-four hours a day, seven days a week to receive and assess allegations of child abuse, neglect or abandonment to determine if the allegations meet statutory criteria to accept a report for investigation. Allegations may be received via the toll free telephone number, fax, in writing or through telecommunication devices for the deaf.

(a) Professionally mandated reporters are required under Chapter 39, F.S. to provide their names to the Florida Abuse Hotline when making a report of alleged child maltreatment. A report shall be accepted if it meets statutory criteria for acceptance even if the reporters wish to remain anonymous.

(b) Non-professionally mandated reporters are not required to provide their names for the acceptance of a report.

(4) The Florida Abuse Hotline shall only release information regarding reports to child protective investigation staff after verifying that they are authorized to receive the information. Verification of authority to receive the information will be granted based on the social security number of the staff receiving such information.

(a) The Florida Abuse Hotline shall conduct record checks for out-of-state agencies conducting an investigation after verification of identity. The out-of-state request information shall be documented by the Florida Abuse Hotline counselor and submitted to the Florida Abuse Hotline supervisor for handling.

(b) The Florida Abuse Hotline shall only provide information about the existence or non-existence of a report of child abuse, neglect or abandonment and the findings. The out-of-state investigator shall be referred to the investigations office for more detailed information.

(5) Criteria for Acceptance of a Report.

(a) Professional staff at the department's Florida Abuse Hotline shall determine if the allegation received meets the statutory definition of child abuse, neglect, abandonment or harm. Any allegation that meets one of these definitions shall be accepted for protective investigation pursuant to Part III of Chapter 39, F.S.

1. The child alleged as being abused, neglected or abandoned must be under the age of 18 years and must be a resident of Florida, or located in Florida at the time of the allegation. Any allegation that meets the definition of abuse, neglect, abandonment or harm shall be accepted for protective investigation. When children suffer adverse consequences from physical or psychological injury or damage, harm or threat of harm is an element of abuse, neglect or abandonment. A report shall not be accepted on an unborn or stillborn child.

a. If the victim and alleged perpetrator live out-of-state but are visiting Florida together, and the harm occurred in Florida during the current visit, a report shall be accepted provided the victim and alleged perpetrator are in Florida at the time of the call.

b. If the victim and alleged perpetrator live out-of-state but are visiting Florida at the time of the call and the abuse, neglect or abandonment occurred in another state, or in the past in Florida, the Florida Abuse Hotline shall assess the information to determine if reasonable cause exists at the time of the call to suspect threatened harm. If this exists, a report shall be accepted provided the victim and alleged perpetrator are in Florida at the time of the call.

c. If the victim and alleged perpetrator live in Florida, but the victim is temporarily out of state at the time of the call and the abuse, neglect or abandonment occurred in Florida, a report shall be accepted.

2. The alleged perpetrator must be a caregiver, which is defined as a parent, legal custodian, an adult household member, or other person responsible for a child's welfare. In instances where the alleged perpetrator's exact relationship to the child cannot be ascertained, a report shall be accepted.

3. There must be reasonable cause to suspect that the alleged victim is a victim of abuse, neglect or abandonment, or at risk of harm, as defined in Section 39.01, F.S., and that the alleged perpetrator is a caregiver as defined in Section 383.01, F.S.

a. The Florida Abuse Hotline shall attempt to establish that the alleged perpetrator is a person in a caregiver relationship to the victim even if the exact identity of the alleged perpetrator is unknown.

b. A child may be named as a perpetrator only if the child is an employee of a private school, public or private child day care center, institution, facility or agency as identified in Section 39.01(47), F.S., or is the parent of the victim.

(b) In instances where the Florida Abuse Hotline accepts an abuse report, but the child protective investigator determines that the allegations or facts do not meet the criteria for a report as specified in subparagraphs (5)(a)1.-3. above, the child protective investigator shall close the report as "No Jurisdiction", after review and approval by the child protective investigator supervisor.

(c) Calls to the Florida Abuse Hotline concerning child-on-child abuse in an institution or in the home do not meet the definition of abuse. The call may be accepted as a report of neglect if it is alleged that staff, parent, guardian, adult household member or any other person responsible for a child's welfare failed to supervise the children properly.

(d) Reports involving a known or suspected juvenile sexual offender shall be made and received by the department when they meet the criteria established in Section 39.01(7), F.S.

1. The department shall determine the age of the alleged juvenile sexual offender if known.

2. When the alleged juvenile sexual offender is 12 years of age or younger, the Florida Abuse Hotline shall accept a report; electronically transfer the call to the appropriate law enforcement agency office and forward a written facsimile report of the allegation to the appropriate sheriff's office within twenty-four hours after the initial report is made to the Florida Abuse Hotline. These reports shall be kept separate from reports of abuse, neglect or abandonment by a caregiver.

3. When the alleged juvenile sexual offender is thirteen years of age or older, the Florida Abuse Hotline shall document the information, electronically transfer the call to the appropriate sheriff's office, and forward a written facsimile report of the allegation to the appropriate sheriff's office within twenty-four hours after the initial report to the Florida Abuse Hotline.

(e) Reports involving abandoned newborn infants shall be accepted by the Florida Abuse hotline for investigation if the reporter alleges abuse, neglect. If the report is of an abandoned newborn infant as described in Section 383.50, F.S., and does not include allegations of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the Florida Abuse Hotline shall not accept a report.

1. If the call meets the criteria for an abandoned newborn infant under Section 383.50, F.S., the Florida Abuse Hotline shall provide the caller with the name of a licensed child-placing agency from a list of licensed child-placing agencies eligible and required to accept physical custody and to place an abandoned newborn infant under Section 383.50, F.S.

(f) There shall be a means of locating and identifying the alleged victim.

1. Unacceptable means to locate shall include the following:

- a. A Post Office box; and
- b. A cell phone or pay phone;

2. If the reporter is a child who is self-reporting and no other means to locate the child is provided, the Hotline shall accept the report and document that the Caller ID is the only means to locate.

(6) When a report is being accepted, the Florida Abuse Hotline counselor shall ask all reporters to provide the following information:

(a) Information regarding subjects of the report including name, race, sex, date of birth, social security number, ethnicity, school, employment, address, phone number and/or other acceptable means to locate the victim if the address is not known;

(b) The relationship between the victim and the alleged perpetrator;

(c) Names and contact information for any person who can provide assistance to the child or additional information about the family's circumstances;

(d) The type of maltreatment alleged and the nature and extent of harm suffered by the victim, including when the incident occurred or whether it is a chronic, ongoing situation;

(e) Any known history of abuse, neglect or abandonment of persons named in the report;

(f) The risk of continued maltreatment and whether the alleged perpetrator continues to have access to the victim;

(g) Current condition of the child;

(h) Other children in the environment; and

(i) The name and occupation of the reporter, relationship between the child and the reporter, contact information for the reporter, and any other information the reporter believes will be of assistance.

(7) The Florida Abuse Hotline shall process and document all allegations received.

(a) The Florida Abuse Hotline counselor shall inform the caller whether the information provided meets the statutory requirements for a report.

1. The Florida Abuse Hotline counselor shall search for prior reports to determine if the current allegations have been reported in the past.

2. The Florida Abuse Hotline professional staff shall determine if the caller is reporting the exact same incident as that contained in a prior closed report. If the current allegations do not offer new information, additional subjects, new evidence, or additional allegations or incidents, the professional staff shall consult with a supervisor or call floor manager to determine whether a new report shall not be generated.

(b) The Florida Abuse Hotline shall search the statewide automated child welfare information system to determine if the victim, alleged perpetrator, or other subjects of the report have any history of abuse, neglect or abandonment or service provision. At the time of notification of the report to district staff.

1. The Florida Abuse Hotline shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports at the time of notification of the report to child protective investigation staff.

(c) The Florida Abuse Hotline counselor shall identify all allegations of maltreatment and document supportive information in the report and shall also identify each allegation of maltreatment with a code in the statewide automated child welfare information system.

(d) The Florida Abuse Hotline counselor shall determine the initial response priority for commencement of each report as either immediate or within twenty-four hours. If it appears that the immediate safety or well-being of a child is endangered; that the family may flee; that the child will be

unavailable for purposes of conducting a child protective investigation; or that the facts otherwise so warrant, the initial response priority shall be immediate. The child protective investigations supervisor has the authority to change the initial response priority if information shows a greater or lesser risk to the child than previously known.

(e) Information accepted as a report, including Special Condition Reports, shall be entered into the statewide automated child welfare information system as an initial abuse, neglect or abandonment report, additional investigation report, or supplemental report and a number shall be assigned to that report.

1. Additional Reports: Additional reports are those which contain new information about one or more subjects of an existing report.

a. An additional report includes any of the following:

i. A new alleged perpetrator in the same household;

ii. A new victim;

iii. A new subject in the same household;

iv. A new maltreatment;

v. A new incident of the same maltreatment; or

vi. New information that requires an immediate response.

b. If any of the following apply, a new report shall be entered:

i. The existing report is closed or more than 30 days old;

ii. The existing report has a disposition date; or

iii. The new information involves a different household from the existing report, or

iv. A child victim died due to alleged abuse, neglect or abandonment during investigation of an open report and the initial report is not on abuse, neglect, or abandonment causing the death.

2. Supplemental Reports: Supplemental reports are enhancements to a report that has already been received or is under investigation. No new allegations or subjects are reported. Such a report gives additional details.

a. The new information received must involve the same alleged perpetrator, same victim, same maltreatment(s), and same incident.

b. A supplemental report may be added even if there is a disposition date or findings for the existing report provided the initial report is not more than 60 days old.

3. The following shall not be treated as Additional or Supplemental Reports:

a. One report is institutional and the other is in a family setting;

b. One report has a child victim of abuse, neglect or abandonment and the other report has an adult victim;

c. One report is a Special Conditions Report and the other is a report of abuse, neglect or abandonment;

i. Additional allegations of abuse, neglect or abandonment discovered by the investigator during the course of an investigation do not need to be called to the Florida Abuse Hotline as an additional report.

ii. These allegations shall be added by the investigator and noted in the abuse report. This includes the discovery of maltreatment after the commencement of a special condition referral excluding child-on-child sexual abuse reports. If maltreatment is discovered by the child protective investigator assessing a Child-on-Child Sexual Abuse report, these allegations shall be provided to the Florida Abuse Hotline to generate a new report.

d. Child-on-Child Sexual Abuse reports may only be sequenced as supplemental with the same or similar allegations; or

(e) A child death allegedly due to abuse, neglect or abandonment occurring during an active investigation requires child protection staff to call the Florida Abuse Hotline immediately and shall not add a new maltreatment type to the existing report.

1. A child death report shall not be merged with any other reports alleging abuse, neglect or abandonment that did not cause the death.

(f) The abuse, neglect or abandonment report shall be assigned to the appropriate county for investigation based on the following:

1. If there is no open report, the new report shall be assigned to the county where the child is located at the time of the call.

2. If there is an open report, any additional reports shall be assigned to the same county as the open report, regardless of the current location of the child.

a. If the child is in a different county than the county assigned the open report and the additional report has an immediate response priority, the Florida Abuse Hotline shall notify the on-call investigator in the county in which the child is located.

b. If the child is in a different county than the county assigned for the open report and the additional report has a twenty-four hour response priority, the report shall be assigned to the county assigned to the initial report. The county assigned to the initial report shall be responsible for requesting an OTI from the county where the child is located.

3. If the Florida Abuse Hotline makes an error in report assignment, it shall reassign the report to the correct county based upon the above criteria.

a. If the assigned county determines that the report should have been assigned to another county, and the reason is not due to Florida Abuse Hotline error, the assigned county is responsible for transferring the report to the appropriate county.

(g) When a report involving the medical neglect of an infant or child with a life-threatening condition is received, the Florida Abuse Hotline shall attempt to obtain the following information:

1. Name and address of the hospital in which the infant or child is located;
2. Names and addresses of the child and parents and the child's date of birth;
3. Whether the child is in immediate danger;
4. Specific information as to the nature and extent of the child's condition and suspected medical neglect; and
5. Name, address, and telephone number of the person making the report; the source of that person's information (first hand or otherwise), and the relationship of that person to the child.

(h) The following do not constitute reports of abuse, neglect or abandonment but callers shall be given appropriate community referral information if available:

1. Allegations of harm perpetrated by a person not responsible for the child's welfare. If these are received by the Florida Abuse Hotline, the caller shall be electronically transferred to the appropriate sheriff's office if the incident occurred in Florida. If the incident occurred outside of Florida, the caller shall be referred to the abuse reporting agency for that state;

2. Complaints of withholding or misuse of child support which do not allege child abuse, neglect or abandonment;

3. Disputes concerning custody of a child in which there is no reasonable cause to suspect abuse, neglect or abandonment;

4. Complaints concerning infants or children in automobiles who are not in legally required child restraint devices;

5. Requests for service that may require action, such as:

- a. Transportation needs;
- b. Need for food or food stamps;
- c. Need for housing;
- d. Day care needs;
- e. Need for employment or public assistance;
- f. Need for job training or education;
- g. Need for help with utilities or rent;
- h. Need for homemaker or housekeeper services; or
- i. Adult family members in need of services.

6. Complaints concerning children running away from parents or legal custodians; persistently disobeying reasonable and lawful demands of parents or legal custodians; and being out of control. These include situations in which the parent, legal custodian or caretaker has locked an older child out of the home due to these behaviors or is refusing to pick up a child who has been placed in a facility for those behaviors;

7. Complaints concerning licensing violations, such as overcrowding, poor sanitation, inadequate staffing ratios, and lack of a fire sprinkler system;

8. Requests from a hospital to have a home "checked" before a child is released;

9. Requests from a hospital for the department to grant permission to treat a child due to the hospital's inability to contact the child's parent, custodian or legal guardian;

10. Complaints concerning head lice when no harm has occurred;

11. Complaints that a child is not attending school. These complaints shall be directed to the local school board;

12. Allegations of harm or threatened harm to a child who is residing or located in another state at the time of the report, unless the child is a resident of Florida and the child is expected to return to Florida. If the incident occurred in Florida, the call shall be electronically transferred by the Florida Abuse Hotline to the appropriate county sheriff's office in Florida where the alleged incident occurred;

13. If the allegation concerns known or suspected child abuse, abandonment, or neglect which occurred out-of-state and the alleged perpetrator and the alleged child victim live out-of-state, the Florida Abuse Hotline shall not accept the call for investigation, but shall refer the caller to the appropriate abuse reporting agency in the state where the child resides;

14. Requests from child protective investigators for Out-of-Town Inquiries or Child Protective Investigation Transfers;

15. Calls from service workers regarding the placement disruption of a child in out of home care, whether the child is in a licensed, or non-licensed relative or non-relative placement. However, if the placement disruption is as a result of an incident of child abuse, neglect or abandonment by the placement caregiver, a report of child maltreatment shall be accepted by the Florida Abuse Hotline;

16. Calls from service workers regarding a family's failure to comply with the conditions of the voluntary or court ordered case plan, unless such failure has resulted in a new incident of abuse or neglect. This includes calls involving post-placement supervision case management issues;

17. Foster Care Referrals regarding concerns about the care provided in a licensed foster home, group home or emergency shelter which do not meet the criteria for acceptance of a report of abuse, neglect or abandonment, such as use of corporal punishment not resulting in marks, bruises or injury; allowing a fourteen year old child baby-sit other foster children; electricity has been turned off but the foster children are being fed, staying warm and clean; and similar instances.

a. The Foster Care Referral information shall be documented in the statewide automated child welfare information system and transmitted to the county where the child is currently located.

18. Calls concerning a married minor;

19. Calls concerning emancipated minors.

(8) Upon receipt of a call concerning a child death, the Florida Abuse Hotline staff shall:

(a) Determine whether the allegation meets statutory requirements for accepting a report due to abuse, neglect or abandonment;

(b) Not merge death reports with any report alleging abuse, neglect or abandonment that did not cause the death;

1. If there is an open report with allegations of abuse, neglect or abandonment and the new information is that the child died due to the previously reported abuse, neglect or abandonment, the Florida Abuse Hotline shall enter an additional report.

2. If there is an open report and the new allegation of the death by abuse, neglect or abandonment is unrelated to any of the allegations in the open report, the Florida Abuse Hotline shall enter a new initial report.

3. If there is an open report about the death and the caller provides allegations unrelated to the death, the Florida Abuse Hotline shall enter a new initial report.

4. If there is an open report about the death and the caller provides no new allegations regarding the death or any other abuse, neglect or abandonment, the Florida Abuse Hotline shall enter a supplemental report.

5. If the reporter indicates that the child death has been previously reported and investigated and a prior is found on the previously reported death and investigation, a report shall not be accepted.

(c) Enter the maltreatment type of Abuse or Neglect, as well as any other maltreatment type or description (e.g., Abandonment) that indicates how the child is suspected to have died as a result of abuse, neglect or abandonment.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201 FS. History—New _____.

65C-29.003 Child Protective Investigations.

(1) Upon receiving a report of child abuse, neglect or abandonment, the Florida Abuse Hotline shall determine if the report requires a child protective investigation. If the report is accepted, the child protective investigator shall comply with the response priority as determined by the Florida Abuse Hotline to either respond immediately or no later than twenty-four hours from the time the report was accepted at the Florida Abuse Hotline.

(a) The child protective investigator supervisor may downgrade an immediate response only if circumstances so warrant and which shall be documented in the Statewide Automated Child Welfare Information System (SACWIS).

(b) Commencement of the investigation is the first attempt to complete an on-site visit for the purpose of making a face-to-face contact with the child victim of the report within twenty-four hours of acceptance of the report by the Florida Abuse Hotline, as defined in subsections 65C-30.001(29) and (86), F.A.C.

1. In instances in which a report is received on a child that is a resident of Florida and the alleged maltreatment occurred in Florida, but the child is temporarily out of state, the investigation can be commenced by contacting the child welfare agency responsible for child abuse or neglect investigations in the state where the child is temporarily located. The purpose of the contact is to request a timely face-to-face interview with the child in order to ascertain his or her safety, and to determine when the child is expected to return to Florida.

2. When the family cannot be located at the time of the initial on-site visit, the child protective investigator shall follow the requirements of Rule 65C-29.013, F.A.C.

(2) If the report received involves the death of a child as a result of abuse, neglect or abandonment, the child protective investigator shall follow the requirements contained in Rule 65C-30.021, F.A.C.

(3) Investigative Requirements. For every report received, the following actions shall be completed.

(a) A review of all prior reports and services records available for all subjects of the report prior to the commencement of the investigation.

1. If the review of the prior reports indicates the existence of a prior that contains allegations of the same incident contained in the new initial report, and the new report does not offer new information, additional subjects, new evidence, or additional allegations or incidents, the child protective investigator shall submit the new report for supervisory review and approval to close the report as a duplicate of the prior report.

2. If the supervisor approves closure of the new report as a duplicate of the prior report, the child protective investigator or their supervisor shall document the decision to close the report as a duplicate, the number of the prior report, and the rationale that led to the determination of the duplicate report designation.

3. If the investigator learns that any child subject of the report is in an adoptive placement or finalized adoption, the child protective investigator shall consult with the adoption placement or post-adoption services worker for purposes of assessment of child safety and identification of service needs for child and family.

(b) On-site visits and face-to-face interviews with the child, other siblings, other children in the home and family shall be unannounced unless it is determined by the department, designee, the sheriff's office or contract service provider that an unannounced visit would threaten the safety of the child;

(c) The children shall be observed in every reported case of abuse, neglect or abandonment. The child protective investigator shall be sensitive to issues arising from a child's age and developmental stage, ethnicity and gender. A

description of the physical, developmental and behavioral observations of the child shall be documented in the child's case file.

(d) If the child is temporarily out of state at the time that the report is received, and the child protective investigator has contacted the child welfare agency responsible for child abuse or neglect investigations in the state where the child is temporarily located for the purpose of requesting a timely face-to-face interview with the child, the child protective investigator shall enter the time and date that the child was seen by the out of state agency in the automated child welfare information system.

The results of the child's interview by the out of state agency shall be documented in the statewide automated state child welfare information system.

(e) If the parent, adult household member or other person responsible for the child does not allow access to the child, the child protective investigator shall seek assistance from law enforcement and if necessary seek an order of the court through the Child Welfare Legal Services attorney;

(f) The composition of the family or household shall be determined, including the name, address, date of birth, social security number, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents, legal custodians, or caregivers; and any other adults in the same household. If a household member cannot be located the name and demographic information of the household member shall not be deleted from the abuse report or case file;

(g) A description of the physical condition of the child's household shall be documented in the statewide automated child welfare information system.

If in the process of assessing the physical condition of the household, it is determined that there is a need to remove physical evidence from the home, other than a child taken into protective custody, the investigator shall request local law enforcement to initiate a criminal investigation.

(h) The child protective investigator shall, in every investigation, interview the parents and adult household members. Any person alleged to have abused, neglected or abandoned the child shall be interviewed. The alleged perpetrator shall be informed of the allegations in the report, and of the department's authority for investigating the report. The child protective investigator shall not identify the reporter, or provide information that may identify the reporter;

(i) Upon commencement of the investigation, the child protective investigator shall inform all subjects of the report as well as the parent, guardian, legal custodian or other person responsible for the child's welfare, including an adult household member of the information specified in Section 39.301(5), F.S., including the following:

1. That a report has been received by the Florida Abuse Hotline alleging child abuse, neglect or abandonment;

2. The names of the investigators and identifying credentials;

3. The purpose of the investigation;

4. The right to review the investigative records 60 days after the commencement of the investigation, with the exception of reporter information, and anytime thereafter prior to the destruction of the record;

5. The right to have an attorney present during any interviews; however, the department or sheriff's office may proceed with other inquiries to determine the safety of the child and the veracity of the report;

6. General information about outcomes and services related to the department's or sheriff's office response and investigation that would assist the family to better understand what they may expect from the investigation;

7. The commitment of the department or sheriff's office to the safety of the child and the involvement of the family to the fullest extent possible in decisions regarding service planning and provision; and

8. The right of the parent or legal custodian to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.

(j) Records checks, to include criminal histories with local law enforcement and the Florida Crime Information Center, on all subjects and household members of the report shall be assessed by the investigator and the supervisor for the impact that the history may have on immediate and long term child safety. See Rule 65C-29.009, F.A.C., for additional details. If the family has moved to Florida from another state, the child protective investigator shall contact the appropriate law enforcement agency in the state where the family resided and request a criminal history check on all subjects and household members of the report.

1. Criminal background checks must be requested within seventy-two hours upon identifying household members or additional subjects of the report.

2. The investigator shall make inquiries of child welfare systems in Florida and other states, as appropriate, within seventy-two hours of suspicion that a household member or additional subject of the report might have a history of referral or involvement.

(k) If the department or sheriff's office or contracted service provider determines that a child requires immediate or long-term protection through medical or other health care; or homemaker care, day care, protective supervision, or other services to stabilize the home environment, including intensive family preservation services through the Family Builders Program or the Intensive Crisis Counseling Program, such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents or legal custodians to exercise judgment. Such factors may include the caregivers' young age or history of substance abuse or domestic violence;

(l) If the department or sheriff's office determines the need to engage ongoing services, whether these services are voluntary or court ordered, an Early Service Intervention (ESI) staffing shall be requested by the child protective investigator and their supervisor, pursuant to the requirements of Rule 65C-30.002, F.A.C.

(m) The parents or legal custodians shall be informed of the right to refuse services, as well as the responsibility of the department or sheriff's office to protect the child regardless of the acceptance or refusal of services. If the services are refused and the department or sheriff's office deems that the child's need for protection so requires, the department or sheriff's office shall take the child into protective custody or petition the court alleging the child to be dependent;

(n) Contact the reporter to validate allegations as received from the Florida Abuse Hotline. This includes clarification and further detailed information regarding the report allegation narrative information and the names, relationships and means to locate other persons that may have further information on the child and family.

(o) Determine whether there is indication that any child in the family or household has been abused, abandoned, or neglected;

(p) The nature and extent of present or prior injuries, abuse, or neglect;

(q) Any evidence thereof; and

(r) A determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

(5) For every child abuse, neglect or abandonment report, the child protective investigator shall assess the safety of each child in the family using the statewide, automated tool in the statewide automated child welfare information system.

(6) Based on the information obtained from available sources, the child protective investigator shall submit the automated assessment tool within forty-eight hours from the time the first child victim is seen and, if needed, develop a safety plan.

(a) The purpose of conducting the assessment within forty-eight hours from the time the first child victim is seen is to determine whether a safety plan is necessary. A safety plan shall identify the immediate and long-term action that will keep the child safe from harm when a threatening situation is present in the child's home, as specified in Section 39.301(14), F.S. This includes, but is not limited to, the safety actions to be taken by the child, parent(s), legal guardian, the department, local sheriff's office, services worker or other identified party.

1. The safety plan may include taking the child into custody or providing the family with assistance and oversight by a service provider to make necessary changes to ensure the safety of the child.

a. If the child is taken into custody and placed in out-of-home care, and the identity or location of a parent or prospective parent is unknown, a diligent search shall be initiated by the child protective investigator making the placement, pursuant to the requirements outlined in Rule 65C-30.003, F.A.C.

b. If the child is taken into custody and placed in out-of-home care, the child protective investigator shall comply with the identification of children requirements outlined in Rule 65C-30.004, F.A.C., unless otherwise negotiated at the ESI staffing.

c. If the child is taken into custody and placed in out-of-home care, the child protective investigator shall comply with the placement responsibilities outlined in Rule 65C-30.011, F.A.C., and as negotiated at the ESI staffing.

d. If the child is taken into custody, the child protective investigator shall complete the Emergency Intake Form (attached), in order to identify any current medical information/needs of the child that are known by the parent, guardian or legal custodian.

e. The child protective investigator shall determine if, with the provision of appropriate and available early intervention or prevention, including services provided in the home, the child could safely remain at home. If at any time it is determined the child's safety and well-being are in danger, the child shall be removed from the home location and placed where he or she is no longer considered to be in danger. The department, sheriff's office and contracted services provider, shall comply with the requirements for tiered services protocol, as outlined in Rule 65C-30.009, F.A.C., in order to make this determination.

f. If the child is removed from the home, the child protective investigator shall take action to maintain the child in his/her school of origin, unless it is determined that remaining in the school of origin is not in the child's best interest, as specified in subsection 65C-28.004(3), F.A.C.

g. In order to consider the provision of voluntary protective supervision to a child and their family, the child protective investigator shall comply with the requirements for voluntary protective services, as outlined in Rule 65C-30.010, F.A.C.

2. The injunction process under Section 39.504, F.S., or Section 741.30, F.S., may be used as a safety action to remove a perpetrator of domestic violence from the home when the presence of the perpetrator of domestic violence in the home poses an immediate safety threat to the child.

(b) Supervisors must review all child protective assessments and assure that safety plans are in place when needed, and that the plan appropriately addresses the identified safety threats. This review shall be completed within seventy-two hours from the time the automated assessment tool is submitted to the supervisor for review.

1. The supervisor shall provide feedback to the child protective investigator within twenty-four hours after completion of the supervisory review.

2. If the supervisor determines that the report meets the criteria for a second party review, the supervisor shall refer the automated investigative file for second party review within twenty-four hours of such determination.

(c) A second party review is required if:

1. The caregiver is responsible for the death or serious injury of another child and/or any two of the following conditions exist:

a. Child victim is age four or younger or nonverbal; or

b. There are prior reports involving any of the subjects of the current report, regardless of finding;

2. There is a current report of actual serious or severe injury, neglect, or threatened harm.

(d) The second party reviewer has seventy-two hours from receipt of the automated assessment tool to complete the second party review.

1. The second party reviewer shall provide feedback to the child protective investigator supervisor within twenty-four hours after completion of the second party review.

(e) The statewide automated child welfare information system shall be updated after initial assessment and automated investigative file re-submitted for supervisory review and second party review under the following circumstances:

1. After initial contact with the child or any other subject of the report, when the initial contact occurs after the initial submission of the Child Safety Assessment.

2. At any stage of the investigation when a determination is being made whether or not to remove the child from the home;

3. As often as necessary to ensure the child's safety;

4. As new information is received which may have an impact on child safety;

5. When the circumstances change within the child's environment at times other than required under this section;

6. Prior to the development of a recommendation to the court for disposition in cases being considered for judicial action; and

7. Prior to closure of the investigation in the statewide automated child welfare information system.

(7) Safety plans, as documented in the statewide automated child welfare information system, shall be re-assessed, updated and resubmitted to the child protective investigator supervisor for review and approval immediately upon learning during the course of an investigation that:

(a) The immediate safety or well being of a child is endangered;

(b) The family is likely to flee;

(c) A child died as a result of abuse, abandonment, or neglect;

(d) A child is a victim of aggravated child abuse as defined in Section 827.03, F.S.; or

(e) A child is a victim of sexual battery or of sexual abuse.

(8) The allegation matrix, as referenced in Rule 65C-30.001, F.A.C., shall be used by the child protective investigator during the investigation. The allegation matrix serves the following purposes:

(a) Defines each specific type of abuse, neglect or abandonment;

(b) Guides child protective investigators in determining whether abuse, neglect or abandonment has occurred;

(c) Helps to ensure that all factors are considered when assessing specific types of maltreatment;

(d) Assists with assessing the nature and severity of a reported injury or harm;

(e) Assists with assessing if a substantial likelihood of immediate injury or harm exists;

(f) Assists with assessing the probability of further harm; and,

(g) Assists in the determination that the necessary evidence exists to support the findings of the report.

(9) The child protective investigator supervisor shall ensure that relevant collateral contacts are made and that the protective investigator documents the contacts in the automated investigative file.

(10) The investigation shall be completed within 60 days.

(11) The child protective investigator and their supervisor may elect to conduct an on-site investigation rather than an enhanced investigation if the following criteria is are met:

(a) For the current report, there is obvious compelling evidence that no maltreatment occurred;

(b) There are no prior reports containing some indicators or verified findings of abuse, neglect or abandonment with respect to any subject of the report or other individuals in the home. Any prior reports in which an adult in the home was a victim of abuse, neglect or abandonment before becoming an adult does not exclude a report otherwise meeting the criteria of the law;

(c) The current report concerns an incident of abuse that is alleged to have occurred two or more years prior to the date of the report, and there are no other indicators of risk to any child in the home at this time; and

(d) For the current report, there is no allegation involving:

1. Serious physical abuse;

2. Sexual abuse;

3. Domestic violence;

4. Substance abuse;

5. Substance exposure;

6. Medical neglect;

7. A child younger than 3 years of age; or

8. A child who is disabled or lacks communication skills;

(12) The determination that a report does not require an enhanced on-site child protective investigation shall be approved in writing and documented in the automated investigative file by the supervisor and shall include documentation specifying why additional investigative activities are not necessary.

(13) A report that meets the criteria for an on-site investigation is not precluded from further investigative activities. At any time it is determined that additional investigative activities are necessary for the safety of the child, such activities shall be conducted.

(14) The training provided to staff members who conduct child protective investigations shall include instruction on the use of the injunction process under Section 39.504, F.S. or Section 741.30, F.S. which may be used to remove a perpetrator of domestic violence from the home.

(15) When a protective investigation determines that a custodial or a non-custodial parent has abused, neglected or abandoned his or her child, the department or sheriff's office shall take whatever actions are necessary to ensure the child's immediate and long-term safety.

(a) In instances where the non-custodial parent is found to be responsible for the abuse, neglect or abandonment, staff shall evaluate the custodial parent's ability to take appropriate measures that will prevent any further occurrences of abuse, neglect or abandonment. If it is determined that the custodial parent is not willing or does not have the capacity to protect the child, the child protective investigator shall take the necessary actions to ensure the immediate and long term safety of the child.

(b) In instances where the custodial parent is found to be responsible for the abuse, neglect or abandonment, staff shall evaluate the non-custodial parent's ability to take appropriate measures that will prevent any further occurrences of abuse, neglect or abandonment.

1. The determination of the non-custodial parent's ability to ensure the safety of the child shall, at a minimum, include an assessment of the non-custodial parent's home, ability to protect the child from the custodial parent, prior abuse and neglect history and related services, local law enforcement call history and FCIC criminal history and its implications on child safety.

2. If the safety of the child cannot be assured while in the care of the custodial parent and it is determined that the non-custodial parent can ensure the safety of the child, the child shall be released to the non-custodial parent. An emergency hearing to request a change of primary residence shall be held within twenty-four hours of release of the child to the non-custodial parent.

(c) If it is determined that the non-custodial parent requires court ordered assistance to assure the child's safety, the department or the sheriff's office shall take the following actions:

1. Gather and review all available documentation concerning previous court orders, visitation arrangements, domestic violence orders, stipulations and all other official documents in order to gain insight into the current circumstances. These documents shall be reviewed with the Child Welfare Legal Service attorney and a plan of action shall be developed;

2. Through the Child Welfare Legal Services attorney (CWLS) or State Attorney or Attorney General providing the CWLS function, petition the dependency court to take immediate action to supersede existing orders, require supervised visitation, and take other appropriate action;

3. Provide additional voluntary services to the non-custodial parent as appropriate to ensure mitigation of risks and immediate and long-term child safety and permanency. This includes services to the custodial parent, when the child has been released to the non-custodial parent, if appropriate.

4. If the child is released to the non-custodial parent, and reunification with the custodial parent is not an option, the non-custodial parent shall be advised of the need to obtain a change of custody order granting custody to the non-offending, non-custodial parent.

5. It is the department's or sheriff's office responsibility to ensure child safety without regard to the parents' marital status or the existence of prior, or contemporaneous, dissolution of marriage actions.

(16) The child protective investigator shall determine in all investigations whether a child is an American Indian child or Alaskan Native child. When it is determined that the child is an American Indian child or Alaskan Native child, the child protective investigator shall comply with the provisions of the Indian Child Welfare Act codified at 25 U. S. C. s. 1901 et seq.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.301, 39.202, 39.303, 39.30 FS. History--New

65C-29.004 Institutional Child Protective Investigations.

(1) The department or the sheriff's office shall conduct a child protective investigation of each report of institutional child abuse, neglect or abandonment, as defined in Section 39.01(31) and (47), F.S.

(2) If the institutional report involves a DJJ facility or institution, the child protective investigator shall comply with the investigations of abuse or neglect in DJJ program requirements pursuant to the Inter-Agency Agreement Between the Florida Department of Juvenile Justice and Florida Department of Children and Families, dated August 9, 2005.

(a) The department and sheriff's offices shall develop local protocols for the implementation of the Inter-Agency Agreement.

(3) Upon receipt of such report, the child protective investigator shall commence the investigation within the timeframes established by the Florida Abuse Hotline, pursuant

to Section 39.201(5), F.S. If the report has been assigned an immediate initial response by the Florida Abuse Hotline, it may be downgraded to a 24-hour response, if approved by the immediate supervisor. Approval shall be based on a determination that the child is not currently being harmed or at risk of harm. The rationale for the change shall be approved by the supervisor and documented in the statewide automated child welfare information system.

(4) Upon receipt of such report, the child protective investigator shall provide the following notifications:

(a) Immediate oral notification to the appropriate law enforcement agency;

(b) Immediate oral notification to the appropriate state attorney's office and provide a written report within 3 days of commencement, or as specified by county protocol;

(c) Immediate oral notification to the agency responsible for the licensing, contract management and/or regulatory oversight of the institution which shall not exceed one working day after receipt of the report;

(d) If the institution is exempt from licensing under Section 409.176, F.S., the Florida Association of Christian Child Caring Agencies (FACCCA) shall be notified;

(e) If the institution is a Department of Juvenile Justice contracted facility or a Department of Juvenile Justice operated facility, immediate notification to the Department of Juvenile Justice Office shall be made, in accordance with local protocols implementing the Department of Juvenile Justice and Department of Children and Families Inter-Agency Agreement;

(f) If the institution is a residential child caring facility, as defined in Section 409.175 and 409.176, F.S., the facility's superintendent or their designee shall be notified upon initial contact at the institution;

(g) If the institution is a child caring facility, as defined in Section 402.302, F.S., notify the agency responsible for licensing and/or regulatory oversight. Upon initial contact at the facility, the child protective investigator shall verify the name of the licensing or regulatory agency and obtain a contact number for such agency;

(h) Notify the appropriate Florida Local Advocacy Committee within 48 hours of report commencement. If unsure which Local Advocacy Committee shall be notified, contact the appropriate district or zone client relations coordinator to obtain such information;

(i) If the facility is exempt from licensing, as specified under Sections 409.176 and 402.316, F.S., notify the owner or operator of the facility;

(j) Notify the child's parent, non-custodial parent when known, or legal guardian of the receipt of the report and ongoing investigation;

(k) Notify the child's attorney, if one has been appointed to represent the best interests of the child;

(l) Notify the child's Guardian Ad Litem of the receipt of the report and ongoing investigation; and

(m) If the child victim is in an out-of-home placement, the child protective investigator shall assist the child's services worker regarding notification and investigative findings by ensuring timely communication of the report and findings with the services worker and addressing any questions or concerns expressed by the child's parents.

(5) For each institutional report it receives, the child protective investigator shall:

(a) Conduct an on-site face-to-face contact with the alleged victim. For the purpose of an institutional investigation, an on-site visit refers to contact with the child victim at the institution where the alleged abuse, neglect or abandonment occurred. If the child is no longer located at the institution or facility, the on-site visit will occur where the child is located at the time the report is received. The on-site visit shall be unannounced unless it is determined that an unannounced visit would threaten the safety of the child.

1. For institutional reports where the alleged child victim is no longer located at the institution or facility, the child protective investigation shall be transferred to the county where the institution or facility is located immediately upon completion of the face-to-face contact with the alleged victim and their family.

a. The child protective investigator shall complete all the required documentation in the automated investigative file regarding the commencement of the investigation, contact with the child and family, assessment of the child institutional safety factors and the child and family services needs prior to the transfer of the child protective investigation to the county where the institution or facility resides.

2. For institutional reports where there are multiple alleged victims, the investigator, upon completing an assessment, shall add to the automated investigative file only the names and related demographic information of those additional child victims for whom there has been a determination of some indication or verified findings.

3. If the allegations involve an employee of a private school, public or private child care center, a face-to-face visit with the child and his or her parent or legal custodian shall take place at the child's residence. The child protective investigator shall ensure that the parent or legal custodian shall not return the child to a potentially dangerous situation.

4. If the parent or institution denies the child protective investigator access to the alleged victim, the investigator shall immediately contact a Child Welfare Legal Services attorney in order to seek court authorization to gain access to the alleged victim.

5. It shall be determined if any other children are potentially at risk due to the alleged abuse, neglect or abandonment.

a. If the investigator has determined that there are other children in the institution that are potentially at risk due to the allegations in the report, the name, date of birth, social security number, sex and race of those children shall be added to the automated investigative file. All other related information shall be documented in the automated investigative file.

b. If the results of the investigation, including the nature of the abuse, neglect or abandonment and associated findings, indicate a threat of harm to other children in the institutional employee's own household, the child protective investigator shall immediately contact the Florida Abuse Hotline for the purpose of reporting the information to the Florida Abuse Hotline for screening.

6. Determine the nature and extent of the alleged maltreatment. If as a result of the allegations the child has been examined by either the institution's medical staff or any other medical professional, the investigator shall consult with such medical staff and obtain a copy of the medical records generated as a result of such examination. In accordance with Section 39.303, F.S., the child shall be referred for consultation or evaluation to the Child Protection Team if the child meets the criteria for such referral.

7. Determine the identity of the person responsible for the maltreatment, including the name, address, social security number, sex and race. In instances where the alleged institutional caregiver responsible for the abuse, neglect or abandonment is not identified at the time that the Florida Abuse Hotline accepts the report, the investigator, upon completing a determination of findings, shall record the name of the institutional employee determined to be responsible for the abuse, neglect or abandonment.

a. Identify individual culpability.

b. Identify institutional culpability (disciplinary/control/other practices that present risk or harm to the children).

8. Advise the alleged responsible caregiver of his or her right to be represented by an attorney or be accompanied by another person at his or her own expense.

9. The person or attorney shall execute an affidavit of understanding, agreeing to comply with the confidentiality requirements of Section 39.202, F.S.

10. The absence of an attorney or other person shall not prevent the child protective investigator from proceeding with the investigation.

11. Determine the immediate and long-term risk to the child subject of the report, including other children in the institution or facility who are potentially at risk of harm or threatened harm.

12. Complete the initial section of the automated assessment tool within forty-eight hours of initial contact with the victim.

13. Complete a prior abuse, neglect or abandonment history check, including foster care referrals, on the alleged victim, the alleged caregiver responsible, and the facility or institution.

14. Address the facility's/institution's history of compliance with recommendations or agreed upon safety plans as a result of prior reports and/or foster care referrals.

15. Address implications of prior history based on total number of reports and/or foster care referrals received; the span of time between reports and/or foster care referrals; the number of report and/or foster care referrals sources; patterns illustrated across reports and/or foster care referrals; common victims and target children.

a. If the report involves a licensed foster home, group home or emergency shelter, the child protective investigator shall review the licensing file for the documentation of the licensing staff's response, assessment and disposition of foster care referrals that may have been received on the institution.

16. Complete a criminal records check on the alleged victim and the alleged caregiver responsible.

17. Complete all relevant collateral contacts with persons who may have information regarding the issues being addressed in the investigation.

18. Determine the immediate safety actions necessary to protect the child from further abuse, neglect or abandonment.

(b) Immediate safety actions shall be taken if any of the following conditions are present:

1. A caregiver has harmed a child or made credible threats to harm a child and continues to have access to the child;

2. A child has been targeted by another child or children in the facility for physical or sexual assault and an employee or provider with knowledge of this has failed to take reasonable measures to ensure the child's safety;

3. A child has a serious medical condition requiring treatment and has been denied access to treatment; or

4. Regular safety measures of the facility are insufficient to ensure that a child is not harmed.

(c) Identify the specific safety actions to be taken, when and by whom. These may include one or more of the following actions:

1. Recommend limiting facility operations to the certification, contractual or regulatory agency;

2. Recommend periodic, unannounced visits on-site by one or more of the certification, contractual or regulatory authorities to monitor progress and compliance;

3. Recommend a change in facility administration to the certification, contractual or regulatory agency;

4. Recommend daily monitoring on-site by one or more of the certification, contractual or regulatory agencies;

5. Removal of a child or all children from a facility; and

6. Recommend closure of the facility by one or more of the certification, contractual or regulatory agencies.

7. Restrict the institutional employee's access to the child or other clients, as warranted, in accordance with Section 39.302(2)(a), F.S.

(d) Discuss the safety plan with the employee, provider/operator and licensing or regulatory oversight agency in order to ensure cooperation and coordination.

(e) Document the agreed upon plan in the Child Safety Assessment (Initial).

(f) Provide a copy of the safety plan to all appropriate parties.

(g) Determine the corrective actions necessary to remove the conditions that led to the abuse, neglect or abandonment.

(h) Determine the family's need for services in order to deal with the maltreatment.

1. Discuss report findings with the child's parent or legal custodian and the child's guardian ad litem, if appointed.

2. Advise the child's parent or legal custodian and the child's guardian ad litem, if appointed of the community resources available to help the child and family cope with the maltreatment.

3. Discuss the report findings and the child's parent or legal custodian need for services with the child's services worker and guardian ad litem if the child is under the supervision of the department, a community-based care provider or the Department of Juvenile Justice.

4. Request a specialized investigation of the provider/facility. The type of specialized investigation and the composition of the specialized investigation team shall be determined based on the case-specific needs.

a. Provide written recommendations for a corrective action plan to the licensing or regulatory unit responsible for oversight of the institution.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.302 FS. History--New _____.

65C-29.005 Children Denied Shelter (Lockouts).

(1) The child protective investigator shall comply with the Children Denied Shelter (Lockouts) requirements pursuant to the Inter-Agency Agreement Between the Florida Department of Juvenile Justice and Florida Department of Children and Families, dated August 9, 2005.

(a) The department and sheriff's offices shall develop local protocols for the implementation of the Inter-Agency Agreement.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201, 39.301 FS. History--New _____.

65C-29.006 Foster Care Referrals.

(1) A foster care referral does not meet the criteria for a child abuse and neglect report. However, in instances in which during the course of the assessment of the foster care referral,

there is indication that child maltreatment may have occurred, the responder shall contact the Florida Abuse Hotline for the purpose of reporting the suspected maltreatment.

(2) Upon receipt of the Foster Care Referral by the child protective investigation unit where the child is located, the foster care referral shall be immediately forwarded to the licensing unit responsible for the licensing of the foster home, group home or emergency shelter for documentation and response.

(a) The foster care referral shall be forwarded to the licensing unit supervisor by the child protective investigations unit supervisor.

(b) In instances in which the foster care referral is received during a weekend or holiday, the on-call child protective investigator shall consult with their supervisor and the licensing supervisor to determine if a response by the licensing unit staff by the next business day is appropriate. If it is determined that the concerns documented in the referral warrants a response sooner than the next business day, the on-call child protective investigator shall make an initial response prior to the assignment of the foster care referral to the licensing unit on the next business day.

(c) Once the foster care referral is forwarded to the appropriate licensing unit by the receiving child protective investigations unit, the child protective investigator supervisor will document the date, time and name of the licensing unit supervisor accepting the foster care referral for response.

1. Such documentation will be made in the chronological notes section of the statewide automated child welfare information system.

(d) The child protective investigator supervisor shall close the foster care referral in the statewide automated child welfare information system upon completion of the required documentation.

(3) The licensing unit staff assigned shall respond to the foster care referral within twenty-four hours of receipt of the referral by the licensing unit and complete their assessment within five working days from response.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.201 FS. History--New _____.

65C-29.007 Child-on-Child Sexual Abuse

(1) Child protective investigators shall respond to all reports of child on child sexual abuse where the alleged juvenile sexual offender is age twelve or younger.

(a) Unless the facts otherwise so warrant, the department shall respond to reports alleging juvenile sexual abuse within 24 hours after acceptance of the report by the Florida Abuse Hotline.

(b) If the sexual offender is a sibling or has on-going access to the victim the department will respond immediately.

(2) Assessment elements to be considered in determining a need for services and case planning include, but are not limited to:

(a) Offense characteristics – the victim is substantially younger than the offender rather than peer age; the victim is known to the offender; the use of coercion, violence, and bribes by the offender; there are elements of secrecy involved; there are multiple victims; the number of abusive incidents; there is history of non-sexual aggravated assault.

(b) Child Maltreatment history – the offender has a history of sexual victimization, physical abuse, neglect, or family/domestic violence.

(c) Social and Interpersonal Skill and Relationships – the offender’s family has a history of instability; there is a history of physical or emotional separation from one or both parents; the offender has inadequate social skills, poor peer relationships, and/or is socially isolated.

(d) Sexual Knowledge and Experience – the offender has knowledge of advanced sexual practices and or exposure to pornography.

(e) Academic and Cognitive Functioning – the offender has academic difficulties, reduced empathy and blames the victim.

(f) Mental Health Issues – the offender has a history of impulse control problems, anxiety, depression, suicidal ideation, substance abuse.

(3) Referrals for services will not be initiated when, in the determination of the protective investigator, the reported incident contains elements of normal sexual exploration that is voluntary, spontaneous, and typically involves same-age children. These ‘play’ incidents typically involve gender role exploration in looking at, and touching each other’s bodies without modeling adult sexual experiences.

(4) Referrals for services will be initiated when sexual behaviors are documented to be repetitive, unresponsive to adult intervention and supervision, equivalent to adult criminal violations, pervasive – occurring across time and situations, and highly diverse – consisting of a wide array of developmentally unexpected sexual acts.

(5) Case planning and determination of treatment needs are to be conducted through a multi-disciplinary staffing approach involving the child’s parents, child protective investigative staff, law enforcement, representatives of the child protection team of the Department of Health or Children Advocacy Centers, and community-based care providers under contract with the department to provide ameliorative and treatment services as appropriate.

(6) The child protective investigator will document the assessment, treatment needs, and case plan, if needed in the statewide automated child welfare information system within thirty days of acceptance of the report by the Florida Abuse Hotline.

(7) A services worker will be identified through the staffing process who will be responsible for periodically reassessing and revising the treatment needs, treatment objectives, and required interventions.

(8) The department may pursue a child protective investigation when the facts otherwise so warrant as in the case of a caregiver’s failure to provide adequate supervision to prevent a child-on-child sexual abuse incident or when disclosure indicates caregiver to victim sexual abuse was the antecedent to the child-on-child sexual abuse.

(9) In those situations where the caregiver does not agree with the multidisciplinary staffing recommendations for further assessment or treatment for the juvenile sexual offender the services worker will refer the family for mediation or arbitration, if available.

(a) If the family or caregiver refuses to participate in mediation or arbitration the child protective investigator will notify the appropriate law enforcement agency of the caregiver’s failure to comply for consideration of legal charges against the offender.

(b) If the family or caregiver refuses to participate in mediation or arbitration the child protective investigator will refer the child to the Child Protection Team to determine if the parent’s refusal to follow the recommendations of the multi-disciplinary staffing will place the child at risk of emotional, physical or medical harm.

(c) The child protective investigator will also staff the case with Child Welfare Legal Services for consideration of filing a petition for dependency based on medical neglect or the risk of harm, as determined by the CPT assessment.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.307 FS. History–New _____.

65C-29.008 Initial Health Care Assessment and Medical Examination of Children Alleged to be Abused, Neglected or Abandoned.

(1) An initial health care assessment by a licensed health care professional will be completed for every child entering emergency shelter care within within seventy-two hours of removal. See Rule 65C-28.003, F.A.C., regarding medical consent requirements when a child is removed from his or her home.

(2) If, during the child protective investigation, a medical examination is needed to determine the existence of abuse, neglect or abandonment, the child protective investigator shall attempt to obtain consent from the parent, the legal guardian or the legal custodian of the child.

(3) In all cases in which a medical examination is required the following alternatives are listed in descending order of preference:

(a) A physician from the Child Protection Team (CPT);

(b) A pediatrician; and

(c) An emergency room physician.

(4) The child protective investigator shall seek an ex parte court order for medical examination if a physician or hospital staff will not examine the child upon request.

(5) A referral to the CPT is required for reports involving allegations specified in Section 39.303(2)(a)-(h), F.S.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.304 FS. History–New _____.

65C-29.009 Criminal, Juvenile and Abuse/Neglect History Checks.

(1) For each initial and additional abuse or neglect report received, the Florida Abuse Hotline will perform a systems check on all known subjects prior to assigning the report.

(a) Statewide criminal history checks, through the Florida Crime Information Center (FCIC) will be performed on all subjects of the report age twelve or older.

(b) A delinquency check is required for all subjects of the report age twelve to twenty-six.

(c) The department's statewide automated child welfare system shall be checked for prior and/or current child protective investigations and/or ongoing services involvement with all subjects of the report.

(2) For each initial and additional abuse or neglect report received, the child protective investigator shall request a local history check from local law enforcement on all subjects of the report, household members and frequent visitors within 24 hours of receiving the available demographic information. State criminal history and delinquency record checks are not a substitute for local law enforcement call history checks.

(a) The results of the local law enforcement history checks, including those that did not result in an arrest, shall be evaluated for patterns of behavior or domestic violence that may pose potential risk to a child.

(b) The child protective investigator shall conduct a check of the Department of Corrections records on parents, legal custodians, caregivers, frequent visitors and any other persons residing in the household.

(3) For any persons residing in the household or additional subjects of the report that were not included in the initial or additional abuse or neglect report, within twenty-four hours of the person becoming known, the child protective investigator shall:

(a) Contact the Florida Abuse Hotline to request statewide criminal history checks on all persons twelve and older, and delinquency checks on all persons twelve to twenty-six years of age, and;

(b) Perform a check of the department's statewide automated child welfare system for prior and/or current child protective investigations and/or ongoing services involvement with these persons.

(c) Request a local criminal history check from local law enforcement.

(4) A summary of the non-sealed and non-expunged statewide criminal history and abuse history checks shall be documented in the automated investigative file.

(5) When a child is taken into protective custody and placed with a relative or non-relative caregiver, the investigator shall conduct the required criminal history and delinquency record check requirements for relative and non-relative placement requirements under Rule 65C-28.011, F.A.C., prior to placement.

Specific Authority 39.401, 39.0121 FS. Law Implemented 39.01, 39.012, 39.301 FS. History–New _____.

65C-29.010 False Reports.

(1) When a child protective investigator suspects that a false report has been made, as defined in Section 39.01(27), F.S., he or she shall advise the reporter of the potential administrative fines, civil and criminal penalties that may result if a false report has been made.

(a) The child protective investigator shall provide the alleged perpetrator and others involved in the report with written information regarding false reporting and their rights under Section 39.205 and 39.206, F.S.

(b) The chronological notes in the automated investigative file shall contain documentation of any evidence establishing the suspicion of false report, advice to the falsely alleged perpetrator, delivery of the brochure, consultation with district legal counsel, documentation of each factor considered, consent of the alleged perpetrator and referral to law enforcement.

(2) In determining whether a report has been filed maliciously, the department shall consider the following where applicable. It shall not be necessary for all factors to be considered or present in each case in order to determine that a report constitutes a false report.

(a) Has the preponderance of the facts alleged in the report been determined to be untrue?

(b) Has the reporter admitted that the report is untrue or that it is a false report?

(c) Have criminal charges been filed for false reporting?

(d) Has the reporter made contradictory statements?

(e) Have prior reports by this reporter been determined to be false or to have no indicators of abuse, neglect or abandonment?

(f) Have statements been made during the investigation, which indicate retaliation against another person?

(g) Is there a history of disputes?

(h) Are custody issues being decided concurrently with the report?

(i) Is the reported information patently false relative to what is observable?

(j) Is information provided by an individual who witnessed the reporting of false information or to whom the reporter admitted to false reporting?

(k) Is there likelihood of personal or financial gain for the reporter?

(l) Is there any other relevant information from neighbors, relatives, professionals or other persons?

(3) Child protective investigators and child protective investigator supervisors shall, in consultation with the Child Welfare Legal Services attorney, evaluate and document the reasons they suspect that a false report has been made, and notify the appropriate law enforcement agency.

(4) Referrals of false reports to law enforcement shall include:

(a) The report number;

(b) All factors that were considered in the determination that the report constitutes a false report;

(c) The audio recording of the call to the Florida Abuse Hotline;

(d) The identification of the physical location from where the call originated;

(e) The identification of the reporter of the false report; and

(f) The identity of the victim.

(5) The department or sheriff's office shall comply with the provisions of Section 39.205, F.S., for any subsequent reports received on the children in the family believed to be falsely reported to the Florida Abuse Hotline.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.206 FS. History--New _____.

65C-29.011 Out-of-Town Inquiries.

(1) Out-of-town inquiries (OTIs) include:

(a) Requests for interviews of subjects of reports of abuse, neglect or abandonment found in one county when other subjects are in another county;

(b) Requests for intra-state home studies for relative/non-relative emergency placements, and;

(c) Requests for local criminal history checks.

(2) Any request made on behalf of children that lawfully requires the initiation of interstate compact for placement of children procedures are not eligible to utilize the OTI process.

(3) OTIs may be initiated by a child protective investigator, child protective investigations supervisor, the court, or out-of-state social service agency.

(a) Intra-state OTI requests shall be initiated by the child protective investigations supervisor. Child protective investigators may initiate a request for an OTI during an after-hours emergency situation.

(b) Inter-state OTI requests may be initiated by the child protective investigator or child protective investigations supervisor.

(4) The request for the OTI shall be initiated by the sending unit supervisor, to the receiving unit supervisor, via telephone, fax or e-mail.

(a) Immediately upon initiating the request for the OTI, the sending unit investigator or supervisor shall document in the automated investigative file the contact with the receiving unit's supervisor, as well as the specific actions required to be completed through the OTI.

(5) The OTI investigator shall be assigned to the automated report immediately upon receipt of the OTI request. OTIs shall be commenced within twenty-four hours of the receipt of the request.

(a) If the OTI request is for the purpose of making an initial contact with the child victim, the OTI investigator shall ensure that an on-site contact with the child victim is attempted within twenty-four hours of the report received date and time.

(b) In instances in which an additional report is received with an immediate response priority and the child victim is located in a county other than the assigned county, the OTI investigator, upon notification by the Florida Abuse Hotline, shall immediately attempt an on-site contact with the child victim.

(6) OTIs shall be completed within five working days of the receipt of the OTI request, unless otherwise agreed upon between the sending unit and the receiving unit supervisors.

(a) Upon completion of the requested actions, the OTI child protective investigator shall document all requested information in the chronological notes section of the automated investigative file, as well as complete any other appropriate documentation in the statewide automated child welfare information system.

(7) Any disagreements regarding the acceptance of an OTI request shall be referred directly to the district administrators or their designees for resolution within twenty-four hours of refusal of the OTI.

(a) The reason for refusal to accept the OTI request shall be immediately documented in the chronological section of the automated investigative file.

(b) The resolution shall be documented in the chronological section of the automated investigative file.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History--New _____.

65C-29.012 Transfer of Child Protective Investigations Within and Between Districts.

(1) The transfer of a child protective investigation within and between districts shall be initiated at the supervisory level, by the sending unit supervisor, to the receiving unit supervisor, via telephone or e-mail within twenty-four hours of identification of the need for transfer.

(a) Prior to initiating the request for transfer, the sending unit supervisor shall ensure that all automated investigative file documentation requirements are completed and updated in the statewide automated information system, including subject demographics and addresses, report commencement time, date and time subject seen and relevant safety factors.

(b) Immediately upon initiating the request for the transfer, the sending unit investigator or supervisor shall document in the automated investigative file the contact with the receiving unit's supervisor, as well as the specific reasons for the request for transfer and the receiving unit's supervisor's agreement to the transfer.

(2) The transfer shall be executed in the statewide automated information system within twenty-four hours of the request for transfer.

(a) If the receiving unit supervisor refuses to accept the request for transfer, the receiving unit supervisor shall immediately document the reasons for the refusal in the chronological section of the automated investigative file.

(b) Any disagreements regarding the acceptance of a transfer within or between districts shall be referred directly to the district administrators or their designees for resolution within twenty-four hours of refusal of transfer request.

(c) The resolution shall be documented in the chronological section of the automated investigative file.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History—New _____.

65C-29.013 Reasonable Efforts to Locate.

(1) The child protective investigator shall make reasonable efforts to locate a family when the family cannot be located at the time of the initial visit.

(a) Reasonable efforts include both face-to-face, on-site contact procedures and the identification and use of written records and electronic data elements to help locate a family.

(2) Investigative Response:

(a) When the family cannot be located at the time of the initial visit, attempts to locate them on a daily basis, at different times, shall be continued and documented in the automated investigative file.

(b) If the family has not been located within seventy-two hours, the child protective investigator shall determine whether the family has fled to avoid the investigation or that the location information given to the Florida Abuse Hotline was inaccurate.

1. The child protective investigator will re-contact the reporter, if known, and other collateral contacts to try to determine if the family has recently moved or has fled to avoid the abuse investigation.

a. If the reporter is anonymous, and the child protective investigator has exhausted all possible means to locate the child, as required in (3), Investigative Search Requirements, the child protective investigator, after approval by the supervisor, shall use the caller ID number in the abuse report to contact the reporter for the purpose of locating the child.

2. If the child protective investigator believes the family is still in residence but has just not been home when the investigator has attempted contact the investigator will continue to visit the home at different times of the day and night on a daily basis.

3. If the address given to the Florida Abuse Hotline was inaccurate the child protective investigator will contact the local school board and local child care licensing board when appropriate, as well as follow the investigative search guidelines, to secure a current address of the child subject of the report.

4. When the child protective investigator has reason to believe that the family has fled to avoid the investigation, the child protective investigator and the child protective investigations supervisor shall meet with Child Welfare Legal Services to determine if sufficient probable cause exists to petition the court for a 'Take Into Custody' Order on the alleged victim.

a. Sufficient rationale to support conducting a legal staffing includes:

i. Documented evidence that either the mandated reporter or other collateral contacts interviewed have directly observed the injury, or

ii. The alleged victim has verbally disclosed information to a mandated reporter that would cause a reasonable person to suspect that the child was in imminent danger of illness or injury as a result of abuse, neglect, or abandonment.

5. When the child protective investigator has made a preliminary determination that the family has fled to avoid the investigation, or reasonable efforts to locate the family have been expended but have failed to locate the family, a 'Statewide Alert' will be issued in the statewide automated information system.

(3) Investigative Search Guidelines.

(a) The investigative search shall include the attempts, results, responses and records obtained as a result of the contacts and inquiries as outlined, but not limited to the following:

1. Neighbors to verify if the family has moved and possible location of family's new residence.

2. Landlords or leasing agents.

3. All known relatives and friends who may provide information on the parents such as: date of birth, social security number, aliases, veteran status, employment, driver's license number, and recent criminal charges, incarcerations, or hospitalizations.

4. Parents' last known employer.

5. Florida Telephone Directory 'New Listing' records.

6. Utility company billing and new service records.

7. United States Postal Service for 'Change of Address' information.

8. District School Board for 'Transfer of School Records' information and emergency contact numbers for family.

9. Local law enforcement checks

10. Local county jails.

11. Department of Highway Safety & Motor Vehicle's 'Driver and Vehicle Information Database.'

12. Florida Department of Revenue for ‘Directory of New Hire’ employment registration and Child Support Enforcement ‘State Parent Locator Service’.

13. Local Circuit Court, Civil and Criminal Division public computer access records for recent legal pleadings.

14. Department of Corrections website search for active supervision and local Probation Office of jurisdiction.

15. Area pawn shops transaction database.

16. All major program offices of the State, including, but not limited to: Economic Self-Sufficiency (ESS), Substance Abuse and Mental Health (SAMH), Agency for Disabled Persons (ADP), Children’s Medical Services (CMS), and Department of Juvenile Justice (DJJ).

(4) Prior to closing an investigation when a family cannot be located, the supervisor must determine if “reasonable efforts to locate” the family have been expended. The supervisor must assess the following in making that determination:

(a) A thorough investigative search has been completed in an attempt to locate the family.

(b) A Statewide Alert has been issued on the family, when needed.

(c) The evidence gathered does not meet the standard for probable cause for the filing of a petition for a ‘Take Into Custody’ Order or, sufficient rationale does exist and a petition has been submitted to the court.

(d) Children who have been ordered to be taken into custody have also been referred to the Florida Department of Law Enforcement (FDLE) Missing Child Tracking System (MCTS).

1. Upon the issuance of the Take into Custody Order for the child who is the subject of an abuse investigation but whose whereabouts are unknown, the requirements to report the child as missing, as outlined in Rule 65C-30.019, F.A.C., shall be initiated and completed by the child protective investigator.

2. In those cases where a Take into Custody Order has been issued for a child who is the subject of an abuse investigation but whose whereabouts are unknown the case shall be staffed for transfer from child protective investigations to ongoing services for the purpose of ensuring continuing efforts to locate the child and other activities related to missing children, as specified in Rule 65C-30.019, F.A.C.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.402, 39.503 FS. History–New _____.

65C-29.014 High Risk Tracking and Review.

(1) The department and sheriff’s offices, in coordination with the community-based care provider, shall develop a local protocol to be utilized whenever children in a case are identified as being at high risk of repeat-maltreatment. The High Risk Tracking and Review protocol, as defined in subsection 65C-30.001(61), F.A.C., is intended to ensure that all child and parental risk and safety factors are thoroughly reviewed and considered in the process of decision-making at

all critical case planning junctures in the life of a case, from investigation through permanency. The protocol must include a supervisory review. The process must ensure that there is a documented and seamless review of safety and risk throughout the life of the case.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 39.0121 FS. History–New _____.

65C-29.015 Pre-arranged Private Interstate Placements Involving Drug-Exposed Newborns.

(1) When a child protective investigator receives a report regarding a drug-exposed newborn and there is an approved adoption plan in place for the newborn with a prospective family that resides out of state, the child protective investigator shall release the child to the prospective adoptive family.

(2) Prior to releasing custody of the newborn to the prospective adoptive family the child protective investigator shall obtain a copy of the court-approved adoption plan or any other legal documentation that authorizes placement of the child with the prospective adoptive family from the adoption placing entity and document receipt of this information in the CSA. The adoption entity placing the minor refers to the adoption entity defined in Section 63.032(3), F.S.

(3) The child protective investigator shall provide to the adoption entity placing the minor for adoption a letter that states whether the child protective investigator agrees to allow the child to leave the state with the prospective adoptive family while the investigation is completed.

(a) The child protective investigator shall provide such letter to the adoption entity within 48 hours of a written request.

(b) The letter to the adoption entity shall include:

1. Date.

2. Name and contact information of the assigned child protective investigator and his supervisor.

3. Name of the newborn, as provided in the report.

4. A statement regarding whether the child protective investigator agrees to allow the child to travel with his or her prospective family to their state of residence.

An explanations as to any limitations or issues around the allowance to leave the state.

Signature of the assigned child protective investigator.

(4) Prior to releasing custody of the newborn to the prospective adoptive family the PI shall obtain a copy of the court-approved adoption plan or any other legal documentation that authorizes placement of the child with the prospective adoptive family from the adoption placing entity and document receipt of this information in the CSA.

Specific Authority 39.012, 39.0121 FS. Law Implemented 63.022, 63.031(5), 63.032 FS. History–New _____.

Emergency Intake Form

Date and Time: _____
Child's Name: _____

County: _____
Birth date: ___/___/___

Child's Physician Contact Information

Name
Address
Phone Number

Are siblings also in foster care? ___ Yes ___ No
If yes, Sibling's names and ages: _____
Parents/Caregivers Names: _____

Reasons for Removal:
___ Suspected Physical Abuse ___ Suspected Neglect ___ Father Incarcerated
___ Suspected Sexual Abuse ___ Mother Incarcerated ___ Other _____

Any known allergies: ___ Yes ___ No
If yes, List Allergies: _____

Any known physical or emotional problems: ___ Yes ___ No
If yes, List problems: _____

Any special dietary needs/formulas: ___ Yes ___ No
If yes, List needs _____

Medications	Reason for taking Medication	Dosage	Length of Time on Medication	Giving to Shelter/Foster Parent ___ Yes ___ No ___ Yes ___ No ___ Yes ___ No ___ Yes ___ No

Medical Equipment/Information Accompanying Child:
___ Eyeglasses ___ Medication ___ Medical Equipment
___ Immunization Records ___ Newborn Discharge Summary

Where is the child being taken:
___ Temporary shelter ___ Relative of Family ___ Temporary foster home ___ Friend of Family ___ Other _____

Contact name: _____ Phone Number: _____
Address: _____
Notes: _____

Name/Title of Person completing form: _____ Phone Number: _____

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Leon, 1317 Winewood Blvd., Bldg, 6, Tallahassee, FL, (850)488-8762

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65C-30	General Child Welfare Provisions
RULE NOS.:	RULE TITLES:
65C-30.001	Definitions
65C-30.002	Early Service Intervention and Case Transfer
65C-30.003	Diligent Search
65C-30.004	Identification of Children
65C-30.005	Family Assessment
65C-30.006	Case Planning
65C-30.007	Case Management Responsibilities
65C-30.008	Services Worker Responsibilities to Parents
65C-30.009	Tiered Services Protocol
65C-30.010	Voluntary Protective Services
65C-30.011	Placement Responsibilities of the Services Worker or Child Protective Investigator
65C-30.012	Permanency Goal Selection
65C-30.013	Judicial Reviews and Court Reports
65C-30.014	Post-Placement Supervision and Services
65C-30.015	New Reports Received, Removal, and Placement of Children
65C-30.016	New Children in Families under Supervision
65C-30.017	Coordination of Services for Youth Involved with the Department of Juvenile Justice
65C-30.018	Out-of-County Services
65C-30.019	Missing Children
65C-30.020	Child Deaths
65C-30.021	Child Death Reviews
65C-30.022	Termination of Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which was published in Vol. 31, No. 49, of the December 9, 2005 issue of the Florida Administrative Weekly. The changes are based upon comments received subsequent to the December 9, 2005, publication of the proposed rule.

The revised proposed rule is as follows:

65C-30.001 Definitions.

This rule includes the definitions for the following rules: 65C-13, F.A.C., "Licensed Out-Of-Home Care"; 65C-15, F.A.C., "Child-Placing Agencies"; 65C-28, F.A.C., "Out-Of-Home Care"; 65C-29, F.A.C., "Protective Investigations"; 65C-30, F.A.C., "General Child Welfare Provisions".

(1) "Abuse, Neglect or Abandonment" means harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of the parent or other person responsible for the child's welfare. It includes those acts defined or described in Sections 39.01(1), (2), and (45), and 827.03, F.S.

(2) "Additional Investigation Report" means a report to the Florida Abuse Hotline, by the same or different reporter, made within thirty days after the date the initial report is received and containing information about one or more subjects of an open report, which adds:

(a) New allegations of maltreatment;

(b) New incidents of the same maltreatment contained in the initial report;

(c) Additional victims or alleged perpetrators if they relate to the initial report;

(d) New information alleging that the immediate safety or well-being of the child is threatened thereby changing the investigation response time from a 24-hour response to an immediate response.

(3) "Adoption Exchange System (AES)", means the department's statewide information system of children receiving adoption services, and families seeking to adopt special needs children. The system enables adoption counselors and home finders statewide to seek matches on certain traits between prospective families and children. The data base also provides a source for measurement of some adoption performance and outcome indicators and populates the department's public internet search of children available for adoption.

(4) "Adult Household Member" means a person 18 years of age or older who is present in the home on a permanent or indefinite basis or the adult paramour who frequents the home of a household member.

(5) "Allegation" means a statement by a reporter to the Florida Abuse Hotline that child abuse, neglect or abandonment is known or suspected.

(6) "Allegation Matrix" means a document that defines specific types of abuse, neglect or abandonment; guides staff in determining whether abuse, neglect or abandonment has occurred; and assists in ensuring that all factors are considered when assessing each type of maltreatment. The allegation

matrix as set forth in Children and Families Operating Procedure No. 175-28 is attached hereto and incorporated by reference herein.

(7) “American Indian or Alaskan Native Child” means any unmarried person who is under age eighteen and is either a member of a federally recognized American Indian tribe or Alaskan village or who is eligible for membership in a federally recognized American Indian tribe or Alaskan village, and who is the biological child of a member of such an American Indian tribe or Alaskan village.

(8) “Application packet” means the entire set of completed documents required by the child-placing agency that are provided to the department for review when requesting the issuance of a license as a licensed out-of-home caregiver.

(9) “Babysitting” means the temporary (less than twenty-four hours) and periodic in home care of children by someone other than the foster parent or a licensed child care provider.

(10) “Behavioral Health Multidisciplinary Team” means the group of people brought together by the Services Worker to plan and coordinate behavioral health and related services. Examples of team members are: the child, unless clinically contraindicated; the child’s parents or legal guardian and other caregiver; the Services Worker; the child’s therapists and behavioral analyst; the child’s educational surrogate parent, the guardian ad litem, and other professionals based on the needs of the child and family.

(11) “Bilateral Service Agreement” means a written agreement between licensed out-of-home caregivers and the supervising agency representative that specifies each party’s duties and responsibilities to children served and to the department and/or child-placing agency.

(12) “Case” means a group of one or more persons who are associated with one another and for whom the department provides services and arranges the provision of services.

(13) “Case File” means all information for a case contained in the department’s statewide automated child welfare information system (SACWIS), i.e., HomeSafenet, as well as the supporting paper documentation gathered during provision of services to that family. The “case file” may also refer to a duplicate, paper copy of the electronic case file and the supporting paper documentation. The department’s SACWIS is the primary record for each investigation and case.

(14) “Case Plan” means “case plan” as defined in Section 39.01(11), F.S., which refers to the services plan jointly developed between the family and services worker delineating specific interventions aimed at addressing the contributing factors and underlying conditions that lead to child maltreatment. The case plan shall:

(a) be agreed upon by the child’s parent or other legal custodian and the CPI or services worker.

(b) be signed by the parents or other legal custodian and the services worker.

(c) contain specific tasks to be performed by the family or caretaker of the child and the services worker.

(d) be documented in case file

(e) address the permanency goal for the child, and

(f) be filed and approved by the court, if the case is a court ordered services case.

(15) “Case Transfer” means the process of engaging the services of another child welfare service provider for a child/family currently receiving services from a different agency, or transferring a case to a child welfare services provider after an investigation has determined the need for ongoing services.

(16) “Case Transfer Staffing” means the meeting between child welfare stakeholders that establishes the protective, treatment, and ameliorative services necessary to safeguard and ensure the child’s safety, permanency and well-being.

(17) “Child Health Check-up” means a child health check-up as defined in Rule 59G-4.080, F.A.C. This screening shall take place within 72 hours of initial removal unless the child is returned to the home from which he or she was removed within 72 hours of removal. This includes a child removed from his or her home who was placed with relatives or non-relatives in an unlicensed setting. Additional check-ups shall be repeated in accordance with the Medicaid periodicity schedule.

(18) “Child Exhibiting Sexually Inappropriate Behaviors” means a child having demonstrated some action found under the terms and definitions of an alleged juvenile sexual offender, but without an established pattern of behavior sufficient to define the child as an alleged juvenile sexual offender.

(19) “Child-on-Child Sexual Abuse” refers to any sexual behavior between children twelve years or younger, which occurs without consent, without equality, or as a result of coercion, as defined in Section 39.01(7)(b)1.-3, F.S.

(20) “Child-Placing Agency” means any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to Chapter 63, F.S., that is licensed pursuant to Section 409.175, F.S., and places or arranges for the placement of a child in a family foster home, residential child caring agency, or approved adoptive home, and provides any of the necessary adoptive services listed under subsection 65C-15.001(2), F.A.C., or any corporation or agency under contract with the department as a Lead Agency.

(21) “Child Protection/Child Welfare Services” or “Child Protection Services” means core child protection programs, such as protective investigations, protective supervision, post-placement supervision, foster care and other out-of-home care, or adoption services.

(22) “Child Protective Investigator (CPI)” means an authorized agent in a professional position within the department or designated sheriff’s office with the authority and

responsibility of investigating reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in Section 39.01(58), F.S.

(23) “Child Welfare Legal Services (CWLS)” means the unit of the department or a contracted entity that provides legal counsel and representation for the department or contracted service providers in child dependency proceedings.

(24) “Child’s Resource Record” means a standardized record developed and maintained for every child entering out-of-home care that contains copies of the basic legal, demographic, available and accessible educational, and available and accessible medical and psychological information pertaining to a specific child, as well as any documents necessary for a child to receive medical treatment and educational services. Where medical or educational information is not available and accessible, written documentation of the efforts made to obtain the information must be in the file. The Child’s Resource Record (CRR) shall be housed where the child is placed and shall accompany the child to every health encounter and shall be updated as events occur. All information in the CRR shall be recorded in the department’s statewide automated child welfare information system.

(25) “Child’s Well-Being” refers to whether a child’s emotional, developmental, educational, social, physical and mental health needs are being consistently met.

(26) “Children’s Multidisciplinary Assessment Team (CMAT)” means an inter-agency coordinated effort of Medicaid in the Agency for Health Care Administration; Family Safety Program and the Developmental Disabilities Program of the Department of Children & Families; and Children’s Medical Services in the Department of Health. The CMAT makes recommendations for medically necessary services for children birth to twenty-one who are medically complex or medically fragile.

(27) “Client Information System (CIS)” means the department’s legacy statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and case management functions. The CIS is the state’s primary record for each historical investigation and case. Information in CIS will continue to be accessed until all family safety historical data is maintained through the department’s SACWIS.

(28) “Collateral Contacts” means face to face, telephonic or written communication with those persons who provide relevant information for a child protection investigation but who are not subjects of the reports. These persons include school personnel, service providers, neighbors, other relatives and any other significant person in the child’s life or in the caregiver’s life.

(29) “Commencement” means the date and time that the investigator attempted or achieved a face-to-face contact with the child victim by actually visiting the site where the victim was reportedly located.

(30) “Communicable Disease” means any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the environment to a susceptible host, either directly or indirectly, including tuberculosis (TB), human immunodeficiency virus (HIV), hepatitis and other sexually transmitted diseases (STDs).

(31) “Community-Based Care” means the system of care for the provision of all child welfare services - with the exception of child protective investigations. The delivery model is utilization of privatized contractors that determine the needs and develop the resources for the community being served, in addition to core requirements outlined in Florida Statute or Florida Administrative Code, or as stipulated per contract with the department.

(32) “Comprehensive Behavioral Health Assessment (CBHA)” means an in-depth and detailed assessment of the child’s emotional, social, behavioral, and developmental functioning within the family home, school, and community as well as the clinical setting, which is funded through Medicaid and is performed by a licensed clinician, as specified in the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook, which is incorporated by reference in Rule 59G-4.080, F.A.C.

(33) “Concurrent Case Planning” means working toward a primary permanency goal while at the same time establishing an alternative permanency goal for the child to be utilized in the event reunification does not occur within a time period that is reasonable with the child’s sense of time.

(34) “Consent for Medical Treatment” or “Informed Consent for Medical Treatment” means consent voluntarily given after a conscientious and sufficient explanation and disclosure of the purpose of the proposed treatment and the alternative treatments available.

(35) “Consular post” means any consulate-general, consulate, vice-consulate or consular agency of a foreign country.

(36) “Contracted Provider” means any licensed child-placing agency that has entered into a contract with the department for the purposes of recruitment, training, evaluation and/or supervision of licensed out-of-home caregivers.

(37) “Contracted Service Provider” means a private agency that has entered into a contract with the department or with a community-based care lead agency to provide supervision of and services to dependent children and children who are at risk of abuse, neglect, or abandonment.

(38) “County of jurisdiction” means the county where the court of jurisdiction is located or, in cases of voluntary supervision, the county where the voluntary supervision agreement was signed.

(39) “Court Ordered Supervision” means the court has ordered the department or contracted service provider to supervise the child and family over a period of time to ensure the family is stable; that they comply with the court ordered case plan and that interim status reports are submitted to the court every six months throughout the dependency process.

(40) “Criminal, delinquency and abuse/neglect history check” means the act of assessing the history of persons through a criminal records check pursuant to Section 435.045, F.S., in accordance with “screening” in Section 409.175(2), F.S., and criminal, juvenile and abuse/neglect history checks as described in Section 39.401(3), F.S., and Section 39.521(2)(r), F.S.

(41) “Critical Junctures” refers to those times during an investigation or services case when fundamental decisions are being made for the child or children, or when critical events are occurring in the investigation or services case. Critical junctures may include the following:

(a) Prior to court hearings (adjudicatory, dispositional, review);

(b) At the birth or death of a sibling or the addition of a new family member; including paramours;

(c) Before changing the case plan to include unsupervised visits;

(d) At case transfer between Services Workers;

(e) At receipt of a new CPI referral or report of domestic violence in the home;

(f) Before a child is returned home from substitute care;

(g) Before the case is closed or dismissal of court jurisdiction is recommended;

(h) When the case is no longer designated as high risk;

(i) As needed, based on professional judgment.

(42) “District/Region” and “Zone” means a geographical area through which the department and community-based care providers plan and administer their programs.

(43) “Early Decision Making” means making an evaluation of the case as soon as appropriate to determine both a primary and concurrent goal.

(44) “Early Service Intervention” means the engagement of an agency or Services Worker following an interagency staffing and putting into place the appropriate core child protection or child welfare services prior to completion of the investigation and disposition of the report to provide necessary services and supports to the family.

(45) “Emergency Medical Care and Treatment” means care or treatment of a child who has been injured or is suffering from an acute illness, disease, or condition if, within a

reasonable degree of medical certainty, delay in initiation or provision of medical care or treatment would endanger the health or physical well-being of the child.

(46) Evidence means any and all materials, documents, legally admissible statements, first party observations and specific facts that are relevant to prove and support specific allegations of abuse, neglect or abandonment.

(47) “Exigent Circumstances” means situations in which it is anticipated that a child will be placed with a relative or non-relative within 72 hours.

(48) “Extended Family Member” in cases involving American Indian or Alaskan Native children, means those persons established by the tribal law or custom of the American Indian or Alaskan Native child’s tribe to be extended family members or, in the absence of such law or custom, a person who is at least eighteen years of age and who is the child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin or stepparent.

(49) “Extraordinary Medical Care and Treatment” means care or treatment of a child that is outside of the routine medical and dental care included in the definition of ordinary medical care and treatment, such as any invasive procedures. This includes surgery, anesthesia, administration of psychotropic medications, and any other procedures not considered routine and ordinary by objective professional standards of medical care for children.

(50) “Family Assessment” means a documented evaluation at the initiation of services and updated every six months thereafter, of the family in regard to the determination of the need for services throughout the life of the case. This is a joint effort between the Services Worker and the family to identify and analyze the family strengths and resources, as well as the contributing factors and underlying conditions that contributed to child maltreatment; the risk of harm to the child; emerging danger or safety issues; case goals; and service needs for the child and family. Such assessment is a collaborative effort between the Services Worker and the child, if developmentally appropriate, the child’s family members, the caregiver, the guardian ad litem, and all relevant service providers.

(51) “Family foster home” or “foster home” means “foster home” as defined in Section 409.175, F.S. These are licensed settings as defined under “license” in Section 409.175, F.S.

(52) “Family Preservation Services” means services provided to families, primarily in the home. Examples are counseling and therapeutic services, as well as the provision of goods or services designed to prevent the removal of a child due to abuse, neglect, or abandonment, or to stabilize an out-of-home placement.

(53) “Family Team Conferencing” means the process that enables families to solve problems by focusing on the family’s strengths as well as on the family’s underlying needs. The

process is highly individualized and relies heavily on input and cooperation from the family, the family's support system, and community resources. Families are active participants in the process of assessing their own needs, developing an action plan, setting goals, and setting time frames.

(54) "Finding" means the investigative determination that there is credible evidence to support or refute the allegations for each for each child maltreatment reported for investigation.

(55) "Florida Abuse Hotline" means the department's central abuse reporting center, which receives and processes reports of known or suspected child abuse, neglect or abandonment 24 hours a day, seven days a week.

(56) Florida Model Approach to Partnerships in Parenting" (MAPP) means the uniform, statewide, pre-service training provided to prospective out-of-home caregivers and adoptive parents in accordance with Section 409.175(14)(b), F.S.

(57) "Foster Care Referrals" refer to calls to the Florida Abuse Hotline regarding concerns about the care provided in a licensed foster home, group home or emergency shelter that do not meet the criteria for acceptance of a report of abuse, neglect or abandonment.

(58) "Group care facility" or "licensed group care facility" means "residential child-caring agency" as defined in Section 409.175, F.S. These are licensed settings as defined under "license" in Section 409.175, F.S.

(59) "Guardianship" means a legally established relationship between a child and adult who is appointed to protect the child's best interests and to provide the child's care, welfare, education, discipline, maintenance, and support.

(60) "High Risk" means a high likelihood of subsequent verified maltreatment following an initial verified maltreatment.

(61) "High Risk Tracking and Review" means a locally developed protocol utilized whenever children in an investigation or case are identified as being at high-risk or repeat maltreatment. It is a process intended to identify situations in a timely manner whereby substantive safety and risk factors are present that could affect a child's safety. The process helps assure close monitoring and oversight activities are in place so that casework activities can be adjusted as necessary when and if changes occur. See subsections 65C-30.001(107) and (108), F.A.C.

(62) "Home study" means the written documentation of an on-site assessment completed prior to the child's placement that is meant to evaluate the caregiver's capacity to provide a safe, stable and supportive home environment, and to determine if the physical environment is safe and can meet the child's needs.

(63) "Household" means a common residence shared by two or more individuals, whether related or not.

(64) "Household Member" means any person who resides in a household, including the caregiver and other family members residing in the home. Household members are any additional relatives or persons residing in the home, including but not limited to visitors expected to stay an indefinite length of time or college students expected to return to the home.

(65) "Immediate" or "immediately" means as soon as possible, but no later than two hours.

(66) "Independent Living Services" means services to assist older children in foster care and young adults who were formerly in foster care obtain life skills and education for independent living and employment, have a quality of life appropriate for their age, and assume personal responsibility for becoming self-sufficient adults.

(67) "Indian Child Welfare Act (ICWA)", Public Law 95-608 (1978), 92 Stat. 3069, 25 U.S.C., 1901 et seq) means the federal act that governs child custody proceedings involving American Indian or Alaskan Native children in state courts. ICWA protects the best interests of American Indian and Alaskan Native children, preserves the integrity of Indian families and promotes the stability and security of Indian tribes and families by establishing minimum federal standards for the removal of American Indian or Alaskan Native children from their families; placing Indian children in out-of-home care or in adoptive homes that will reflect the unique values of Indian culture; and by providing assistance to Indian tribes in the operation of child and family service programs.

(68) "Indian Child's Tribe" or "Indian Tribe" means any American Indian tribe, band, nation, or other organized group or community of Indians, recognized as eligible for the services provided to Indians by the Secretary, United States Department of the Interior, Bureau of Indian Affairs, because of their status as Indians, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act [42 USCS §1602(c)]. It does not include Indian or native tribes from foreign nations.

(69) "Indian Custodian" means any American Indian or Alaskan Native who has legal custody of an American Indian or Alaskan Native child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

(70) "Individual Educational Plan (IEP)" refers to a written assessment statement for a child with a disability or special education needs that is developed and implemented in accordance with Section 602(14) of H.R. 1350, the "Individuals with Disabilities Education Improvement Act of 2004" (IDEA). The IEP identifies treatment and educational objectives in measurable terms and is completed by school personnel.

(71) "In-Home Services" means services provided while a child remains in his or her own home and includes those cases where a child was removed, but has now been returned to the home of his or her parent or guardian.

(72) “Interim Child Welfare Services Information System (ICWSIS)”, means the department’s automated system containing invoice data pertaining to services provided to children under the department’s supervision. The ICWSIS is the state’s primary audit record for client specific expenditures until such time that the system’s functionality is subsumed by SACWIS.

(73) “Interstate Compact” or “Interstate Compact on the Placement of Children (ICPC)” is a uniform law that was enacted verbatim into statutory law in all fifty states, the District of Columbia and the U.S. Virgin Islands. It establishes a contract among the states and jurisdictions that ensures orderly procedures for the interstate placement and post-placement supervision of children and fixes responsibilities for those involved in placing the child

(74) “Investigative Search” means making inquiries of written records and electronic databases to locate subjects of a report when reasonable efforts to locate the family have been expended, but failed to locate the family.

(75) “Lead Agency” means 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;

(c) Purchase/provide all necessary services to ensure permanency;

(d) Maintain and report required client and performance data; and

(e) Assume and manage financial risk (capped budget for all required services).

(76) “Licensed family foster home” means “family foster home” as defined under Rule 65C-30.001, F.A.C.

(77) “Licensed Out-Of-Home Caregiver” means any person licensed under Section 409.175, F.S. to provide twenty-four hour care. This term also refers to foster parents.

(78) “Licensing Authority” means the Department of Children and Families.

(79) “Licensing Service Agreement” means a written agreement signed by licensed out-of-home caregivers that specifies duties and responsibilities over children served.

(80) “Long-term licensed custody” means the court approved placement of a child in the long-term custody of a foster parent as described in Section 39.623, F.S.

(81) “Maltreatment” means a specific type of injury or harm, which pursuant to the departmental procedure, as incorporated by the department allegation matrix, is the term used as an inclusive description for all forms of abuse and neglect. The statement made by a reporter to the central abuse hotline of a suspected specific harm or threatened harm to a child is referenced in the report as a maltreatment.

(82) “Medicaid” means “Medicaid” as defined in Rule 59G-1.010, F.A.C.

(83) “Medical Neglect” means the failure to provide adequate medical care in the context of the definition of “neglect” found at Section 39.01, F.S. It includes the withholding of medically indicated treatment from a disabled child with a life threatening condition.

(84) “Missing Child Emergency” means situations that require immediate actions when a child appears to be missing. Situations that require immediate action are circumstances where the child’s age (i.e., being under thirteen years of age), physical or mental incapacity, or a developmental or behavioral challenge renders the situation more dangerous than it would be for a child with more maturity or resources; where the child is with others who may endanger his or her welfare; where the child is known or believed to be in a life-threatening situation; where the child is missing under circumstances inconsistent with established behaviors; or where there is any other reason to believe that the child is in a dangerous situation.

(85) “Missing Child Tracking System” means an automated database for storing and transmitting information on missing children.

(86) “No Jurisdiction” refers to a designation given to abuse reports that have been accepted by the Florida Abuse Hotline, but the CPI determines that the department or sheriff’s office does not have the authority to investigate because the allegations and or facts surrounding the report do not meet statutory criteria, including, but not limited to:

(a) The alleged perpetrator is a public school official acting in an official capacity;

(b) The alleged perpetrator is a staff member in a general hospital, while acting in an official capacity (excluding a psychiatric ward);

(c) The alleged perpetrator is a law enforcement officer or employee of a jail, municipal or county detention facilities, Juvenile Bootcamp Facility, or Department of Corrections, while acting in an official capacity;

(d) The alleged perpetrator is a non-caregiver;

(e) The allegations are of harm or threatened harm to a child who is residing and located in another state at the time of the report or;

(f) The allegations are of harm or threatened harm to a child who resides on federal property such as an Indian reservation or military base (unless there is an agreement with the appropriate authorities to surrender jurisdiction to the department).

(87) “Non-relative” or “non-relative caregiver” means a stepparent, prospective parent or any other person who does not meet the definition of a relative and who is not being paid as a licensed foster or shelter parent for purposes of caring for a child in his or her custody.

(88) “On-Site Visit” means a face-to-face visit with the child or other subjects of the report at their reported location, and any other face-to-face visits conducted at sites other than the CPI or Services Worker office locations.

(a) For all child protective investigations, an on-site visit refers to a visit by the Child Protective Investigator (CPI), or his or her counterpart in another state, to the child victim’s location, in order to attempt a face-to-face contact with the child. The purpose of the face-to-face contact is to address the alleged maltreatment allegations and assess for, and ensure, the child’s safety. The date and time that the face-to-face contact is completed, as defined, is referred to in the Statewide Automated Child Welfare Information System as the “victim seen” date and time.

(b) For the purpose of an institutional report, an on-site visit refers to a face-to-face contact by the Child Protective Investigator (CPI), or his or her counterpart in another state, with the child victim at the institution or facility where the alleged abuse, neglect or abandonment occurred. If the child is no longer located at the institution or facility, the on-site visit will occur where the child is located at the time the report is received.

(89) “Ordinary Medical Care and Treatment” means ordinary and necessary medical and dental examinations and treatments. Included in this definition are blood testing, preventive care including ordinary immunizations, tuberculin testing, and well-child care. This does not include surgery, general anesthesia, provision of psychotropic medications, any invasive procedures or other extraordinary medical care and treatment as defined in this rule.

(90) “Out-of-County Services” means supervision services provided by a Services Worker in a county other than the county where jurisdiction is located.

(91) “Out-of-Home Care” means the placement of a child in licensed and non-licensed settings, arranged and supervised by the department or contracted service provider, outside of the home of the parent.

(92) “Out-of-Town Inquiry (OTI)” means a one time, non-recurring request for assistance that originates from intrastate, interstate or authorized international sources. Requests for assistance may include but are not limited to activities that are part of abuse, neglect or abandonment investigations, intra-state home studies and criminal, delinquency and abuse/neglect history checks relating to relative and non-relative out-of-county placements.

(93) “Owner” means the person or corporation who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

(94) “Permanency” means achieving a permanent home for a child through reunification, adoption, guardianship, long term custody (to a relative or non-relative), or another permanent planned living arrangement.

(95) “Permanency goal” means the case plan goal that is established to ensure the child will receive a permanent, safe and stable setting to grow up in. The permanency goals are reunification, adoption, permanent guardianship of a dependent child, placement with a fit and willing relative or another planned permanent living arrangement.

(96) Permanency Hearing” means a judicial review hearing designed to reach a decision about the goal of the case and the permanent living arrangement for a child with a family. The permanency hearing shall occur no later than 12 months after the date the child was removed from his or her home; subsequent permanency hearings will occur at least every 12 months thereafter, or earlier as set by the court, as long as a child remains in an out of home care setting and is being supervised by a contracted service provider.

(97) Permanency Plan means the judicially recognized arrangement to establish the placement intended to continue until the child reaches the age of majority and is not disturbed absent a finding by the court that the circumstances of the permanency placement are no longer in the best interests of the child.

(98) “Permanency Staffing” refers to a case review meeting prior to each permanency hearing for the purpose of permanency goal planning for a child. The permanency staffings are to assess progress and barriers toward the achievement of the permanency plan; document reasonable efforts to finalize the permanency plan; determine if there are any case plan changes necessary; and develop recommendations for the next judicial review.

(99) “Personal Profile” means the documents from MAPP training that provide the participant’s personal history and are considered in assessing his or her suitability as a licensed out-of-home caregiver.

(100) “Placement” means the supervised placement of a child in a setting outside the child’s own home.

(101) “Placement For Adoption” or “To Place For Adoption” means “placement” as defined in subsection 65C-16.001(23), F.A.C.

(102) “Post-Placement Supervision” means services provided to children and families upon reunification, which aim to support and preserve the family unit during the transition period.

(103) “Primarily Lives and Works Outside Of Florida” means anyone who does not meet the definition of “primary residence and place of employment in Florida.”

(104) “Primary Residence And Place Of Employment In Florida” means a person lives and works in this state at least six months of the year and intends to do so for the foreseeable future or military personnel who designate Florida as their place of residence in accordance with the Soldiers’ and Sailors’ Civil Relief Act of 1940.

(105) “Primary Worker” means the Services Worker in the county of jurisdiction who has primary responsibility for the following cases involving multiple jurisdictions:

(a) An ongoing services case, whether voluntary or court ordered, involving a child and/or a family that has relocated from one county in Florida to another and is being supervised by a Services Worker in a county other than the county of jurisdiction. It is the Services Worker from the “sending county” who is also the worker from the “county of jurisdiction” and the “primary worker”;

(b) An ongoing services case involving a child and/or a family that has relocated to Florida through the Interstate Compact on the Placement of Children (ICPC) from another member state; and

(c) Children who have relocated to Florida from a U.S. territory or a foreign country which are not members of the Interstate Compact on the Placement of Children.

(106) “Psychotropic Medication” means any medication prescribed with the primary intent to stabilize or improve mood, mental status, behavioral symptomatology, or mental illness.

(107) “Qualified Evaluator” means a psychiatrist or a psychologist licensed in Florida with at least three years experience in the diagnosis and treatment of serious emotional disturbances in children as set forth in Section 39.407(5)(b), F.S.

(108) “Reasonable Effort to Locate” means that the overall efforts of a child protective investigative unit have been sufficiently thorough to allow for case closure despite the inability to locate the family within sixty days of receipt of the report. Reasonable efforts to locate include, but are not limited to, contacts to locate the child through the school system, Economic Self Sufficiency records, additional contacts with the reporter or others named in the report, and telephone or city directory checks.

(109) “Receiving County” means the county to which a child or family is relocating or has relocated while supervision and services continue.

(110) “Receiving Unit” means the staff in a child protective investigations unit to which a request for an out-of-town inquiry (OTI) or a report transfer is made.

(111) “Red Flag Case Review” means a decision making process at critical junctures during the life of a case. It involves an expanded review process that includes all staff who have managed the case and persons external to the department, contracted service providers and Sheriff offices who have information pertinent to the decision being made. These persons can include relatives, service providers, schools, medical personnel and the family.

(112) “Red Flag Screening” means an internal staffing to determine whether or not a case shall be designated for Red Flag Case Review. This staffing, which occurs during the assessment and definition stage of the case, includes the

Protective Investigator, the supervisor, other staff indicated by the current case manager required by the departmental district/region or zone, contracted service provider or Sheriff’s office, and a district operational administrator.

(113) “Relative” or “Relative caregiver” means a person who meets the definition of a relative and who is not being paid as a licensed foster or shelter parent for purposes of caring for a child in his or her custody.

(114) “Relative Caregiver Program (RCP)” means a program that provides a monthly payment to a non-licensed relative caregiver who is caring full-time for an eligible dependent child in accordance with Section 39.5085(2), F.S.

(115) “Release” means a child is put in the physical custody of a parent in accordance with Section 39.401(3), F.S. or with Section 39.521(1)(b)3., F.S.

(116) “Removal Episode” means the entire period of time a child is in out-of-home care, beginning with the child’s removal from his or her primary residence and ends when permanency is achieved, the child becomes eighteen years old, the child is emancipated by marriage or a court order or the child dies. A new removal episode begins with each reentry into care.

(117) “Report” or “Hotline Report” means an allegation to the Florida Abuse Hotline alleging knowledge or a suspicion that a child has been abused, neglected, or abandoned by a parent, guardian, adult household member or other person responsible for a child’s welfare.

(118) “Residential Treatment Center” means “Residential treatment center for children and adolescents” as set forth in Section 394.67, F.S.

(119) “Respite Care” means the temporary, (over twenty-four hours) intermittent care of a foster child by an individual other than the child’s out-of-home caregiver regardless of whether the respite provider is paid by the agency.

(120) “Reunification” means the safe return of a child who has been placed in out-of-home care to his or her parent as described in “reunification services” in Section 39.01, F.S.

(121) “Safety” means the status of a child relative to danger of imminent or serious harm.

(122) “Safety Assessment” means a decision-making and documentation process conducted in response to a child abuse and/or neglect report or any other instances in which safety needs to be assessed throughout the life of an active investigation or ongoing services case to help evaluate safety threats, present danger, child vulnerability, family protective capacities and to determine the safety response or safety plan.

(a) Safety assessment, within the context of an ongoing services case, involves the evaluation of emerging danger that evaluates potential safety threats and likelihood of serious harm before they become immediate, serious and pose a

present danger. It also includes an assessment of the underlying conditions and contributing factors and their future likelihood to re-emerge as present danger.

(b) The identification of the underlying conditions and contributing factors lead to effective case planning.

(123) “Safety Plan” means the specific course of action that is determined necessary to control threats of serious harm or supplementing a family’s protective capacities implemented immediately when a family’s protective capacities are not sufficient to manage immediate or serious harm threats. The safety plan is jointly developed by a CPI and/or a services worker and the family. The plan may include, but is not limited to, interventions aimed at reducing the serious threat of harm or sign of present danger, decreasing the child vulnerability and/or strengthening the family’s protective capacities. The safety plan shall:

(a) Be agreed upon by the child’s parent or other legal custodian and the CPI or services worker.

(b) Be signed by the parents or other legal custodian and the CPI or services worker.

(c) Contain specific tasks to be performed by the family or caretaker of the child and the CPI or services worker.

(d) Be documented in the investigative and case files, and

(e) Address both immediate and long-term protection planning.

(124) “Second Party Review” means an administrative review of the automated assessment tool and investigative file, performed by a higher level staff person than the investigator’s immediate supervisor, necessitated by high risk and safety factors as indicated in the automated assessment tool. The purpose of the review is to examine the decisions of the supervisor and either validate the supervisor’s recommended course of action or determine the need for alternative or additional action by either the supervisor or CPI.

(125) “Sending County” means the county of jurisdiction that makes a request for supervision or continuation of voluntary supervision to a receiving county when a child or family receiving services is relocating or has relocated to another county.

(126) “Sending Unit” means the staff in a child protective investigations unit initiating a request for an out-of-town inquiry (OTI) or a report transfer to another unit.

(127) “Services Worker” means an individual who is accountable for service delivery regarding safety, permanency, and well-being for a caseload of children and families under supervision.

(128) “Sexually Reactive Child” means a child who, as a consequence of having been sexually abused, may be sexually preoccupied, or engaging in identified sexualized behaviors with or without a defined pattern, and thereby demonstrates some level of risk to others.

(129) “Shelter Status” means the legal status that begins when the child is taken into protective custody of the department and ceases when the court grants custody to a parent, or, after disposition of the petition for dependency, the court orders the child released to a parent or placed in the temporary custody of the department, a relative, or a non-relative.

(130) “Siblings” mean children who share at least one parent.

(131) “Single Point of Access (SPOA)” means the person or entity designated by the local Children’s Mental Health program office as the primary point of contact within a specific geographic area to assist the Services Worker in accessing behavioral health services for children in the care or custody of the department.

(132) “Special Condition Referrals” means requests brought to the attention of the department that require a response by the department or the investigating sheriff. These requests do not constitute willful abuse, neglect, or abandonment, but they may result in additional allegations of maltreatment and/or the need to shelter a child upon response. These include the following situations when the caregiver:

(a) Has been or is about to be incarcerated and plans must be made for the child’s immediate care;

(b) Has been or is about to be hospitalized and plans must be made for the child’s immediate care;

(c) Has died and plans must be made for the child’s immediate care; or

(d) Is having difficulty caring for a child to the degree that it appears very likely that without intervention, abuse, neglect, or abandonment will occur.

(133) “Specialized Therapeutic Foster Care” means intensive mental health treatment provided in specially recruited foster homes. The program is designed to provide the supervision and intensity of programming required to support children with moderate to severe emotional or behavioral problems and to avoid the need for admission to an inpatient psychiatric hospital or residential treatment center.

(134) “Statewide automated child welfare information system (SACWIS)” (i.e., HomeSafenet), means the department’s statewide automated system containing all reports, investigations, special conditions referrals, child-on-child sexual abuse reports and related child safety assessments and safety actions or plans and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and some case management functions, including the Child’s Resource Record. The SACWIS is the state’s primary record for each investigation and case and all documentation requirements of the system shall be met.

(135) “Subject of a Report” means any person named in an abuse, neglect or abandonment report.

(136) “Subsidized Independent Living” means a living arrangement that allows a child in foster care, who has reached 16 years of age but is not yet 18 years of age, to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under Section 409.175, F.S.

(137) “Substantial compliance” or “substantially complied” means that the circumstances which caused the creation of the case plan have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child’s remaining with or being returned to the child’s parent.

(138) “Suitable” or “Suitability” for residential treatment means a determination by a Qualified Evaluator that a child with an emotional disturbance as defined in Section 394.492(5), F.S., or a serious emotional disturbance as defined in Section 394.492(6), F.S., meets each of the statutory criteria for placement in a residential treatment center.

(139) “Supervising Agency” means any licensed child-placing agency that oversees and supports a family foster home and assists applicants in the licensing process.

(140) “Supplemental Report” means a report, whether by the same or another reporter pertaining to the same incident as that currently under investigation, which involves the same subjects and same alleged maltreatments, but improves upon what is already known, such as providing a better address, corrected spelling of names, or other collateral contacts. These reports do not require additional investigative activity.

(141) “Surrogate Parent” refers to surrogate parents as defined in Rule 6A-6.0333, F.A.C. A surrogate parent is an individual appointed to act in the place of a parent in safeguarding a child’s right in the special education decision-making process. A surrogate parent is appointed by the district school superintendent in the school district where the child resides, or for children served in a special program made available through a contract from the Department of Education shall be appointed by the individual specified in the contract.

(142) “Temporary Cash Assistance Program (TCA)” refers to the public assistance program under Rule 65A-1.203, F.A.C.

(143) “Termination Summary” means a written document that explains the reason for agency involvement, progress toward problem resolution, risk reduction, and the rationale for recommending case closure.

(144) “Therapeutic Foster Care” means a program that provides mental health services for children with emotional and behavioral disturbances living in a family foster home. Each home is managed by trained foster parents who provide specialized care for children needing a therapeutic setting. The child and family receive support services as necessary.

(145) “Threatened Harm” means a behavior that is not accidental, and which is likely to result in harm to the child.

(146) “Tribal Agreement” means a formal written agreement between the Department and a federally recognized American Indian tribe that guides interaction between the department and the tribe in matters pertaining to child welfare, including child protective investigations and proceedings involving American Indian and Alaskan Native children in state courts.

(147) “Voluntary licensed placement” means placement of a child in licensed out-of-home care when a parent or legal guardian requests the assistance of the department or contracted service provider in planning for the temporary care and supervision of a child.

(148) “Voluntary Protective Services (VPS)” means the family has consented to accept services and supervision aimed at stabilizing the family, with the understanding that court action may be taken if the family fails to cooperate in fulfilling the requirements of the voluntary case plan.

(149) “Waiver” means a documented approval, prior to placement, that authorizes exceptions to the licensed capacity and the total number of children or infants to be cared for in a family foster home.

Specific Authority 39.012, 39.0121(3),(6),(7),(12),(13), 39.407(1), 39.5085(2)(a), 39.5085(2)(d), 63, 394.4781(3)(c), 409.401, 409.175 FS. Law Implemented 39.001, 39.01, 39.012, 39.401(3), 39.407, 39.601, 39.407, 39.5085, 39.521, 39.701, 63, 394.9082, 409.145(1), 409.165(1), 409.401, 409.175 FS. History—New _____.

65C-30.002 Early Service Intervention and Case Transfer.

(1) An Early Service Intervention (ESI) staffing shall, whenever possible, be held within 72 hours after the need for services is identified by the Child Protective Investigator (CPI) and his or her supervisor or, if weekly ESI staffings are held, during the next scheduled weekly staffing following the identification of the need for services. Identifying a need for services might occur at any point while the report is being investigated and is documented through the referral for the ESI staffing.

(a) The CPI or Child Protective Investigator Supervisor (CPIS) shall present the case at the ESI staffing. In all cases involving an American Indian or Alaskan Native child in which the potential outcome is a dependency action, the parent(s) or Indian Custodian and the child’s tribe shall be notified of the staffing and encouraged to participate.

(b) The ESI staffing shall:

1. Address the identification of needed services so services can be accessed timely.

2. Identify needed up-front services to maximize opportunities for success of the services and treatment plan for the child and family;

3. Promote family preservation and prevent unnecessary placement in out-of-home care;

4. Identify and document the roles and responsibilities of involved staff;

5. Ensure a smooth transition from one component of the child protection/child welfare system to another; and

6. Provide a mechanism for sharing information gathered by one component of the child protection/child welfare system with the other component(s).

(c) Participants at the ESI staffing shall sign the agreements on the roles and responsibilities of the staff and providers involved in the case. Responsibility for the completion of the pre-disposition study is determined at the local level and during the ESI staffing. Copies of agreements shall be made for all parties to the case and the original signed agreement shall be maintained in the child's case file.

(d) At the ESI staffing, the CPI shall provide:

1. An up-to-date automated investigative file including chronological notes;

2. A completed child safety assessment for each child, including any other child related assessments;

3. The name and location of child's school and/or child care provider, if available;

4. Name and location of child's medical provider(s) and any health or medical information, if available;

5. The results of diligent search efforts, i.e., the identification of potential relative or non-relative placement resources and, if removal of the child was necessary, an explanation of all efforts made to place the child with a relative or non-relative;

6. The child's date and location of birth if the child is under court ordered supervision, if available;

7. A photograph of child that was removed or will be placed under court ordered supervision, if available.

8. Fingerprints of child placed in out-of-home care, if available;

9. The status of the inquiry into whether the child may have Native American heritage;

10. The results of criminal, delinquency and abuse/neglect history checks performed on a relative or non-relative caregiver;

11. Any court or other documents related to shelter;

12. Any recommendations for expedited up-front services;

13. Evidence of establishment of the case in the department's statewide automated child welfare information system; and

14. Any other documentation agreed upon between the department staff or sheriff's office performing the investigation and the contracted service provider.

(e) After the ESI staffing, the CPI shall continue to:

1. Complete the remaining investigative tasks;

2. Assist the Child Welfare Legal Services (CWLS) attorney with filing of the shelter and dependency petitions and provide witness testimony;

3. Provide CWLS with information regarding the child's immigration status to determine whether the department or contracted services provider will need to pursue Special Immigrant Juvenile Status (SIJS) for the child, and whether an early evaluation of the long-term likelihood of reunification is a viable option. See subsection 65C-30.007(17), F.A.C., for actions required to establish a child's SIJS.

4. Provide CWLS with information regarding the possibility of Native American heritage so that an evaluation can be made as to whether or not the Indian Child Welfare Act is triggered.

5. Complete all referrals to the Child Protection Team (CPT), provide services worker with CPT findings, and forward all other written information that is pertinent to the child protection process.

6. Provide written documentation for completion of identified sections of the pre-disposition study;

7. Attend court hearings to provide testimony regarding the case; and

8. Perform any tasks mutually agreed upon during the ESI staffing.

(f) There shall be no discrimination against a child based on the child's immigration status.

(g) After the ESI staffing, the Services Worker shall:

1. Provide or arrange for expedited up-front services such as family preservation services, visitation and/or medical care;

2. Review all assessments provided by the CPI;

3. Conduct or refer for additional assessment(s);

4. Obtain a Comprehensive Behavioral Health Assessment and a health check-up for a child who enters out-of-home care, unless already completed by the CPI per local agreements;

5. Engage family in development of case plan, document efforts to mutually negotiate activities and tasks contained in the plan and make all indicated referrals and implement the tasks as scheduled;

6. Identify alternative sources or funding for medical, dental, vision and psychological services for the child, if the child does not have legal immigration status.

7. As requested, coordinate with the CPI regarding the compiling and submission of the pre-disposition study.

8. Participate in all court hearings; and

9. Provide new information known to the Services Worker that may assist the CPI in updating the automated assessment tool.

(h) The Services Worker shall schedule subsequent staffings or meetings, as necessary, to obtain information not available at previous meetings.

(2) Case Transfer.

(a) When a change in contracted service providers is needed within or between districts/regions or zones, a case transfer staffing shall be scheduled.

1. The referring Services Worker shall arrange the transfer staffing with the staff in the receiving county, provide detailed information about the case, and document the transfer staffing in the case file.

2. The referring Services Worker shall retain responsibility for the case until the transfer is documented in the child's case file.

(b) For requirements relating to transfers of supervisory responsibility to another county, see Out-of-County Services, Rule 65C-30.018, F.A.C.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.4085(7),(12),(13),(14), 39.521(1)(b)1.,3., 39.521(1)(d)4., 39.522(1) FS. History--New _____.

65C-30.003 Diligent Search.

(1) When a child is removed from the physical custody of his or her parent or guardian, the Child Protective Investigator (CPI) shall initiate a diligent search to identify and locate any absent parent. An affidavit of diligent search shall be included in the predisposition report. Diligent search efforts shall continue until released by the court.

(a) If the child remains in out-of-home care following closure of an investigation by a CPI, the Services Worker shall continue diligent search activities until released by the court.

(b) The CPI shall also initiate diligent efforts to locate an adult relative, legal custodian or other appropriate adult willing and able to care for the child. After an initial search has been deemed sufficient by the CPI supervisor, these activities are no longer required. A description of the efforts made to locate the child's relatives or prospective placement resource shall determine whether diligent efforts were made.

(2) When a dependency petition is filed with the court for the purpose of seeking in-home court ordered supervision, the CPI shall initiate a diligent search to identify and locate any absent parent.

(3) When a child is under court ordered in-home supervision, the Services Worker shall initiate diligent efforts to identify and locate any relatives who would be willing and able to care for the child in the event that the in-home supervision arrangement fails.

(4) When a child is placed in out-of-home care, for the purpose of concurrent planning, the Services Worker shall initiate or continue diligent efforts to identify and locate any relatives who would be willing and able to care for the child.

(5) The diligent search shall include, at a minimum, all inquiries required in Sections 39.502(8),(9) and 39.503(5),(6), F.S.

(6) Other Diligent Search Activities.

(a) When a child is in an out-of-home placement with a relative or non-relative and the placement disrupts, the services worker shall make diligent efforts to locate an adult relative, legal custodian or other appropriate adult willing and able to care for the child. After an initial search has been deemed sufficient by the Services Worker's supervisor, these activities

are no longer required. An affidavit of diligent search must be included in the predisposition report. A description of the efforts made to locate the child's relatives or prospective placement resource shall determine whether diligent efforts were made.

(b) When the diligent search involves an American Indian or Alaskan Native child, documentation of written correspondence with the child's tribe and to the Secretary of the Interior through the Eastern Regional Office of the Bureau of Indian Affairs shall be documented in the case file by the services worker and included in the court record.

(c) When the diligent search involves a child adjudicated dependent who is not a U.S. citizen or does not have legal residency status and has been removed from his or her parents or who is an unaccompanied minor, the Services Worker shall take actions specified in subsection 65C-30.007(17), F.A.C., to ensure that all requirements of Section 39.5075, F.S. are met. This assists in determining whether there is a parent or other relatives in the child's country of origin who should be considered as a placement option. This information shall be documented in the case file and included in the court record.

Specific Authority 39.012, 39.0121(12),(13), 39.5075(8) FS. Law Implemented 39.01(22), 39.502(8),(9),(10), 39.503(5),(6),(7),(8), 39.5075, 39.521(1)(d)8.a.,b. FS. History--New _____.

65C-30.004 Identification of Children.

(1) Photographing of Children.

(a) Children to be photographed:

1. All children under court ordered in-home supervision shall be photographed within fifteen days after the case has been staffed and transferred to a service unit.

2. All children placed in out-of-home care shall be photographed within seventy-two hours of the beginning of a removal episode.

3. Upon return to care, any child who has been on runaway status shall have his or her photograph taken immediately. The exception to this requirement is when concerns a child's appearance has not significantly changed since a prior photograph was taken.

4. All children and sibling groups available for adoption who are required to be registered on the Adoption Exchange System.

(b) The child's identity shall be verified by the Child Protective Investigator, Services Worker, or other staff person familiar with the child. The photograph and identifying information shall be maintained in the statewide photo database.

(c) Photographs shall be updated as follows:

1. For children fifty-nine months or less of age, every six months; and

2. For all other children, annually.

(2) Fingerprinting of Children.

(a) The fingerprints of each child age three years or older who is placed in out-of-home care shall be obtained within fifteen days after initial placement. The record of the fingerprints shall be maintained in the child's case file. If the child is under age three, a means of obtaining the child's fingerprints shall be explored.

(b) Fingerprints are not required for children under in-home supervision.

(c) These fingerprints shall be used only to identify a child who has gone missing.

(3) Birth Verification of Children.

(a) All children under court ordered in-home supervision shall have documentation of birth verification within fifteen days after the case has been staffed and transferred to a services unit.

(b) All children entering out-of-home care shall have documentation of verification of the child's birth within fifteen days from initial placement. Refer to paragraph 65C-30.004(3)(c), F.A.C., for children born out-of-state or out-of-country.

(c) For children born out-of-state or out-of-country, verification of the child's birth shall be requested within fifteen days from initial placement and documented in the case file. Refer to subsection 65C-30.007(17), F.A.C., regarding the necessary actions when it is determined that a child was born in another country and has not established legal alien status.

(4) Identifying Information in Adoption Records.

(a) At the time of adoption finalization, it is the responsibility of the Services Worker to coordinate with the adoptive parents to determine whether the child will have a new Social Security Number (SSN) or be retaining the same SSN after adoption. To avoid variations in practice for handling the problem, one of the two following alternatives shall be used, as appropriate:

1. Child Retains the Old SSN. If the child will retain the same SSN after adoption, the client demographic record associated with the child during adoptive placement in the statewide automated child welfare information system (SACWIS) or in the Client Information System (CIS) and the Interim Child welfare Services Information System (ICWSIS) shall have an additional client identification number (ID) of a pseudo identification number (initials of child's birth name and date of birth). The child's birth name shall remain in this demographic record and this pseudo ID shall be recorded as an additional ICWSIS ID type for the child in SACWIS. The Services Worker is responsible for recording the pseudo ID as an additional ICWSIS ID type before the case is closed at the time of finalization. The old SSN shall remain associated with the SACWIS record. All adoption subsidy payments after finalization shall continue to be recorded in ICWSIS under the pseudo ID. No split of demographics is necessary for purposes of making subsidy payments. New services that are provided and recorded in SACWIS (e.g., new abuse report in the

adoptive home or provision of post-adoption services), CIS (e.g., ongoing Children's Medical Services), and/or in ICWSIS after adoption finalization shall be associated with a new demographic record with the child's adoptive name and with the SSN as the client identification number. In no case shall the pre and post-adoptive names both appear on the same SACWIS record.

2. Child Receives a New SSN. If the child will receive a new SSN after adoption, the old SSN shall be left in the SACWIS, CIS and ICWSIS records during the adoptive placement with the child's birth name and shall continue to be used to record ongoing subsidy payments in ICWSIS. New services shall be recorded under a new demographic record with the new SSN and the child's adoptive name (though a pseudo client identification number may be used after the adoption finalization while the new SSN is being obtained, and updated to the new SSN as soon as it is received).

(b) If the child is receiving public assistance or Medicaid, the Services Worker shall notify Economic Self-Sufficiency about the new SSN.

Specific Authority 39.012, 39.0121(3),(13), 39.5075(8) 63.202 FS. Law Implemented 39.4085(6), 39.5075, 63.162(2) FS. History--New _____.

65C-30.005 Family Assessment.

(1) The Services Worker shall complete an initial family assessment within fifteen working days following the ESI staffing. The ongoing family assessment shall be completed at least every six months until termination of services.

(2) The family assessment involves the Services Worker and the family in a joint effort to identify and analyze the family strengths and resources as well as the contributing factors and underlying conditions that contribute to child's safety and risk of maltreatment.

(3) The initial family assessment shall include:

(a) A risk assessment analysis;

(b) A determination as to whether the child is able to currently live safely in the current home or placement;

(c) A determination of the family's ability to provide a permanent and stable home;

(d) A determination of the changes, if any, the family must make to provide a safe home for the child;

(e) An assessment of the needs of the family that hinder provision of a safe and stable home; and

(f) An identification of the family's unique resources, strengths and protective capacities that will contribute to improving the child's and family's well-being.

(4) The six-month family assessment shall include a summary of casework activities during the past six months that addresses:

(a) Any changes that have occurred in family conditions or circumstances;

(b) All factors affecting family strengths or protective capacities;

- (c) Identified risks to the child;
 - (d) Signs of emerging danger
 - (e) Case plan goals that have been met and are remaining;
- and
- (f) Services that are needed to meet case plan goals.
- (5) The Judicial Review Social Study Report (JRSSR) shall make reference to the six month family assessment.

Specific Authority 39.012, 409.145(6) FS. Law Implemented 39.01, 409.145(1),(2), 827.04 FS. History--New _____.

65C-30.006 Case Planning.

(1) Each child under department or contracted service provider's supervision shall have a case plan. The case file shall contain copies of all case plans.

(a) At a minimum, the case plan document shall meet the requirements of Section 39.601, F.S.; 42 USC § 675(1) and 42 USC § 675(5)(b). The case plan shall address services provided to address the contributing factors and underlying conditions that lead to maltreatment, to ensure the safety, permanency and well-being of each child. Tasks shall be incremental and individualized action steps toward the achievement of measurable outcomes. Tasks shall specify the nature, extent and timing of the services so the expectations for child, parent, and caregiver are clearly communicated.

(b) Principles of family team conferencing or other family-inclusive case planning models shall be applied. These principles may include an individualized array of appropriate services; involvement of formal and informal family supports; full disclosure; building upon strengths while assessing needs; timely provision of services; and recognizing and respecting cultural differences and language barriers.

(c) Case plan development meetings shall begin as soon as possible in order to afford the parents adequate time to complete the required tasks that contribute to their child's permanency.

(d) Whenever a parent, child or guardian ad litem, if appointed, is not included in a case planning conference, the case plan shall document a valid reason for the exclusion. When a child does not participate in development of the initial case plan, the child, if of sufficient maturity, understanding, and experience to reliably engage in the planning process, shall be given the opportunity to participate in all future case planning activities.

(e) The case plan shall be written simply and clearly in English and, if English is not the principal language of the parent or child, to the extent possible a copy of the case plan shall be prepared in the language of the parent or child.

(f) The case plan shall be negotiated with and signed by the child's parents, the Services Worker, the Services Worker's supervisor, and, if appointed, the guardian ad litem within thirty days of the Early Service Intervention (ESI) staffing. If there is no parent with intact parental rights, the child's legal custodian shall negotiate and sign the case plan.

(g) If the parent or legal custodian does not choose to participate in the development of the case plan, does not agree with the case plan, or refuses to sign the case plan, the department or contracted service provider shall comply with the provisions of Section 39.602, F.S.

(h) A paramour or other adult residing in the home shall be given the opportunity to voluntarily participate in case planning activities, when such participation is appropriate and does not endanger the child. If the paramour or other adult refuses to participate, the case plan shall specify the actions to be taken by the parent to protect the child.

(2) The ongoing assessments of the family provide a basis for the permanency goal and development of the case plan and amendments. All available evaluations and information regarding family members shall be considered when determining the family's strengths, safety and risk factors.

(3) When developing and updating the case plan, the Services Worker shall consider information provided in the:

(a) Automated assessment tool;

(b) Comprehensive Behavioral Health Assessment (CBHA);

(c) Independent Living life skills assessments and any life skills plans, which shall be incorporated into the overall case plan;

(d) Case planning conference summaries such as Family Team Conferencing, Individual Course of Action or Family Group Decision Making;

(e) Court facilitation summaries;

(f) Available therapeutic treatment summaries;

(g) Child Health Check-Up, medical and dental records;

(h) Family Assessment;

(i) Educational assessments and educational records for the past two years, such as the Individual Educational Plans;

(j) Child Protection Team health services referrals; and

(k) Pre-disposition study

(4) Concurrent Case Planning.

(a) Every case involving a child in an out-of-home placement shall be evaluated to determine if concurrent case planning is appropriate. Determining the appropriateness of concurrent goals shall occur in the early stages of the case and concurrent case planning shall be performed if determined appropriate. In making these determinations, the child shall be involved, depending on his or her age and developmental level. Also, information from others involved with the child shall be obtained such as the child's therapist and school personnel. Medical, educational, emotional, developmental, and child safety issues shall be considered when making determinations regarding concurrent case planning.

(b) Concurrent case plans require early decision making and front-loading of services. Front-loading represents an effort to provide immediate, meaningful and individualized

services with intensive follow up in order to make determinations as to the most appropriate permanency goal in a timely manner.

(c) When there are concurrent goals, the Services Worker shall ensure that the case plan includes services and tasks addressing both goals.

(d) The case plan shall provide participants a clear understanding of which services and tasks are related to each goal.

(e) When a case has concurrent goals, the participants shall be provided an explanation of the purpose of concurrent planning and how it impacts the case.

(f) The case plan, all updates, and attachments required by state and federal law shall be filed with the court and served on all parties. Examples of such documents are: medical and educational records, and quarterly accounting statements for Master Trust accounts.

(g) For children thirteen and over who are in an out-of-home placement, the case plan shall include a description of the independent living services identified regardless of the goal of the plan.

(h) Translation services shall be provided for families or children who are not able to fully understand the discussion during development and explanation of the case plan either because of a lack of proficiency in English or due to deafness.

(5) Services Worker Tasks. The Services Worker has specific tasks in regard to a child's case plan. The Services Worker shall:

(a) Participate in the case plan development and document a detailed case plan that addresses all tasks and services identified in the family's assessments. These tasks and services shall address the child's safety, permanency and well-being in order to achieve the case plan goal.

(b) Make referrals, arrange, and provide services for all parties included in the case plan.

(c) Follow-up with service providers to ensure that services are engaged.

(d) Assess the participation in and effectiveness of each service recommended for the case participants. Services provided shall promote outcomes that lead to behavioral changes rather than mere compliance in the achievement of the case plan goal.

(e) Explain to the parent when a child is in an out-of-home placement that:

1. The opportunity to complete the tasks listed in the case plan for reunification is limited to twelve months or fewer from the date the child was removed from the home. When there are compelling reasons that the parent is not actively participating in his or her case plan tasks, the court can order an extension to the time frame for reunification and a change in the permanency goal.

2. His or her compliance with tasks and services in the case plan shall be evaluated at every case plan meeting, judicial review and permanency hearing.

3. The family has the right to ask the court to find the Services Worker in contempt for failing to comply with the case plan, if, in their view the worker is not in compliance, as well as the right to request a modification of the plan.

4. The Services Worker shall meet with him or her to discuss plan progress, eliminate barriers to case progress, resolve conflicts or disagreements and discuss the expected frequency of such meetings.

(f) Ensure that tasks and services necessary to meet the child's physical health needs are documented in the case plan and that these needs are met through the gathering of any medical history and referral for and follow-up to medical care to ensure the provision of:

1. The Child Health Check-Up at time of removal and according to the periodicity schedule, unless already completed by the CPI per local agreements;

2. Any preventive health care and treatment necessary for health or dental needs;

3. Any preventive health care and treatment necessary for vision, hearing, and speech problems;

4. Developmental evaluation and treatment for infants or pre-school age children who are developmentally delayed; and

(g) Ensure that tasks and services necessary to meet the child's mental health needs are documented in the case plan and in any amended or modified case plans, unless prevented by the court, and that these needs are met through referral for and follow-up to ensure the provision of:

1. A referral within seven days of removal for a CBHA for any child who is in out-of-home care and has been determined to be Medicaid enrolled, as per Rule 65C-28.014, F.A.C.;

2. Any assessments, evaluations and treatment necessary for mental health problems;

3. Any assessments, evaluations and treatment necessary for drug and/or alcohol abuse; and

(h) Ensure that the child's educational needs are being addressed as needed and documented in the current case plan through:

1. Obtaining copies of the child's current school records on an ongoing basis for use in case planning activities. The current school records shall be incorporated into the child's judicial review and case plan updates;

2. Referring the child for a psycho-educational evaluation and other necessary evaluations by the school if there is an indication that the child is eligible for special education services, and following up on the results of that referral;

3. Referring the child who is in an out-of-home placement to the school foster care liaison for the appointment of a surrogate parent if the child appears eligible for such

appointment. Child Welfare Legal Services has the option to motion the court directly to appoint a surrogate parent as an alternative to seeking the appointment through the school;

4. Requesting services for identified educational needs such as tutoring;

5. Requesting Early Intervention Services for pre-school age children;

6. Referring the child for developmental evaluations where appropriate;

7. Assisting the child in pursuing vocational educational services;

8. Obtaining child care for pre-school or young school age children;

9. Providing or obtaining educational counseling, in conjunction with the school and other local agencies regarding the options and consequences of differing educational paths, such as the differences between GED, regular diploma and special diploma, and the post-secondary educational options available through the Road to Independence scholarships, tuition waivers, and aftercare services for young adults formerly in foster care;

10. Ensuring the child's enrollment in school; and

11. Documenting these tasks and services in the current case plan, unless prevented by the court.

12. Referring to the Interagency Agreement between the department, contracted service providers and the local school board to determine the correct protocol for interacting with the child's school.

(i) Ensure that visitation between a child in an out-of-home placement and his or her separated siblings, parents, relatives and other people of significance in the child's life is addressed in the case plan.

(6) Case Plan Updates and Amendments.

(a) The case plan shall be updated or amended as necessary in the following circumstances:

1. The court orders a change or makes decisions that affect the case plan;

2. There is a change in the child's placement, which affects the case plan;

3. A significant change occurs in the family's situation;

4. The child's permanency goal changes; or

5. Information concerning the child's safety, health or well being was not available at the time the previous case plan was prepared.

(b) Prior to amending the case plan, the Services Worker shall:

1. Discuss the changes with the parents, guardian ad litem, current caregivers, appropriate service providers, the Child Welfare Legal Services (CWLS) attorney and when appropriate, the child;

2 Update all necessary documentation in the child's case file;

3. Obtain and review updates of all required documentation and incorporate necessary additions;

4. Document specific, reasonable efforts to obtain required documentation that is not immediately available;

5. Schedule and participate in a case staffing, if necessary;

6. Provide the CWLS attorney with modifications to the case plan for filing with the court.

(c) Extraordinary Circumstances. If circumstances are so extraordinary that an extension of the case plan beyond 12 months is warranted and is in the child's best interests, the reasons for the extension shall be specifically and factually documented and presented to the court. The request for extension, if applicable, shall be made at the 12-month permanency review hearing with supportive documentation contained in the Judicial Review Social Study Report.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.01(1)(m), 39.01(11), 39.4085(4)(6)(7)(17)&(23), 39.521(1)(f), 39.601, 39.602, 39.603, 39.701(8)(c) 39.806(1)(c), 409.175(3)(b) FS. History--New

65C-30.007 Case Management Responsibilities.

(1) Contacts with Children under Supervision.

(a) The Services Worker shall make face-to-face contact with children under supervision and living in Florida no less frequently than every thirty days. If the child lives in a county other than the county of jurisdiction, this shall be accomplished as provided in Rule 65C-30.018, F.A.C.

(b) Initial contact shall occur within two working days of the case being accepted for supervision. The date accepted for supervision is the date of the ESI staffing or the date of the court order for supervision, whichever occurs first.

(2) Contacts with Parent or Caregiver Living in Florida.

(a) The Services Worker with case responsibility shall establish and maintain regular face-to-face contact a minimum of every thirty days with the custodial parents of any child under in-home supervision.

(b) The Services Worker shall make a face-to-face contact a minimum of every thirty days if the case plan goal is reunification with the parent who is a party to the case. If the parent lives in a county other than the county of jurisdiction, this shall be accomplished as provided in Rule 65C-30.018, F.A.C.

(c) The Services Worker shall make a face-to-face contact a minimum of every thirty days with the child's caregiver if the child is in an out-of-home placement.

(d) During these contacts Services Workers shall discuss with parents and caregiver the case plan progress and the child's progress, development, health, and education.

(e) If the Services Worker learns that a new adult has moved into the child's home, a state and local criminal, juvenile and abuse/neglect history check shall be performed as part of the family assessment. When a new adult moves into the home of a child's relative or non-relative out-of-home caregiver, the requirements of subsection 65C-28.001(7),

F.A.C., shall be met. The new adult household member and the required checks must be documented in the Judicial Review Social Services Report and the six month family assessment.

(3) The Services Worker or Child Protective Investigator (CPI), depending on the ESI agreement, shall make periodic contact with children in shelter status as follows:

(a) Face-to-face contacts with the child and caregiver are to occur at least once every seven days as long as the child remains in shelter status in a licensed home or facility.

(b) Face-to-face contacts with the child and caregiver are to occur at least once every seven days during the first thirty days after removal for children placed with a relative or non-relative. After the first thirty days, the frequency of contacts may be modified to no less frequently than every thirty days for a child placed with a relative or non-relative. The Services Worker must document a safety plan and related monitoring, to include frequency of contacts, and seek approval of the safety plan by the Services Worker's supervisor.

(4) Child and parent or caregiver living out of Florida. The office of the Florida Interstate Compact on the Placement of Children shall ensure that the child welfare staff in the receiving state is notified of the Florida requirement for face-to-face contact a minimum of every thirty days with the child and the parent or caregiver.

(a) The Services Worker shall maintain contact a minimum of every thirty days with the supervising worker in the other state to obtain updates regarding the child and family's progress.

(b) Documentation of the contact and progress by the child and family shall be entered in the case file.

(5) The Services Worker shall make the face-to-face contacts with each child under supervision a minimum of once every thirty days at the child's current place of residence or other location. Contact with a child outside the child's current place of residence shall occur in an environment that is critical to the life of the child, such as early education or child care program, school setting, or child's therapeutic setting.

(a) The contacts by the Services Worker shall be purposeful and focused on the reasons for supervision and progress with tasks and services in the case plan or safety plan.

(b) At least once every three months the Services Worker shall make an unannounced visit to the child's current place of residence. See the exception to not allowing the parent to reside in the home at Rule 65C-28.010, F.A.C., "Minor Parents in the Custody of the Department".

(6) If a face-to-face visit is not completed, the Services Worker shall document in the case file alternate contacts completed or attempted. The Services Worker's immediate supervisor shall review the circumstances surrounding the failure to make a required contact with a child, parent or caregiver to determine if the failure is excusable. Justification

for failure to make a face-to-face contact at least every thirty days shall be limited to situations in which the Services Worker or CPI has made all appropriate efforts to complete the contact.

(7) Face-to-face contacts shall occur more frequently than every thirty days when the child's situation dictates more frequent contact, as determined by the Services Worker's supervisor based on a review of the case and assessed safety and risk level or as determined by the court.

(8) If a child is on runaway status or his or her whereabouts are unknown, the Services Worker shall meet the requirements of Rule 65C-30.018, F.A.C., "Missing Children" Documentation of the efforts to locate the child shall be in the child's case file.

(9) All contacts and attempted contacts shall be documented in the case file within two working days of the contact or attempted contact. The documentation shall provide evidence of the following:

(a) Progress towards completion of case plan objectives within the required timeframes;

(b) Effectiveness of current services and identification of additional services needed;

(c) Observations of the child's development, physical condition and interaction with the parent or caregiver and household members.

(d) Assessment of progress in tasks and services aimed at ensuring the child's well-being, including educational, emotional, developmental, physical or mental health needs;

(e) When the child is scheduled for a Child Health Check-up according to the periodicity schedule and whether steps are being taken to ensure the child receives this service; and

(f) For children in an out-of-home placement.

1. Age thirteen and older, documentation shall include comments from the child and caregiver concerning progress in learning identified life skills;

2. Frequency of visitation between the child, siblings and parents, any reason visitation is not occurring, and efforts to facilitate visits.

(10) Normalcy for Adolescents and Teenagers in the Custody of the Department. Adolescents and teenagers who are in the custody of the department shall, as appropriate based on age and maturity level, be allowed and encouraged by the licensed out-of-home caregiver, to engage in appropriate social and extracurricular activities to promote the child's social development and maturity. The Services Worker and the licensed out-of-home caregiver shall work together to ensure the following for the child:

(a) Support of school attendance and participation and to encourage and support educational planning, i.e., college, vocational or technical programs.

(b) Assistance in preparing the child to develop living skills that shall assist him or her as he or she grows toward adulthood. The child shall be provided opportunities in the

home and through life skills classes and other departmentally-organized activities to learn and practice skills needed for independent living, such as food management, money management, consumer awareness, personal hygiene and appearance, housekeeping and personal belongings, transportation, job seeking, education, study skills and interpersonal relationship building.

(c) Permission and encouragement of the child, dependent on his or her age and maturity level, to engage in appropriate social and extracurricular activities in order to promote social development, obtain employment, have contact with family members, have access to phone usage, have reasonable curfews, and travel with other youth or adults.

(d) Support of the child's efforts to learn to drive a car and obtain a learner's permit and driver's license as appropriate for his or her age, maturity level, and availability of insurance.

1. If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver and Services Worker shall assist the child in finding a driver's education program.

2. Efforts shall be made to obtain automobile insurance for the child if he or she is to be allowed to drive.

(e) Provision of training and information, as appropriate to the child's age and maturity level, concerning drug and alcohol use and abuse, teen sexuality issues, runaway prevention, health services, community involvement, knowledge of available resources, and in identifying legal issues, understanding his or her legal rights and accessing specific legal advice pertinent to him or her. These opportunities shall not be withheld as a form of discipline.

(f) Encouragement and assistance in participating in activities such as the child having his or her picture taken for publication in a newspaper or yearbook; receiving public recognition for accomplishments; participating in school or after-school organizations or clubs; and participating in community events. The child shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as he or she is not identified as a foster child. Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level.

(g) Affording the child every opportunity for social development, recreation and to have normal life experiences. The child may attend overnight or planned outings if the activity is determined by the licensed out-of-home caregiver to be safe and appropriate. The Services Worker shall be available for consultation, and shall be notified of the activity.

1. The decision process for determining approval for such events shall take into account the provision for adult supervision appropriate to the child's age and development level.

2. Criminal, delinquency and abuse/neglect history checks for dating, outings and activities with friends, families and school and church groups are not necessary for participation in normal school or community activities.

3. In determining whether or not the child may participate in such activities, the licensed out-of-home caregiver shall:

a. Be as diligent in determining approval for such events as he or she would for his or her own children, and

b. Use his or her parenting skills to familiarize himself or herself with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity appropriately.

(h) Allowing the child to experience circumstances without direct supervision depending on the child's age, maturity, and ability to make appropriate decisions. The licensed out-of-home caregiver's familiarity with the child and the circumstances in which the child shall be unsupervised shall be the primary factors in the decision making.

1. The licensed out-of-home caregiver is ultimately responsible for the supervision of the child. Therefore the licensed out-of-home caregiver shall be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.

2. Dating, part-time employment, baby-sitting, arriving home after school and social outings with friends are examples of such activities.

(i) Knowledge by the licensed out-of-home caregiver of where and with whom the child is staying and the type of supervision and care the child shall be receiving before approving an outing or overnight activity.

(j) Inclusion, when appropriate and available, of the birth family in the decision making process.

(k) Receipt of an allowance no less frequently than each month, with the amount to be determined by the current board rate schedule.

1. The out-of-home caregiver shall not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities.

2. Allowances are not to be withheld as a form of discipline.

(11) In addition to the contacts required every thirty days, the Services Worker shall maintain ongoing communication with the child's and family's service providers to determine the effectiveness of the service in helping the child, parent and caregiver reach the case plan goal. Both progress in and problems with service delivery shall be documented and steps shall be taken to resolve any delays or problems in service delivery or client participation.

(12) While service intervention is in progress, the Services Worker shall:

(a) Request information to determine whether or not the service is addressing the identified problems/issues;

(b) Share information with the provider, such as changes in the family situation, changes with the child, any feedback from the family regarding the service and its effectiveness for them;

(c) Request timely progress reports and updates on problems and successes regarding the treatment; and

(d) Document all contacts with service providers.

(13) If the Services Worker becomes aware of conditions or activities in the child's home, placement home or another location that threaten the safety of the child, the Services Worker shall take such steps as are necessary to protect the child and shall immediately report allegations of abuse, neglect or abandonment to the Florida Abuse Hotline. If the child is in a licensed home or facility, the Services Worker shall also contact the licensing unit.

(a) If the child is in a licensed home or facility, the Services Worker is authorized to change the placement of the child to ensure the immediate safety of the child. The Services Worker shall cooperate with the CPI assigned for timely completion of the investigation. All concerns noted shall be relayed to the caregiver and to licensing staff, as appropriate.

(b) If the child is on emergency shelter status and is in a non-licensed home, the Services Worker shall take such steps as are necessary to protect the child and shall immediately report allegations of abuse, neglect or abandonment to the Florida Abuse Hotline. The Services Worker shall cooperate with the CPI assigned for timely completion of the investigation. If the child is removed from a non-licensed placement pursuant to this paragraph, an emergency shelter hearing shall be scheduled within twenty-four hours of the removal.

(c) If the child is in a non-licensed placement as the result of a court order following disposition of the case, the Services Worker is authorized to take the child to a safe place if necessary to protect the child pending the arrival of a CPI. The CPI shall investigate the allegations and determine the need for the removal of the child. If the child is removed from a non-licensed placement pursuant to this paragraph, an emergency shelter hearing shall be scheduled within twenty-four hours of the removal.

(14) If the placement of a child disrupts or there are issues unrelated to a new incident of abuse, neglect or abandonment that warrant a change of placement, the Services Worker shall take such steps as are necessary to remove the child from the placement and place him or her in another placement. If abuse, neglect or abandonment is known or suspected, the Services Worker shall immediately report allegations to the Florida Abuse Hotline. If the child is in a licensed home or facility, the Services Worker shall also contact the licensing unit.

(a) If the child is under emergency shelter status with a relative or non-relative or in an emergency shelter home or facility, he or she shall be placed with a relative or non-relative

under shelter status or in another emergency shelter home or facility. The court shall be notified of the change in placement within 24 hours of the removal.

(b) If the child is in a foster home or group care facility, he or she shall be placed with a relative or non-relative under shelter status or in another licensed setting. If the child is placed with a relative or non-relative, an emergency change of placement hearing shall be scheduled within twenty-four hours of the removal.

(c) If the child is in the court ordered custody of a relative, he or she shall be placed with another relative or non-relative under shelter status or in a shelter home or facility. An emergency shelter hearing shall be scheduled within twenty-four hours of the removal.

(15) "High Risk Tracking and Review" is a protocol that shall be locally developed by child protective investigations and contracted service provider staff and shall be utilized whenever children in a case are identified as being at high risk of repeat – maltreatment. The protocol is intended to ensure that all child and parental risk and safety factors are thoroughly reviewed and considered in the process of decision-making at all critical case planning junctures in the life of the case.

(a) The protocol must include a supervisory review.

(b) The process must ensure that there is documented seamless review of safety and risk throughout the life of the case.

(c) Cases to be considered for a High Risk Case Review are those cases in which, at a minimum, critical injuries have occurred, a permanent or serious impairment is alleged or has occurred, or there has been a death or critical injury to another child in the family.

(17) Determination of Citizenship and Required Actions for Children Who Are Not U.S. Citizens.

(a) For each child adjudicated dependent due to abuse, neglect or abandonment, the Services Worker shall determine whether the child is an U.S. citizen. In other words, the Services Worker must determine whether the child has a birth certificate, passport, naturalization certificate or other evidence of U.S. citizenship.

1. If the child is not an U.S. citizen, the Services Worker shall determine whether the permanency plan for the child will include remaining in the United States. This shall include the determination of whether there is an option for a safe reunification with the parent or legal guardian who may be located in another country. This includes a consideration of whether the parents or legal guardian can successfully complete a case plan.

2. If the permanency plan will include the child remaining in the United States, and the child is in need of documentation to effectuate this plan, the Services Worker shall refer the case to an authorized legal services immigration provider for a

determination as to whether the child “may be eligible for special immigrant juvenile (SIJ) status [see 8 CFR 204.11(a)] or other immigration relief.

a. A child may be eligible for this status when:

i. The child has been declared a dependent of the juvenile court or the court has placed the child under (or legally committed the child to) the custody of an agency or department of a State;

ii. The child has been deemed eligible for long-term foster care due to abuse, neglect, or abandonment; and

iii. The Court has also found that it is not in the child’s best interest to return to his/her country of nationality or last habitual residence [or the juvenile’s parents’ country of nationality or last habitual residence (home country)].

3. Within sixty days of an order finding that the child is eligible for SIJ status the Services Worker shall assure that contracted or pro bono legal services has sufficient documentation to file a petition for SIJ status and the application for adjustment of status to the appropriate federal authorities on behalf of the child.

a. The Services Worker shall give the legal services provider some proof of the child’s age. This proof may include a passport or some other official foreign identity document issued by a foreign government. Any foreign document must be translated into English. If such a document is not available, the Services Worker must discuss with either the legal services provider or CWLS the possibility of obtaining a Circuit Court Order with specific findings regarding the child’s age.

b. If a child has also been adjudicated delinquent, the Services Worker shall obtain all DJJ records and give them to the legal service provider to submit with the federal application for SIJ status. These records must be certified copies of the records of disposition.

(b) Requirement to Inform the Court.

1. During the first judicial review regarding the case, the department or CBC shall report to the court as to whether the child is a U.S. citizen.

2. At the first judicial review, if the child is not a U.S. citizen, then the department or contracted service provider shall inform the court of the steps that have been taken to address the child’s citizenship or residency status. In other words, the department or contracted service provider must let the court know whether a determination by an authorized legal services immigration provider has been made that the child may be eligible for SIJ status or other appropriate immigration benefits.

3. The information delineated in 1. and 2. above shall be provided to the court through a Judicial Review Social Study Report or testimony of the Services Worker, or it may be provided through both means.

4. Legal residency or citizenship status shall be pursued as soon as possible. Because the process of applying for and obtaining lawful immigration status can be lengthy, the child

shall be referred to an authorized immigration legal service provider as soon as it is clear that there may be an issue regarding the child’s immigration status.

(c) Provision of Needed Services. Regardless of the citizenship or immigration status of the child, he or she must be provided any needed services.

1. Under the Alien Child Rule at subsection 65C-9.003(1), F.A.C. Florida has already decided that “the immigration status of a child has no bearing on either the care or service rendered by Department of Children and Family Services to a child or on judicial proceedings undertaken by Department of Children and Family Services on behalf of the child.”

2. If federally funded programs, such as Medicaid, are dependent on citizenship or a qualified alien status, the benefits and services must be provided with state general revenue funds or with the funding provided to the supervising community-based care provider.

(d) Case Plan Requirements: If the child is not a U.S. citizen or legal immigrant, the Services Worker must include in the case plan a recommendation as to whether the child’s permanency plan will include remaining in the United States.

(e) Retention of Court Jurisdiction beyond Age Eighteen.

1. The Court May Retain Jurisdiction beyond the Child’s Eighteenth Birthday:

a. If the petition and application have been filed but not granted by federal authorities by the time the child reaches 18 years of age, the court is authorized to continue jurisdiction over the dependency case. If the child’s petition and application have not been granted sixty days before the child’s 18th birthday, the Services Worker will request that CWLS file a motion to extend jurisdiction.

b. This continued jurisdiction is solely to allow the consideration of the petition and application by federal authorities.

ii. Review hearings for the child shall be solely for determining the status of the petition and application made to the federal authorities.

ii. The jurisdiction terminates upon the final decision by the federal authorities or upon the young adult reaching 22 years of age, whichever is earlier.

c. The court’s retention of jurisdiction beyond a child’s eighteenth birthday shall have no effect on the young adult’s eligibility for Independent Living Transition Services under Section 409.1451, F.S., including Road to Independence Scholarships. A young adult who is otherwise eligible for these services remains eligible though the court has retained jurisdiction for purposes of establishing “special immigrant juvenile status under federal law” for the young adult.

(18) Rule 65C-12.005, F.A.C., Medicaid Eligibility Procedures.

(a) All children in shelter status are immediately Medicaid eligible.

(b) No later than the end of the next working day following the placement of a child in an emergency shelter home or facility, the CPI or Services Worker making the placement shall check the Florida Medicaid Management Information System to determine if the child is currently Medicaid eligible. This check shall be performed as soon as possible following the child's removal from home and before the receipt of any medical care by the child. If the child is Medicaid eligible, documentation of the child's proof of eligibility shall be prepared. The change in the child's circumstances shall be reported to the public assistance worker responsible for the case or, for Supplemental Security Income recipients, to the appropriate Social Security Administration office. This is to be done as soon as possible but no later than five working days following the child's removal. When Medicaid coverage based on receipt of public assistance ends, the child shall retain eligibility due to his emergency shelter status for up to two months pending determination of the child's ongoing eligibility for Medicaid.

(c) If a child receives medical treatment before being assigned a Medicaid number, once a Medicaid number has been assigned, the CPI or Services Worker shall contact providers who rendered service and provide them with the Medicaid number so the providers may bill Medicaid for any Medicaid compensable services they have provided.

(d) Specialized Medicaid Reimbursable Services. For any Medicaid eligible child who requires specialized Medicaid reimbursable services (such as physical, occupational, speech or respiratory therapy; private duty nursing; personal care; durable medical equipment/medical supplies; orthotics and prosthetics), the CPI or Services Worker must contact or arrange for contact of the service authorization nurse in the district Medicaid office. These services must be pre-authorized by the Medicaid program in order to be Medicaid reimbursable.

Specific Authority 39.012, 39.0121(13), 39.5075(8), 409.026(8), 409.401, Article VII FS. Law Implemented 39.001(f), 39.401(1)(3), 39.402(2)(8)(d)1, 39.4085(14), 39.5075, 39.601(1)(c), 322.09(4), 409.165(3), 409.175(13), 409.401, 409.903(4), Article V, (a), 627.746 FS. History–New _____.

65C-30.008 Services Worker Responsibilities to Parents.

(1) For children remaining in the home, the Services Worker shall assist the parents in order to:

(a) Resolve and help prevent the situation that resulted in in-home supervision;

(b) Understand and meet their child's needs, including the child's need for safety;

(c) Maintain contact with the children's service providers, including medical and educational providers.

(d) Work toward a realistic and timely case goal.

(2) For children in an out-of-home placement, the Services Worker shall assist the parents to maintain continuing contact with the child through visitation, letters, phone calls, and any

other reasonable and appropriate methods to maintain contact, when in the best interest of the child. All contact shall be in accordance with any order of the court.

(3) For children in an out-of-home placement with a case plan goal of reunification, the Services Worker shall ensure the parents are provided with reunification services. Reunification services shall:

(a) Identify and remedy the problems that have resulted in the removal of the child;

(b) Assist the parents in making changes that will permit a safe reunification of the family whenever possible and as quickly as possible and recommend services to ameliorate such problems.

(c) Focus on the specific problem areas that make it unsafe to return the child home.

(d) Understand the possibility of permanent separation from the child if that becomes necessary.

(4) The Services Worker shall document services offered, services utilized and the effects of these services, and shall communicate at least once every thirty days with the parents on progress made or lack of progress. This information shall provide the basis for casework decisions and recommendations to the court.

(5) If the court-approved goal of the case plan for a child in an out-of-home placement is not reunification, the Services Worker has no obligation to offer or provide reunification services to the parents, unless it is necessary for the child's well-being or is otherwise court ordered.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.01(21), 39.01(61), 39.601(1)(c)(5), 39.701(6)(a), 39.701(7)(a), 39.521(1)(d)9, 39.521(1)(f)1., 39.521(1)(f)4., 39.521(2), 39.601(5), 39.621, 39.701(8)(e) FS. History–New _____.

65C-30.009 Tiered Services Protocol.

(1) Prior to a child being removed from the home, the department or its authorized agent shall determine if, with the provision of appropriate and available early intervention or prevention, including services provided in the home, the child could safely remain at home. If at any time it is determined the child's safety and well-being are in danger, the child shall be removed from the home location and placed where he or she is no longer considered to be in danger.

(2) The following outlines the tiered protocol to services that allows the department or its agent to diligently support family continuity prior to placing children in foster care. All staff shall use this protocol when considering the services that best meet the needs of the child. The final decision regarding the service intervention to be pursued shall be made at the Early Service Intervention (ESI) staffing held as required by subsection 65C-30.002(1), F.A.C.

(a) Voluntary Protective Services (VPS). In this initial tier, the child will remain at home and the department or contracted service provider shall assist the family where issues of risk exist and where a decision has been made that the authority of

the court is not necessary to ensure the safety of the child or the cooperation of the family in complying with the case plan. Prior to offering VPS to a family, the Child Protective Investigator (CPI) shall first determine, in consultation with his or her supervisor, whether the child is at high risk. If the child is determined to be at high risk, then court ordered services shall be recommended to ongoing-service staff. Once VPS is agreed to at the ESI staffing and has been accepted by the family, a case plan shall be negotiated with the parents or legal custodians and signed as set forth in Rule 65C-30.006, F.A.C.

(b) Court Ordered In-Home Services. Court Ordered In-Home Services occurs when it has been determined that the child can remain in the home while receiving in-home services under the supervision of the court. The CPI shall first determine, in consultation with his or her supervisor, whether the level of risk to the child indicates that court ordered supervision must be recommended based on the factors contained in subsection 65C-30.010(2), F.A.C. If the child is determined to be at high risk, then court ordered services shall be recommended to ongoing-service staff at the ESI staffing. If the level of risk is determined to not constitute high risk based on the requirements of subsection 65C-30.010(2), F.A.C., then the CPI and his or her supervisor shall determine whether court-ordered or voluntary supervision shall be recommended based on the needs of child and family and identified risks to the child.

(c) Court Ordered Relative/Non-Relative Placements. When a child is removed from his or her parents or legal guardian due to abuse, neglect or abandonment, the department or its authorized agent shall request the names, relationships and addresses of both parents, maternal and paternal relatives, and any non-relatives who are known to the family and who may be appropriate for placement.

1. Prior to making an emergency placement with a relative or non-relative, an on-site check of the safety and appropriateness of the caregiver's home and initial criminal, delinquency and abuse/neglect history check activities shall be performed, followed by the fingerprinting of all adult household members in the caregiver's home and further criminal, delinquency and abuse/neglect history check activities as set forth in subsection 65C-28.011, F.A.C.

2. Within thirty working days following the Early Service Intervention staffing, in order to make a recommendation to the court regarding the placement, the CPI or Services Worker shall complete a home study of the selected caregiver's home, as set forth in Rule 65C-28.012, F.A.C. A home study will be performed on more than one prospective placement when the CPI or the Services Worker determines that there is more than one placement alternative for consideration.

3. The CPI or Services Worker shall inform the caregiver, in writing, about the:

a. Temporary Assistance for Needy Families (TANF) funded Temporary Cash Assistance Program (TCA) grant through the Economic Self-Sufficiency Program (ESS) for relatives within the fifth degree of relationship by blood, marriage or adoption to the child, which would include Medicaid eligibility for the child. If the caregiver is a relative of the child, he or she shall be referred to ESS to apply for a TCA grant immediately upon the child's placement.

b. Relative Caregiver Program (RCP) payment through ESS if the caregiver is a relative who is within the fifth degree by blood or marriage to the parent or stepparent of the child (this is a broader degree of relationship than for TCA), in accordance with the criteria outlined in Section 39.5085(2)(a)1., F.S. Where there is a half-sibling of the related child whose parent or stepparent does not meet the degree of relationship to the caregiver required for eligibility, the half-sibling shall also be referred in accordance with the criteria outlined in Section 39.5085(2)(a)2., F.S.. See paragraph 65C-28.008(1)(c), F.A.C., regarding the degree of relationship requirements for RCP eligibility.

c. Once the child is adjudicated dependent and the court approves the placement with a relative caregiver based on the home study, the CPI or Services Worker shall notify ESS, as required by paragraph 65C-28.008(2)(e), F.A.C., to make a determination of the relative caregiver's eligibility for RCP funds.

d. It shall be explained to non-relative caregivers that they are not eligible for cash assistance and that the child's eligibility for Medicaid is established through ESS based upon the child's dependent status. Food Stamps are available for eligible households at ESS if the caregiver chooses to apply and meets the eligibility criteria. It shall be explained to the non-relative caregiver that he or she may pursue licensure as a foster parent to receive payments in support of the placement. If the non-relative caregiver expresses interest in receiving Medicaid for the child, Food Stamps or foster care licensure, the CPI or services worker shall explain the process for applying for these benefits.

(d) Foster Care. The department or its agent shall petition the court to place the child in foster care, as defined in Section 39.01, F.S., if the child remains in shelter status and a suitable relative or non-relative is not located to serve as a placement for the child.

Specific Authority 39.012, 39.0121(1),(7),(12),(13) FS. Law Implemented 39.001(1)(b),(f),(i),(m), 39.01(33),(48), 39.301(8)(b), 39.401(3), 39.4085(5),(13), 39.5085, 39.521(1)(b)3.,(2),(3) FS. History—New _____

65C-30.010 Voluntary Protective Services.

(1) Determining Appropriateness of Voluntary Protective Services. Prior to offering Voluntary Protective Services (VPS) to a family, the Child Protective Investigator (CPI) shall first determine, in consultation with his or her supervisor, whether the child is at high risk. If the child is determined to be at high risk, then court ordered supervision shall be recommended to

ongoing-service staff. A recommendation for VPS is appropriate prior to determining whether there is legal sufficiency to petition the court for court ordered services.

(2) Factors to be considered by the CPI and his or her supervisor in determining high risk:

(a) The parent's or legal custodian's ages and maturity level;

(b) Whether there is evidence that they use illegal drugs or there is domestic violence in the home;

(c) The criminal, domestic violence and abuse neglect or abandonment history of the parents or legal custodians and others who live in or frequent the home;

(d) The presence of any chronic or severe abuse, neglect or abandonment or of multiple maltreatments;

(e) Prior reports of abuse, neglect or abandonment involving the family or household and the findings of the investigation(s); and

(f) A history of non-compliance or non-cooperation during any previous interventions.

(3) If the results of the automated assessment tool performed by the CPI indicate that the child is at high risk, court ordered services shall be pursued.

(4) The CPI shall offer families that have no need for ongoing supervision referral for services available in the community or governmental programs in lieu of referring the family for VPS, as appropriate.

(5) Voluntary Protective Services Decision: Once a case is staffed by the CPI and supervisor and it is determined that the child is not at high risk and his or her safety is ensured without court involvement, the CPI may refer the family to the contracted service provider for protective supervision services on a voluntary basis. In making this referral, the requirements of Rule 65C-30.002 and paragraph 65C-30.009(2)(a), F.A.C., shall be observed.

(6) Voluntary Protective Services Agreement:

(a) Prior to accepting a family for VPS, the CPI or Services Worker shall obtain a written agreement signed by the parents or legal custodians stating that the parents or legal custodians understand the nature of the services; their obligation to participate in the development and carrying out of the case plan requirements and the potential consequences if progress is not made in ameliorating the conditions that led to the abuse, neglect or abandonment report.

(b) All adult household members, i.e., stepparents, significant others, extended family, roommates, etcetera, who provide any level of child care or supervision shall sign the agreement. Parents who do not reside in the home but who will be involved in developing and complying with the case plan shall also sign the agreement.

(7) Once VPS is accepted by the family, a case plan shall be negotiated with and signed by all parties to the case within thirty days of the Early Services Intervention staffing or the signing of the voluntary protective services agreement,

whichever is later. All case management and service delivery responsibilities required in court ordered cases are required in VPS cases, with the following exceptions:

(a) Court petitions and judicial reviews are not required.

(b) Fingerprinting, photographing and birth verification of the children are not required.

(8) Lack of Compliance and Case Closure:

(a) The family has the right to request closure of its case at any time. However, prior to the closure of a VPS case, the Services Worker shall staff the case with his or her supervisor to determine if there is a need for continued supervision based on continued risk to the child, lack of compliance with the case plan or any changes in family circumstances. The family's request to close the case shall be documented in the case file.

(b) If at any time it is determined that the case closure is not in the child's best interest or that court ordered services are necessary, a staffing shall be held with a Child Welfare Legal Services attorney to determine if there is legal sufficiency to file a shelter or dependency petition. If it is not possible to establish legal sufficiency under these circumstances and a family has requested that its VPS case be closed, the case shall be closed.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.301 FS. History--New _____.

65C-30.011 Placement Responsibilities of the Services Worker or Child Protective Investigator.

(1) The person making the placement shall, whenever possible, transport the child to the placement, advise the caregiver as to the reason or circumstances that caused the child to be placed and facilitate the adjustment of the child to the placement. The person making the placement shall also be aware of, and attend to, the child's emotional needs.

(2) The person making the placement shall ensure that the child's special physical, medical, developmental, educational or emotional needs are met as specified in subsection 65C-28.004(7), F.A.C.

(3) Continuation of Medical Care and Treatment. The child's medical care and treatment shall not be disrupted by change of placement. To the extent possible, the person making the placement shall arrange for transportation in order to continue the child with his or her existing treating physicians for any on-going medical care. If this is not possible, then the person making the placement shall secure a copy of the child's medical records from the treating physician within three working days of the change to a new provider. The person making the placement is responsible for the following tasks relating to on-going medical care and treatment:

(a) Discuss with the caregiver all known health care facts regarding the child;

(b) Review with the caregiver all health care and Medicaid information contained in the child's resource record;

(c) Obtain any prescription medication currently taken by the child. To continue medication as directed, the person making the placement shall obtain the medication in labeled medication bottles, inventory the medications provided, and transport the medications to the child's caregiver. The inventory shall include, at a minimum:

1. The child for whom the medication is prescribed;
2. The condition and purpose for which the medication is prescribed for this child;
3. The prescribing physician's name and contact information;
4. The pharmacy from which the prescription was obtained and the contact information;
5. The prescription number;
6. The drug name and dosage;
7. The times and frequency of administration, and if the dosages vary at different times;
8. Any identified side effects;
9. Any other specific instructions regarding the medication; and
10. A space for the caregiver to sign and date the medication inventory to indicate receipt of the child's medication;

(d) If the child is taking unlabeled medications or prescription information is insufficient, the person making the placement shall contact the prescribing physician, if available, to ensure the proper identification and labeling of the medication or to arrange for a medical evaluation in order that treatment not be interrupted; and

(e) If a child uses medically assistive devices, the person making the placement shall ensure that these devices are taken with the child to the out-of-home placement. The person making the placement shall also ensure that the caregiver receives the appropriate information and instruction concerning the use of the devices from the child's health care provider.

(4) The Child's Resource Record. A child's resource record shall be developed for every child entering out-of-home care. The person making the placement is responsible for the initial development, monitoring, updating and transporting of the child's resource record. The person making the placement shall review confidentiality requirements with each caregiver, who shall be provided a child's resource record. The caregiver is responsible for maintaining confidentiality of the child's resource record documents.

(a) Since some of the information necessary in the child's resource record is not available immediately upon initial removal, the documents required in the child's resource record shall be placed in the record as available. The child's resource record shall include the following information:

1. Medical, dental, psychological, psychiatric and behavioral history;

2. Copies of documentation regarding all on-going medical, dental, psychological, psychiatric and behavioral services, including child health check-ups provided through Medicaid;

3. Parental consent for treatment or court order;
 4. Copy of the Medicaid card;
 5. Copy of the Shelter Order;
 6. Copy of the court order or Voluntary Placement Agreement placing or accepting the child into out-of-home care;
 7. Copy of Predisposition Report;
 8. Copy of the Case Plan;
 9. Copy of the most recent Judicial Review Social Study Report;
 10. School records, including, as available,
 - a. Report cards;
 - b. FCAT results;
 - c. Any psycho-educational evaluations or other evaluations of the child made to determine the child's educational needs and/or eligibility for special educational services;
 - d. All disciplinary records;
 - e. All Individual Educational Plans, including meeting notes;
 - f. Any consents or communications from the child's parents; and
 - g. Any notes or information from the guidance counselor/guidance office.
 11. An envelope for storing pictures;
 12. The most recent photograph available;
 13. Copy of the child's birth certificate or birth verification certified by the Office of Vital Statistics, as appropriate; and
 14. Documentation of immigration status, including certificate of citizenship, if available; and
 15. The names and phone numbers of staff to be contacted in emergencies.
- (b) The child's resource record shall be provided to the initial out-of-home caregiver within 72 hours of placement and shall accompany the child during any change of placement. If the child's resource record does not accompany the child at the time of a placement change, it shall be provided to the out-of-home caregiver within 72 hours of placement.
- (c) The child's resource record shall accompany the child to medical and therapist visits and shall accompany the child or caregiver to all school meetings.
- (d) Where the department or contracted service provider has originals of documents required to be included in the child's resource record, the original documents shall be placed in the child's case file and the copies shall be kept in the child's resource record.

(e) Where medical or educational information is not available and accessible, written documentation of the efforts made to obtain the information shall be placed in the case file.

(5) Child's Resource Records in Licensed Placements.

(a) The child's resource record shall be physically located with the caregiver. The child's licensed caregiver shall ensure that the child's resource record is updated after every health care, psychological, psychiatric, behavioral and educational service or assessment provided to the child.

(b) The Services Worker shall ensure that medical and court-related documentation are kept current at each visit that is made at least every thirty days. If additional information is needed in the child's resource record, the Services Worker and the licensed caregiver shall work together to ensure that the child's resource record is promptly updated.

(6) Child's Resource Record in Relative and Non-Relative Placements.

(a) The Services Worker shall ensure the upkeep of the child's resource record in relative and non-relative placements. The child's resource record shall be physically located with the relative or non-relative.

(b) The Services Worker shall assist the relative or non-relative to update the child's resource record after every health care, psychological, psychiatric, behavioral and educational service or assessment provided to the child.

(c) The Services Worker shall ensure that medical and court-related documentation are kept current at each visit. If additional information is needed in the child's resource record, the Services Worker shall provide copies of needed documents to the relative/non-relative for updating of the child's resource record.

(7) Continuation of School Attendance.

(a) The Services Worker and the caregiver shall work in partnership to minimize the impact on school attendance as a result of the removal from the child's home.

(b) The Services Worker and the child's caregiver shall explore the ability to maintain the child in the school that the child was attending at the time of removal in accordance with the federal McKinney-Vento Homeless Assistance Act, referenced in subsection 65C-28.004(3), F.A.C. If this is not possible, the Services Worker and caregiver shall, together with school personnel, coordinate a transition plan that shall be the least disruptive to the child. See paragraph 65C-28.004(3)(c), F.A.C., regarding the federally required dispute resolution process for the child when he or she is dissatisfied with a failure to allow him or her to remain in the school of origin.

(8) Transportation. The caregiver shall have the primary responsibility for ensuring the transportation of children in out-of-home care to and from hearings, visitation and other transportation activities. If the caregiver cannot arrange or provide transportation, he or she shall contact the Services Worker who shall be responsible for developing contingency

transportation plans. When the caregiver refuses to perform these required transportation responsibilities, the Services Worker shall notify licensing staff of the refusal.

(9) Review of Licensed Caregiver Performance. At the time of license renewal for a licensed out-of-home caregiver, at the request of contracted providers, the Services Worker shall complete a questionnaire regarding the caregiver's as required by paragraph 65C-13.006(4)(s), F.A.C.

(10) Completion and Review of the Child Service Agreement. The person making the placement shall complete the "Child Service Agreement", CF-FSP 5227, June 2002, incorporated by reference, and review with licensed out-of-home caregivers the information provided on the form and its relevance to their responsibilities in regard to the Bilateral Service Agreement.

(11) When a child is placed in a relative's or non-relative's home, the Child Protective Investigator or Services Worker shall inform the relative or non-relative that he or she may seek licensure as a caregiver in accordance with Chapter 65C-13, F.A.C., to be eligible for payment as a shelter or foster parent and provide information regarding the Relative Caregiver Program.

Specific Authority 39.012, 39.0121(6),(13), 409.165(3) FS. Law Implemented 39.4085(3),(7)(10),(12),(17), 409.145(6), 409.165(3) FS. History—New

65C-30.012 Permanency Goal Selection.

(1) Permanency Goals.

(a) Permanency goals, as set forth in Part IX, Chapter 39, F.S., shall be selected based on the best interest of the individual child. The primary permanency option is to maintain a child with his or her parents or legal custodian followed by reunification of the child with his or her parents or legal custodian whenever possible.

1. All information regarding the child, the child's immediate and extended family and the current placement of the child shall be provided to the court with a recommendation of the permanency option that is determined to be in the child's best interest.

2. The child's permanency goal is the primary factor used in the development of the case plan.

(2) Permanency Goals for Children in Out-of-Home Care.

(a) Reasonable efforts to finalize the permanency plan shall be made during the first twelve months following the date the child was removed from his or her home. The Services Worker shall document in the Judicial Review Social Study Report (JRSSR) his or her efforts to achieve the permanency goal. To assure the court is provided with all available information from which to make a judgment, the JRSSR shall address all assessments, referrals, diligent searches and services being provided to a child and his or her family. The court shall make a finding that the department or contracted service provider has made sufficient reasonable efforts to finalize the permanency plan in effect in a timely manner.

When the court does not make such a finding, Child Welfare Legal Services shall immediately schedule a hearing to obtain the finding.

(b) Unless there is a compelling reason for an exception, a petition for termination of parental rights shall, at a minimum, be filed when a child has been in out-of-home care fifteen out of the previous twenty-two months.

1. Compelling reasons are:

a. If the child is being cared for by a relative or non-relative who is willing and able to serve as a long term legal custodian until the child reaches the age of majority and the custodian is not interested in adopting the child; and

b. If there is a determination that the family has not been provided, consistent with the time period in the case plan, the services necessary to safely reunify the child.

2. A request to extend the case plan with a permanency goal of reunification will only be made when it is reasonable to expect that the goal of reunification will be achieved within fifteen months from initial removal. If a request is to be made to extend the case plan, an amended case plan, developed with the involvement of the parents, shall be provided to the court and, if approved, be immediately provided to the parties involved as set forth in Section 39.601(9), F.S.

a. The amended case plan shall include the efforts by the department or contracted service provider to assess the need for changing the permanency goal.

b. The case documentation and petition to the court shall provide the compelling reasons for requesting an extension and address how the extension is in the child's best interest.

c. The request to extend the case plan shall address previous visits between parent and child and make recommendations as to the future visitation schedule as set forth in Section 39.701(8), F.S.

(3) At a minimum, the following items shall be assessed in determining the best permanency option for a child in out-of-home care:

(a) Safety and risk of re-maltreatment. Whether interventions provided will ensure safety and risk of re-maltreatment and alleviate the causes of removal, allowing the child to be returned to the home. If not, the Services Worker shall assess risk and safety of the child regarding those permanency options being considered;

(b) Attachments. Current family relationships and other significant relationships that shall provide the child stability and a sense of connection and provide possible permanent living options. This includes connections with family members from the child's home of removal;

(c) Physical, Medical, Emotional, Psychological, Developmental and Educational Needs. The Services Worker shall give consideration to matching the child with caregivers able to provide for the child's needs on a long-term basis. The

Services Worker shall ensure that the caregivers are provided the education, training and support necessary to enable them to meet the child's needs;

(d) Placement options that provide the most family-like and least restrictive settings. The Services Worker shall explore the current caregiver's ability and willingness to provide a permanent home for the child;

(e) Child's Preferences. The Services Worker shall provide the child information and education regarding permanency goal options to assist the child in making an informed decision as to his or her preference in achieving permanency.

(4) Permanency Goal Requirements for Children in Out-of-Home Care. The particular situation of each child and family shall be considered by the Services Worker in determining the best permanency goal for a particular child. The child is to be informed of the availability of long-term caregivers or an older child's opportunities for independence. Reunification shall be ruled out as an option prior to changing the permanency goal to any other option. The case documentation shall provide justification that the permanency option recommended to the court is the most appropriate one for the child.

(a) Reunification. Reunification with the child's family is the preferred permanency goal for children entering out-of-home care.

1. If the court makes a determination that reasonable efforts to reunify are not required, a permanency hearing shall be held within thirty days and a permanency staffing shall be held prior to the hearing to determine the permanency plan and goal for the child.

2. The frequency of the visitation schedule between family and child shall, when permitted by the court, be accelerated prior to reunification to allow the family to adjust and to observe parent and child interactions.

(b) Adoption. Adoption must be considered by the court as a permanency option when a child cannot be safely returned home or provided permanency within the family through long-term custody with a relative.

1. The case documentation shall provide justification that adoption and not reunification is the most appropriate permanency option.

2. Adoption by relatives or other significant persons in the child's life shall be considered prior to exploring placing the child with a new family. This includes exploration of the child's previous placements.

3. The appropriateness of this option shall be assessed in accordance with subsection 65C-30.012(3), F.A.C., and meet the requirements of Chapter 63, F.S.

(c) Guardianship is a formal legal arrangement that transfers custody of a minor child from the parent to the guardian. It includes the transfer of certain parental rights, which include: protection, education, care and control, custody of the person, and decision making.

1. Guardianship caregivers shall be committed to care for the child until the child becomes eighteen years of age. However, guardianship does not require the termination of parental rights.

2. The case documentation shall provide justification that neither reunification nor adoption are appropriate permanency options.

3. The Services Worker shall:

a. Evaluate the likelihood of the child to attend post-secondary education in Florida and:

i. Inform the prospective guardian and the child, if age 16 or older, that this option does not qualify for the fee and tuition exemption that is provided pursuant to Section 1009.25, F.S., for former foster youth who age out of the system or for children who have been adopted from the Department of Children and Family Services after May 5, 1997.

ii. Inform any prospective guardian who is a non-relative and the child, if age 16 or older, that this option does not qualify for the fee and tuition exemption that is provided children who are in relative placement pursuant to Section 39.5085, F.S.

iii. Inform any prospective guardian who is a relative and the child, if age 16 or older, that this option does not qualify for the fee and tuition exemption that is provided children who are in relative placement pursuant to Section 39.5085, F.S., unless the child has already been placed in the custody of the relative by the court pursuant to Section 39.521, F.S., or Section 39.622, F.S.

b. Inform the prospective guardian that the child will not be eligible for any Independent Living programs or post-age 18 benefits. If the child is age 16 or older, the Services Worker shall determine if the child is potentially eligible for Subsidized Independent Living, and, if so, discuss with the child and prospective guardian this option to preserve actual and potential continued financial assistance both up to and beyond the child's adulthood.

4. The appropriateness of this option shall be assessed in accordance with subsection 65C-30.012(3), F.A.C. and meet the requirements of Chapter 39, Part XI, F.S.

(d) Long Term Custody. Long-term custody applies to a relative or other adult approved by the court and provides permanency through legal custody.

1. The case documentation shall provide justification that neither reunification nor adoption, whether by a relative or another person, are appropriate permanency options.

2. Judicial review hearings shall be discontinued and the department or contracted service provider may be relieved of supervising the placement after the court determines that supervision is no longer needed. The court, at its discretion, may or may not retain jurisdiction.

3. The Services Worker shall:

a. Evaluate the likelihood of the child to attend post-secondary education in Florida and:

i. Inform the caregiver and the child, if age 16 or older, that this option does not qualify for the fee and tuition exemption that is provided pursuant to Section 1009.25, F.S., for former foster youth who age out of the system or for children who have been adopted from the Department of Children and Family Services after May 5, 1997.

ii. Inform any non-relative caregiver and the child, if age 16 or older, that this option does not qualify for the fee and tuition exemption that is provided children who are in relative placement pursuant to Section 39.5085, F.S.

b. Inform the non-relative caregiver that the child will not be eligible for any Independent Living programs or post-age 18 benefits. If the child is age 16 or older, the Services Worker shall determine if the child is potentially eligible for Subsidized Independent Living, and, if so, discuss with the child and custodian this option to preserve actual and potential continued financial assistance both up to and beyond the child's adulthood.

4. The appropriateness of this option shall be assessed as set forth in subsection 65C-30.012(3), F.A.C. and meet the requirements of Section 39.622, F.S.

(e) Long-Term Licensed Custody. Long-Term Licensed Custody applies to a licensed out-of-home caregiver who has cared for a child age fourteen or above for a period of no less than twelve months and provides permanency through legal custody.

1. A minimum of semiannual visits by the department or contracted service provider is required. The court retains jurisdiction until the child becomes an adult.

2. The appropriateness of this option shall be assessed as set forth in subsection 65C-30.012(3), F.A.C. and meet the requirements of Section 39.623, F.S.

3. The case documentation shall provide justification that reunification, adoption or long-term custody to a relative or non-relative are not appropriate permanency options.

(f) Independent Living. This goal involves the court approved placement of a child in a subsidized independent living arrangement as permanency for a child 16 years of age or older, if it can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the health, safety, and well-being of the child will not be jeopardized by such an arrangement.

1. The appropriateness of this option shall be assessed as set forth in subsection 65C-30.012(3), F.A.C., and shall meet the requirements of Sections 39.624 and 409.1451, F.S.

2. The case documentation shall provide justification that it is not in the child's best interest to pursue any of the other permanency options.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.621, 39.622, 39.623, 39.624 FS. History--New _____.

65C-30.013 Judicial Reviews and Court Reports.

(1) The Services Worker shall comply with all department requirements for judicial reviews in Section 39.701, F.S., including requirements for the Judicial Review Social Study Report (JRSSR) and the use of citizen review panels as specified in Sections 39.701 and 39.702, F.S.

(2) Regularly Scheduled Judicial Reviews. Every child under the jurisdiction of the court shall have judicial reviews at least every six months as long as the department or contracted service provider is responsible for supervising the child.

(a) If a child receives a regularly scheduled judicial review prior to disposition having been reached in the child's case, it is permissible to schedule the review hearing in conjunction with any other hearing occurring in the case. The review hearing must occur within six months of the previous judicial review or of the child's removal from his or her home, whichever is earlier. Adequate notice and reports shall be prepared for the review hearing.

(b) If a child who has been removed is returned to the home of removal, or some other placement is made, judicial reviews shall continue until the court terminates supervision.

(c) Regularly scheduled judicial reviews shall continue for any missing child until the child reaches the age of majority or the court terminates supervision. At each judicial review the court shall be informed of the child's status and the efforts of the department or contracted service provider to locate the child.

(d) For children who remain in licensed out-of-home care to age seventeen and beyond, the following judicial reviews are required:

1. Pursuant to Section 39.701(6)(a) and (b), F.S., a judicial review hearing shall be held within ninety days after a child's seventeenth birthday.

2. Pursuant to Section 39.013(8), F.S., a judicial review hearing shall be conducted within the month that begins the six-month period before the child's eighteenth birthday to review the child's progress while in the custody of the department and continue to evaluate the child's needs as he or she transitions from care.

(e) Additional judicial review hearings are scheduled as needed at the request of any party and at the discretion of the court.

(3) Child Participation. Unless the court has dispensed with the attendance of the child at judicial review hearings pursuant to Section 39.701(2)(a), F.S., the child has the right to be present in court for all judicial reviews and the Services Worker shall ensure transportation for the child to attend.

(a) If either the Services Worker or the court determines that the child need not attend, or if the child declines to attend, the Services Worker shall document in the case file how this decision was made. If the Services Worker excuses the child from attending a judicial review hearing, the Services Worker shall inform the court of the reason for excusing the child.

(b) A decision regarding whether a child is to attend a judicial review shall be made for each judicial review, unless the decision is based upon a persistent condition of the child that prevents his or her attendance.

(4) Judicial Review Social Study Report.

(a) A Judicial Review Social Study Report (JRSSR) shall be prepared for each regularly scheduled judicial review for a child.

(b) When a combined report is prepared for children who are referenced in court by the same case number, each child shall be addressed individually in the report.

(c) All significant events and department or contracted service provider actions relating to the child shall be included in the JRSSR. The most critical element of the JRSSR is the degree to which each of the parties have substantially complied with his or her case plan requirements, including an assessment of the performance of the Services Worker and service providers in arranging and providing all services, as specified in the case plan, for which they are responsible. Supportive documentation regarding tasks and services that address the child's safety, permanency and well-being shall accompany the JRSSR.

(d) In addition to the requirements of Section 39.701(7)(a), F.S., the JRSSR shall also include a recommendation to the court as to the child's placement and supervision until the next review. This recommendation shall be supported by the other information provided in the report.

(e) The JRSSR shall set forth the specific tasks and services necessary to achieve the permanency goal established in the case plan and provide details on the progress being made toward achieving that goal.

(f) For teenagers in licensed out-of-home care:

1. Starting with the judicial review following a child's thirteenth birthday, the JRSSR shall provide the court with information regarding the results of independent living assessments, specific services that the child needs, and the status of the delivery of the services. This information shall be updated for each JRSSR hearing. For the judicial review scheduled six months prior to the child's eighteenth birthday, the JRSSR shall provide the court with the transition plan as the child prepares to leave out-of-home care.

2. The child's caregiver shall be given an opportunity to address the court with any information relevant to the best interests of the child regardless of whether the caregiver has provided information in writing.

(5) Permanency Hearings for Children in Out-of-Home Care.

(a) Prior to a permanency hearing, a permanency staffing shall be held as set forth in Rule 65C-28.006, F.A.C.

(b) There are four instances in which a permanency hearing occurs:

1. Within thirty days of a judicial determination that reasonable efforts to reunify are not required;

2. No later than twelve months from the date the child was removed from his or her home;

3. No less frequently than every twelve months thereafter if the child remains in out-of-home care and remains under court ordered supervision; and

4. When a child has been in out-of-home care for the past fifteen out of twenty-two months. This hearing specifically addresses termination of parental rights.

(6) Other Requests for Court Action.

(a) Whenever a need arises for court action outside the regular review period, the department or contracted service provider shall, through Child Welfare Legal Services (CWLS), request such action from the court. The need for petitioning the court for such action shall include, but not be limited to:

1. When the risk of harm to the child has been ameliorated;

2. When the child's custodian or caregiver or a service provider is failing to perform actions as required and the performance is necessary for reunification and/or the welfare of the child (e.g., when visitation is not happening because of the custodian's actions or a lack of supervision when that is required).

3. When requesting a modification to visitation, such as frequency or change from supervised to unsupervised for a child in out-of-home care.

4. When the parent has substantially complied with the case plan and reunification should occur prior to the next regularly scheduled review.

(b) The department or contracted service provider shall, through CWLS, request such action from the court and provide the court sufficient information to make an informed decision on the request.

(c) Copies of any petition or report shall be provided by the CWLS attorney to the parties as required for any judicial review.

(d) Except in the case of an emergency, a motion or pleading shall be prepared by the CWLS attorney for each request for court action. The motion or pleading shall contain the information needed by the court to make a decision as to the request.

(e) Except in the case of an emergency, all pleadings and attachments shall be provided by the CWLS attorney to the parties and others as required for a judicial review.

(f) If emergency request is made, notice to the parties and copies of the request shall be furnished by the CWLS attorney by the means most likely to provide actual notice, including those notifications required for American Indian and Alaskan Native children under the provisions of the Indian Child Welfare Act.

(7) Citizen's Review Panels and General Magistrates.

(a) The JRSSR requirements are the same whether the JRSSR is prepared for a Citizen's Review Panel, General Magistrate pursuant to Rule 8.257, Florida Rules of Juvenile Procedure, or for a hearing held by a judge.

(b) The recommended order issued by a Citizen's Review Panel or General Magistrate is not a final order until approved by the court.

(c) The judicial review order in a case heard by a Citizen's Review Panel or General Magistrate is the order issued by the court approving, rejecting, or modifying the recommended order of the Citizen's Review Panel or General Magistrate.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.521(1)(b)3., 39.521(3)(d), 39.701, 39.702 FS. History--New _____.

65C-30.014 Post-Placement Supervision and Services.

In a case where reunification has been attained, post-placement supervision shall continue for at least six months. When requesting an extension of supervision from the court, specific details explaining safety, risks, service needs and the parent's case plan accomplishments shall be provided to the court.

(1) The child's best interest and safety considerations shall be evaluated prior to recommending reunification and throughout the post-placement supervision period. The child's adjustment shall be evaluated throughout the post-placement supervision period.

(2) The case plan for post-placement supervision shall be completed, filed with the court and served on all parties at least 72 hours prior to the court hearing in which reunification is recommended. If the court returns custody to the parent contrary to the department or contracted service provider's recommendation, the post-placement supervision case plan shall be completed, filed with the court and served on all parties within fourteen working days of the court hearing. The effective date is the date custody changed to the parent.

(3) At a minimum, the case plan for post-placement supervision shall include:

(a) An assessment of family strengths, protective capacities, safety and risk with recommendations that aim to alleviate possible risks;

(b) Services and activities necessary to remedy any of the initial problems that remain;

(c) Routine health care as well as follow-up care for physical health, mental health or substance abuse service needs that have been identified;

(d) Specific provisions regarding the need for child-care or early education programs; and

(e) Specific provisions regarding visitation by the Services Worker in accordance with Rule 65C-30.007, F.A.C. Frequency for Services Worker contacts shall be based on the conditions in the home, needs of the child, level of safety and risk to the child or the level of cooperation of the parents or relatives warrant additional safeguards.

(4) Post-placement services. Services to be provided by the Services Worker in reunification cases include, at a minimum:

- (a) Regular Services Worker contacts;
- (b) Exchange of information with parents;
- (c) Support, guidance and referrals as needed;
- (d) Return to the parents of original documents, including but not limited to the child's social security card and birth certificate;

(e) Determine in accordance with Section 402.17(7), F.S., and subsection 65C-17.006(3), F.A.C., the disposition of any of Master Trust moneys being held for the child;

(f) Provide a copy of the child's resource record contents, including any Individual Educational Plans that were approved while the child was in out-of-home care.

(g) Assistance in using community and other family resources;

(h) Coordination with the school district regarding educational stability so, whenever possible, the child can continue attending the same school following reunification;

(i) Evaluation of the family's progress as a unit; and

(j) Evaluation of the child's progress. The Services Worker shall be aware of the child's development, school attendance and adjustment, health and medical care, child-care arrangements, treatment plans, nutrition, recreation, community activities and family dynamics.

(5) If not already enrolled in a licensed child care program or licensed early education program, children age five and under shall be assessed by the Services Worker regarding the need for child care services to help ensure their safety following reunification and a recommendation made to the court.

(a) if additional oversight of the child is determined by the Services Worker to be needed, intensive in-home services may be recommended to the court as an alternative to a licensed child-care program or licensed early education program.

(b) If the child is between three years of age and school age and already enrolled in a licensed early education or a child-care program or has this service court ordered following reunification, the requirements provided in Section 39.604, F.S., shall be followed.

(6) At every six-month period of post-placement supervision, the Services Worker shall:

(a) Evaluate with the family their adjustment following the return of the child and their progress toward completion of tasks in the case plan;

(b) Assess any continuing safety concerns by considering all records relating to the child and completing a family assessment; and

(c) Prepare, file with the court and serve on all parties a report that addresses the issues noted in the post-placement supervision case plan and the outcome of the current family

assessment with input from service providers. There shall also be provided a recommendation for case termination or extension of supervision.

(7) Post-placement supervision cases shall not be terminated until ordered by the court in accordance with Rule 65C-30.022, F.A.C., Termination of Services.

(8) Reunification with a parent outside of Florida requires approval through the Interstate Compact on the Placement of Children, Section 409.401, F.S.

Specific Authority 39.012 FS. Law Implemented 39.521(3)(d),(5),(6),(7), 39.522(2), 409.145(1) FS. History--New _____.

65C-30.015 New Reports Received, Removal and Placement of Children.

(1) The Child Protective Investigator (CPI) shall, within one working day, notify the Services Worker of any new reports of abuse, neglect or abandonment received on active cases.

(2) When cause for the immediate removal of the child is discovered during contact with the child or family, the Services Worker shall call 911 immediately if a dangerous situation is transpiring in the presence of the child and shall remain with the child until the child can be removed by a law enforcement officer or a CPI.

(a) The Services Worker is not required to remain with the child if the situation threatens the personal safety of the Services Worker.

(b) In situations involving immediate or life threatening danger to the child, the Services Worker is authorized to physically remove the child from the situation until physical custody of the child can be given to a CPI or a law enforcement officer.

(3) If the decision is made to leave the child in the home even though other children are currently placed in out of home care, written approval of a contracted service provider administrator shall be obtained and documented in the case file.

(4) In all cases, the new child shall be entered into the statewide automated child welfare information system.

(5) A new child born to a child in foster care.

(a) When a minor child in foster care becomes pregnant, the Services Worker shall assist her in arriving at a suitable and realistic plan for her own future and for that of her infant and in making the choice whether to keep and care for her infant or to relinquish the infant for adoptive placement.

1. The Services Worker shall staff any decision not to remove the infant from the mother (foster child) with his or her supervisor and maintain a written copy of the staffing with the staffing decision in the child's record.

2. If the Services Worker or supervisor determines there is risk for neglect or abuse of the infant, a report must be made to the Florida Abuse Hotline immediately and the CPI shall

determine the placement of the infant, either with the mother with the provision of services, or removal and placement elsewhere.

(b) If the mother chooses to keep her child or is uncertain, placement of the mother and her child shall be, unless contrary to the best interests of the infant, in the same foster home or residential program in order to strengthen attachment and provide the mother with the opportunity to learn child-caring skills from the foster mother or residential program staff.

(c) If the mother decides to place the infant for adoption, the Services Worker shall refer the mother to a licensed child-placing agency.

(d) In cases where the mother's emotional or mental capacity to parent are in question or the mother has a juvenile delinquency history involving acts of violence, the Services Worker shall secure a psychological evaluation of the mother to assess coping skills, mental health issues and abilities to protect the child. The findings and recommendations set forth in the evaluation shall be considered in determining if the mother can provide a safe environment for the child.

Specific Authority 39.401, 39.402 FS. Law Implemented 39.401 FS. History—New _____.

65C-30.016 New Children in Families under Supervision.

(1) The Services Worker shall immediately report to the supervisor a pending birth, a child born into a family, or any other circumstance adding a new child who is living in a home that is under supervision, including those cases where other children in the family are currently under in-home protective supervision (including voluntary supervision and post-placement supervision) or where other children in the family are in an out-of-home placement (including licensed placements and relative or non-relative placements).

(2) The Services Worker shall visit the home where the new child resides and conduct an assessment to determine the safety of the new child in the home.

(3) If the Services Worker is concerned about the safety, risk or long-term well-being of the new child, the Services Worker shall staff the case with his or her supervisor to determine if consultation with Child Welfare Legal Services is needed regarding the filing of a petition on the new child.

(3) In all cases, the new child's name and demographics shall be entered into the statewide automated child welfare information system as part of the existing case immediately upon learning of the child's presence.

(4) A new child born to a child in foster care.

(a) When a minor child in foster care becomes pregnant, the Services Worker shall assist her in arriving at a suitable and realistic plan for her own future and for that of her baby and in making the choice whether to keep and care for her child or to relinquish the child for adoptive placement (see Rule 65C-28.010, F.A.C., regarding minor parents in the custody of the department.

(b) If the mother chooses to keep her child or is uncertain, placement of the mother and her child shall be, unless contrary to the best interests of the infant, in the same foster home or residential program in order to strengthen attachment and provide the mother with the opportunity to learn child-caring skills from the foster mother or residential program staff. See Rule 65C-28.010, F.A.C., regarding minor parents in foster care.

(c) In cases where the mother's emotional or mental capacity to parent are in question or the mother has a juvenile delinquency history involving acts of violence, the Services Worker shall secure a psychological evaluation of the mother to assess coping skills, mental health issues and abilities to protect. The findings and recommendations set forth in the evaluation shall be considered in determining if the mother can provide a safe environment for the child."

Specific Authority 39.012 FS. Law Implemented 39.401 FS. History—New _____.

65C-30.017 Coordination of Services for Youth Involved with the Department of Juvenile Justice.

(1) For a child in custody of the department who is also receiving services through the Department of Juvenile Justice (DJJ), service provision shall be coordinated efficiently and effectively by the two departments.

(2) The Interagency Agreement Between the Florida Department of Juvenile Justice and the Florida Department of Children and Families, August 9, 2005; incorporating the agreement between the departments dated November 30, 2002, and November 25, 2003 and is hereby incorporated by reference as if fully set out here.

(3) Copies of forms incorporated by reference in this rule may be obtained from the Family Safety Program Office, 1317 Winewood Boulevard, Building 6, Room 157, Tallahassee, Florida 32399-0700.

Specific Authority 39.012, 39.0121(12),(13) FS. Law Implemented 39.001(1)(m), 39.601, 39.701 FS. History—New _____.

65C-30.018 Out-of-County Services.

(1) When a child, an intact family or a child and caregiver under supervision or involved in a child protective investigation is to relocate to a county other than the county of jurisdiction or when supervision services are needed in another county for any other case participant, specific actions are required to ensure the safety and well-being of the child and to coordinate the request for supervision and services. Such actions are required whether or not the child has been adjudicated dependent, including children in cases under voluntary supervision.

(2) If, following the completion of a home study, the court in the sending county orders the child into the placement, the contracted service provider in the sending county shall immediately send a referral for out-of county supervision to the contracted service provider in the receiving county.

(3) The Primary Worker in the county of jurisdiction has the option of continuing to perform all necessary case supervision activities rather than request services from the contracted service provider in another county if there is a protocol, either statewide or between the contracted providers in the two counties, that allows supervision services in the other county.

(a) As stipulated in the protocol, these activities may include performing a home study and making a placement in the other county, as well as continuing the provision of supervision services. If supervision services are to be requested following the initiation of the placement and the home study:

1. The receiving contracted service provider shall be provided an opportunity to visit the placement and review the home study prior to a recommendation being made to the court in the sending county.

2. Once the Primary Worker in the county of jurisdiction begins the provision of supervision, he or she shall fully document his or her involvement in the statewide automated child welfare information system so he or she will be clearly identified should any new reports or future incidents arise.

3. The Primary Worker shall perform all case management and service provision activities without requiring the involvement with a contracted service provider in the county where the child or family resides.

(b) In order to perform these activities in another county, the following additional requirements shall be met:

1. The contracted service provider shall be licensed as a child-placing agency to provide placement and supervision services in the county where the child or family has relocated, and

2. The contracted service provider's contract with the department shall identify the county where the child or family has relocated as a county where the contracted service provider may provide placement and supervision services.

(4) Procedures shall be developed through a statewide working agreement between the Community-Based Care (CBC) Lead Agencies regarding the request, processing, approval or denial and coordination of services for county-to-county and district-to-district requests for home studies and referrals for out-of-county services.

(a) Each zone shall designate a liaison in the Family Safety Program Office to perform any activities necessary to ensure the timely and accurate processing of requests for home studies, referrals for out-of-county services and other types of out-of-town inquiries.

1 The liaison shall be the recipient of any information provided by the Community Based-Care Lead Agencies or other contracted services providers in regard to requests for actions sent to or from other counties.

2. The liaison shall assist in reconciling any disagreements regarding the handling of a request, both for requests from within the zone and by coordinating with liaisons in other zones.

(b) The procedures shall ensure that all activities required for requesting and arranging for supervision services are performed as quickly as possible to avoid a delay in making a safe and appropriate placement.

(c) If the procedures allow the requests for home studies and referrals for out-of-county services to be sent and received directly between the CBC Lead Agencies, the zone Family Safety Program Offices shall be provided monthly activity logs by each Lead Agency in the zone of the requests for home studies and referrals for out-of-county services received and sent by the Lead Agency.

1. These logs may also be used to document other out-of-town inquiries such as a request for case plan assistance; a criminal, delinquency and abuse/neglect history checks or information needed in regard to a child protective investigation in another county.

2. At a minimum, these logs shall provide the following information:

a. The date the request or referral is sent or received,

b. Whether the request or referral is incoming or outgoing,

c. Whether the action involves a request for a home study or a referral for out-of-county services,

d. Any explanatory notes regarding the nature of the requested action,

e. The name and date of birth of each child involved in the requested action,

f. The name of any adult to whom the requested action relates,

g. The name of the Lead Agency or other contracted service provider assigned to perform the activity and the name of the assigned Services Worker and Services Worker Supervisor in the receiving unit,

h. The name of the Lead Agency or other contracted service provider requesting the action and the name of the assigned Services Worker and Services Worker Supervisor in the sending unit,

i. The date a response is sent in regard to the requested action,

j. The Lead Agency or other contracted services provider and the name of the person to whom the response is sent,

k. A means to indicate for each log entry, whether in regard to an incoming or outgoing request or referral, when the requested activity has become inactive, such as a child or family relocating to another county, a child reaching age 18 or the completion of a one-time activity.

1. Progress notes regarding activities performed in regard to the requested action. These notes shall be updated with each monthly submission of the log by providing new entries to the existing commentary.

(5) A request for a home study, a referral for out-of-county services or the initiation of supervision in another county is required when:

(a) A child's emergency placement in another county is being considered;

(b) There are plans to place a child outside the sending county, including placement in a shelter;

(c) There are plans to release a child to a parent outside the sending county and continued supervision is needed toward meeting the case plan goal;

(d) A family under supervision (either court ordered or voluntary) has plans to move to another county;

(e) The parent or caregiver with whom reunification is planned, the other parent or other case participant who is central to meeting the case plan goal lives in or is planning to move to another county, regardless of whether the child is residing in the same county;

(f) An adoptive placement is planned in another county;

(g) A child who is placed in a Department of Juvenile Justice (DJJ) secure detention facility or residential program or other non-Family Safety program in another county requires continued supervision while in the facility or program; or;

(h) When it becomes known that a child, family or parent under the supervision of the department or a contracted service provider has relocated to another county prior to the Primary Worker in the county of jurisdiction requesting a home study or case supervision by the contracted service provider in the other county.

(6) Requests for supervision services to be provided by a Services Worker in another county shall be requested by the Primary Worker in the county of jurisdiction in advance of a child's relocation.

(7) When placement of a child in a relative or non-relative home is being considered, the criminal, delinquency and abuse/neglect history check and home study requirements of Rules 65C-28.011 and .012, F.A.C. shall be met. The sending county shall request that these be completed by the contracted service provider in the receiving county in advance of making the request for supervision services, unless a protocol, either statewide or between the contracted service providers in the two counties allows the sending contracted service provider to perform this function.

(8) If a child's removal from his or her home involves an emergency removal and placement of the child in shelter status with a relative or non-relative, a criminal, delinquency and abuse/neglect history check in accordance with Section 39.401(3), F.S., and an on-site inspection of the proposed placement home shall be requested by the Primary Worker or

CPI in the county of jurisdiction and performed by a Services Worker or CPI in the receiving county prior to placing the child.

(9) At the time services are requested, the Primary Worker or CPI in the county of jurisdiction is responsible for providing the Services Worker or CPI in the receiving county with:

(a) The child's name and case number;

(b) The prospective caregiver's name, address and telephone number;

(c) The name of the sending county's Primary Worker or CPI and supervisor; and

(d) A copy of the case plan and all case materials necessary to determine the appropriateness of the request and for providing supervision and services.

(10) When disputes arise regarding a request for a home study, a referral for out-of-county supervision or any activities related to the activities and duties involved, if the individual contracted service providers or CBC Lead Agencies cannot reach a resolution, the zone liaison within the zone or the liaisons in the two zones involved shall assist in reaching a resolution. If necessary, the Family Safety Program Administrator within the zone or the Program Administrators in the two zones involved shall assist in reaching a resolution. If necessary, the Family Safety Program Central Office shall be consulted in seeking a resolution.

(11) Once a child has relocated or services for any other case participant have been accepted by the contracted service provider in the receiving county, the Services Worker in the receiving county shall perform all case supervision and related documentation requirements upon notification of the placement, including the provision of information for case planning and judicial review activities to the Primary Worker or CPI in the county of jurisdiction.

(a) The responsibility to perform these duties shall continue until the child's case is closed, the person receiving services is no longer a case participant or the child and family move from the service area.

(b) The Primary Worker in the county of jurisdiction shall continue to be the primary case manager and retains primary responsibility and accountability for the case as long as the case remains open in that jurisdiction.

(12) The final decision regarding whether the recommendation to be made to the court is for or against the placement of the child is to be made by the Services Worker and his or her supervisor in the receiving county, or by other contracted service provider designated staff in the receiving county, unless the placement is court ordered without an opportunity for the receiving contracted service provider to provide input prior to the placement decision. Once the court in the sending county (county of jurisdiction) has ordered the placement of a child, the contracted service provider in the receiving county shall accept the placement as approved.

(13) Once a case has been accepted for supervision services, communication regarding the case is made directly between the contracted service provider service units in the two counties involved.

(14) Cases shall not be closed and jurisdiction shall not be transferred to the contracted service provider in the receiving county prior to specified actions being taken:

(a) Prior to recommending case closure to the court or closing a voluntary supervision case, Primary Worker in the county of jurisdiction shall inform the Services Worker in the receiving county of the planned action and ensure that the Services Worker in the receiving county has an opportunity to comment on the advisability of the planned action.

(b) Cases involving court-ordered supervision shall not be terminated without court approval. The Services Worker in the receiving county shall be provided with a copy of the court's termination order.

(c) A recommendation to the court to transfer jurisdiction shall not be considered unless the family has reunified in the receiving county, is expected to remain in that county and the contracted service provider in that county agrees to the transfer. In cases under voluntary supervision, jurisdiction shall not be transferred to the receiving county unless the contracted service provider in the receiving county is in agreement with the transfer.

(d) When a contracted service provider has chosen to perform court ordered supervision services in another county and termination of supervision is being recommended to the court of jurisdiction, the contracted service provider requesting the termination shall also request that the court stipulate that jurisdiction over any future dependency involvement with the family will be retained by that court.

Specific Authority 39.012 FS. Law Implemented 39.601, 39.4085(10) FS. History—New _____.

65C-30.019 Missing Children.

(1) When a child under supervision or in an active child protective investigation is believed to be missing, caregivers shall make the efforts to locate the child.

(a) If missing under child emergency circumstances, request local law enforcement to open a missing child report and obtain a case number;

(b) Notify the Services Worker or Child Protective Investigator (CPI), who will contact the parents, and provide the case number if a missing child report was made;

(c) Inspect the child's personal belongings to determine what items are missing;

(d) Contact the child's parents, relatives, known family members, school teachers, friends, or companions of the child, and if appropriate, the child's place of employment;

(e) Check places the child is known to frequent; and

(f) Document all information obtained, including the names, addresses and phone numbers of persons contacted.

(2) When a Services Worker or CPI is informed that a child under supervision or in an active child protective investigation is missing, the Services Worker or CPI shall:

(a) Immediately contact law enforcement if the caregiver has not done so;

(b) Gather the information required in paragraphs (1)c-f, above, unless already completed by the caregiver and satisfactory to the Services Worker or CPI;

(c) Notify the child's parents or legal custodian, guardian ad litem, attorney ad litem, and attorney for the child and therapist of the missing status of the child; and

(d) File notice with the court regarding the missing child.

(3) Notification to law enforcement includes local law enforcement, the Florida Department of Law Enforcement Missing Children Information Clearing House and the National Center for Missing and Exploited Children.

(4) The Services Worker or CPI shall ensure that the Missing Child Report Form, which is located in the Missing Child Tracking System, is completed and entered into the Missing Child Tracking System per district/region, zone or contracted service provider policies and procedures.

(5) The Services Worker or CPI shall actively continue to search for the child and shall document all efforts on a weekly basis for the first three months the child is missing and monthly thereafter.

(6) When the child is located, the Services Worker or CPI shall immediately notify the child's parents, legal custodian, out-of-home caregivers, guardian ad litem, law enforcement, the court, and any other person or agency contacted as part of the search for the missing child.

(7) The Services Worker or CPI shall interview the child within twenty-four hours of the child's return to determine the child's need for further services and/or change in placement.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.202(4), 39.604(4)(b) FS. History—New _____.

65C-30.020 Child Deaths.

(1) Any employee of the department, the contracted service providers or sheriffs' offices who conduct child protective investigations, who has knowledge of a child's death and who has reasonable cause to suspect that the child died as a result of abuse, neglect or abandonment shall immediately report the death to the Florida Abuse Hotline. A report is required even when there are no surviving children living in the home.

(2) Whenever a Services Worker learns that a child under supervision has died, that Services Worker shall ensure that the District/Region Administrator or Lead Agency Executive Director or designee is orally notified immediately upon learning that a death may be due to abuse, neglect or abandonment and in writing within 24 hours of the death.

(3) Written notification of all child deaths alleged to have occurred as a result of abuse, neglect or abandonment or of the deaths of children who are the subjects of an open abuse, neglect or abandonment investigation or currently ongoing services, regardless of whether there are allegations of death due to abuse, neglect or abandonment, shall be given to the following individuals within one working day of the oral notification:

- (a) Secretary of the department;
- (b) Deputy Secretary for Operations and Technology;
- (c) Deputy Secretary for Community-Based Care and Family Self-Sufficiency;
- (d) Legal Services General Counsel;
- (e) Director for the Office of Communications;
- (f) Inspector General;
- (g) Director for the Office of Family Safety;
- (h) Chief of Family Safety Quality Management;
- (i) Local Death Review Coordinator, and;
- (j) Statewide Child Death Review Coordinator.

(4) Upon receipt of a call concerning a child death, Florida Abuse Hotline staff shall:

(a) Screen the call to determine whether the allegation meets the statutory requirement for accepting a report of death due to abuse, neglect or abandonment;

(b) Enter the maltreatment type of Abuse or Neglect, as well as any other maltreatment type that indicates how the child is suspected to have died as a result of abuse, neglect or abandonment;

(c) Enter an additional report when a child died during the investigation of a report that initially alleged an abuse, neglect or abandonment incident that later resulted in the child's death. If the reporter is repeating information already received in a previous call, a supplemental information report shall be entered. In all other cases, an initial report shall be entered; and

(d) Notify the central office Chief for Family Safety Quality Assurance and the statewide Child Abuse Death Review Coordinator of all child deaths, which result in an abuse, neglect or abandonment report and provide these individuals with the correct abuse report number.

(5) Whenever it appears that a child died as a result of abuse, neglect or abandonment, or when a child dies for reasons unrelated to abuse, neglect or abandonment during the course of an active child protective investigation, a safety assessment and high risk designation per Rule 65C-29.012, F.A.C., shall be conducted to ensure the safety of any surviving children. In addition to completing this assessment, a Child Protective Investigator (CPI) shall conduct a thorough investigation of the circumstances surrounding the death. The investigation shall consist of:

(a) Gathering all relevant information necessary to determine whether the death was due to abuse, neglect or abandonment, including, but not limited to:

1. The child's death certificate;

2. A copy of the medical examiner's final report if an autopsy was conducted;

3. A copy of any law enforcement investigation of the death;

4. All criminal history records and abuse, neglect or abandonment reports pertaining to the caretaker responsible for the child's death; and

5. All prior child protection records pertaining to the child and the caretaker responsible for the child's death.

(b) Reviewing information entered into the statewide automated child welfare information system for accuracy and completeness prior to closure. For the purposes of documenting the "victim seen" time in the statewide automated child welfare information system, the date and time of the professional collateral contact with medical staff or law enforcement personnel attesting to the child's death shall suffice to record the "First Seen" date and time for that victim. Appropriate findings shall be entered for maltreatment.

(c) Reviewing information entered into the statewide automated child welfare information system for accuracy and completeness prior to closure. Appropriate findings shall be entered for the maltreatment "Death Due to Abuse or Neglect" and for the maltreatment type or description (e.g., Abandonment) that best describes the cause of death;

(d) Ensuring that the automated investigative file clearly reflects the cause and circumstances surrounding the child's death. The date of death and findings from the medical examiner and law enforcement (including the status of criminal prosecution, if applicable) shall be included in the automated investigative file to the extent that information is available prior to closing the report;

(e) Keeping the local death review coordinator informed of significant developments during the investigation and ensuring that the coordinator receives copies of all pertinent documentation, such as autopsy and law enforcement reports; and

(f) Ensuring that the report is not closed until the death has been reviewed by the local death review coordinator and the coordinator has advised the supervisor that the death report has been approved for closure.

(6) If the death involved a child receiving services, the Services Worker shall:

(a) Follow department or contracted service provider procedures to ensure the child's parents are notified as soon as possible;

(b) Refer any press inquiries to the appropriate district/region or zone public information office; and

(c) Follow department or contracted service provider procedures to ensure that the emotional needs of the child's family and siblings, caregiver, and other children in the home are addressed.

(7) The department or contracted service provider shall cooperate with any law enforcement requests related to an investigation of the child's death.

(8) Any department employee, community based care provider or sheriff's department staff member providing child protection services shall cooperate with the Department of Children and Families and Department of Health child death review processes.

(9) If the child is in licensed out-of-home care, the Services Worker shall determine whether the family has resources available to pay for the funeral expenses. If resources are not available, the department or lead agency shall contact the Funeral Director's Association in Tallahassee, Florida to arrange for funeral services.

Specific Authority 39.012, 39.0121(13) FS. Law Implemented 39.201(3), 39.301(15), 39.303(2)(g), 383.402, 409.165(1) FS. History—New _____.

65C-30.021 Child Death Reviews.

(1) In accordance with Section 383.402, F.S., each district administrator shall appoint a death review coordinator for the district. The coordinator shall have knowledge and expertise in the area of child abuse, neglect and abandonment and oversee the completion of child death reviews.

(2) Child death reviews shall be regarded as extraordinary investigations and are necessary for the prevention of subsequent child abuse, neglect or abandonment. A child death review shall be conducted on all child deaths in which it is alleged that abuse, neglect or abandonment was or may have been a factor in the child's death, and in situations where a child died while receiving ongoing services.

(3) This procedure does not apply to deaths that occur under the following circumstances unless either abuse, neglect or abandonment is suspected or the child was receiving ongoing services:

(a) Fetal deaths;

(b) Deaths due to accidents or diseases; and

(c) Deaths of children who are involved in other Department of Children and Families (DCF) programs, such as mental health or developmental services and no abuse, neglect or abandonment was suspected in the death.

(4) Comprehensive Review. A "comprehensive review" is a detailed review of the facts and circumstances surrounding the death of a child alleged to have died as a result of abuse, neglect or abandonment. The review includes an evaluation by the local child abuse death review coordinator of all prior and current services provided to the child and family by the department, community-based care provider or sheriff's office. A comprehensive review is required when the review by the local death review coordinator shows the child's death is or is likely to be either "verified" or with "some indicator" findings that of the death occurred due to abuse, neglect or abandonment, and one or more of the following is also true:

(a) The child or other children in the home were the subjects of one or more prior reports of abuse, neglect or abandonment;

(b) The statewide or zone death review coordinator determines an in-depth review of the case is necessary due to special circumstances or at the request of other parties such as the Child Protection Team, child protection staff, district administration, or law enforcement;

(c) For comprehensive reviews documentation shall include:

1. A list of all material that was reviewed during the review process, including prior abuse reports or ongoing services case records;

2. A list of all individuals interviewed during the death review process;

3. Notes of any meetings that occurred during the death review process. The notes shall reflect who was invited to participate, who attended the review, when the review was held and any important review findings or major issues, concerns or recommendations;

4. A summary of all department and community-based care provider involvement with the child and family prior to the child's death. This shall also include an evaluation of the appropriateness and effectiveness of the prior involvement; and

5. A copy of the "Review of Child Death" report shall be provided to the central office Chief of Quality Management, the local Quality Management office and the State Child Abuse Death Review Coordinator. Districts/regions shall complete all relevant sections of the report.

(d) The report shall be completed no later than ten working days after case closure, or seventy days after receipt of the child death report to the Florida Abuse Hotline or of learning of the child's death, whichever occurs first; or

(e) If the responsibility for the child death review has been assigned to another agency, a comprehensive review by the local death review coordinator is not required provided that documentation requirements are met.

(5) Limited Review. A "limited review" includes a basic review of the facts and circumstances surrounding the death of a child alleged to have died as a result of abuse, neglect or abandonment. Limited reviews are accomplished by the completion and update, if necessary, of the death section of the department's Incident Reporting System. A limited review shall be conducted by the zone death review coordinator in the following situations:

(a) The death does not meet the criteria for comprehensive review; or

(b) The death was alleged to have occurred as a result of abuse, neglect or abandonment and the deceased child and the child's siblings have never been the subjects of abuse, neglect or abandonment reports to the Florida Abuse Hotline.

(6) In limited reviews by the zone child death review coordinator, documentation shall include:

(a) The date of the final review and approval of the investigative findings; and

(b) A copy of the limited review report shall be sent by the local death review coordinator to the Chief of Quality Management, the local Quality Management office and the State Child Abuse Death Review Coordinator. The format for the limited child death review report is the death section of the department's Incident Report Form. Local death review coordinators shall complete all relevant sections of the report.

(7) The report shall be completed within ten working days of case closure, or seventy days after receipt of the child death report by the Florida Abuse Hotline or of learning of the child's death, whichever occurs first.

Specific Authority 39.012, 39.0121 FS. Law Implemented 39.01, 39.012, 383.402 FS. History—New _____.

65C-30.022 Termination of Services.

(1) Supervision of a child shall not be terminated while supervision is court ordered unless the child has reached age 18. However, a child in licensed out-of-home care may elect to petition the court for continued court jurisdiction until age 19 (see subsection 65C-31.009(2), F.A.C., for more information regarding continued jurisdiction beyond age 18.

(2) Prior to terminating any services case, the Services Worker shall determine whether there is not an open or pending child protective investigation or whether within the previous three months a child abuse, neglect or abandonment report has been received on any child in the case. For both court ordered and voluntary cases, if any of these situations apply the supervisor of the Services Worker's supervisor shall be required to review and approve the case closure before a voluntary case may be closed or a recommendation may be made to the court to close a court ordered case.

(3) Prior to requesting the termination of a case, the Services Worker shall prepare a termination summary or Judicial Review Social Study Report (JRSSR) as specified below:

(a) For Voluntary Protective Services cases, the termination summary shall be provided to the Services Worker's supervisor for approval and determination if a petition is needed for court ordered supervision.

(b) For court ordered supervision cases, the Services Worker shall prepare a termination summary for review by the Services Worker's supervisor and submission to the court through CWLS. However, when a JRSSR is prepared at the time of the request to terminate supervision, it may be used in lieu of a termination summary to provide the information needed by the supervisor to make the termination decision.

(c) The termination summary or JRSSR shall include:

1. Reason for agency involvement;

2. Progress toward resolving the issues that resulted in agency intervention; current status of safety and risk assessment, and an explanation of case plan objectives that were met and those that were not; and

3. The reason for termination.

(4) For court ordered in-home protective supervision, supervision shall not be terminated until authorized by court order.

Specific Authority 39.012 FS. Law Implemented 409.145(1) FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nelson Simmons, 1317 Winewood Blvd., Bldg, 6, Tallahassee, FL, (850)922-0375

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.:

RULE TITLES:

69O-149.037

Calculation of Premium Rates

69O-149.038

Employee Health Care Access Act
Statement Reporting

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 3, January 20, 2006, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing held on February 13, 2006.

Proposed Rule 69O-149.037(8)(a)1., F.A.C., is changed to read:

1. For employee + dependent coverage when the dependent is electing continuation of coverage, the difference between the employee + dependent rate and the employee only rate shall be determined. This difference shall then be divided by the average number of dependents used by the carrier in developing the rate schedule. This value shall reflect the implied single dependent rate. To determine the COBRA rate, the implied dependent rate shall be multiplied by a factor that does not exceed one plus the applicable load. The employee shall be charged the group employee only rate.

Proposed Rule 69O-149.037(8)(a)2., FA.C., is changed to read:

2. For family coverage where the dependent is electing continuation of coverage, the difference between the family rate and the employee + spouse only rate shall be determined. This difference shall then be divided by the average number of dependents used by the carrier in developing the rate schedule. This value shall reflect the implied-single dependent rate. To determine the COBRA rate, the implied single dependent rate shall be multiplied by a factor that does not exceed one plus the applicable load. The employee shall be charged the group rate

applicable to the remaining covered lives in the group, e.g., if the remaining covered lives are the employee, spouse and another dependent, then the family rate would be charged. If the remaining covered lives are only the employee and spouse, then the employee + spouse rate would be charged.

Proposed Rule 69O-149.038(3)(a)2., F.A.C., is changed to read:

2. The experience of any group category that is not subject to underwriting, pursuant to subsection 69O-149.037(6), F.A.C., such as 1-life groups, shall not be included in the report.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 634, BLACKJACK
 RULE NO.: 53ER06-10
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 634, "BLACKJACK," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-10 Instant Game Number 634, BLACKJACK.

(1) Name of Game. Instant Game Number 634, "BLACKJACK."

(2) Price. BLACKJACK lottery tickets sell for \$1.00 per ticket.

(3) BLACKJACK lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BLACKJACK lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR HANDS" play symbols and play symbol captions are as follows:



(5) The "DEALER" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$3.00	\$5.00		
TICKET	ONE	TWO	THREE	FIVE		
\$10.00	\$20.00	\$25.00	\$50.00	\$100	\$5,000	
TEN	TWENTY	TWY FIV	FIFTY	ONE HUN	FIVE THO	

(7) The legends are as follows:

YOUR HANDS	DEALER	HAND 1	HAND 2	HAND 3	HAND 4	+
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(8) Determination of Prizewinners.

(a) There are four hands on a ticket. Players may win in one or more hands per ticket. The value assigned to Aces is 11, and the value assigned to Jacks, Queens, and Kings is 10. A ticket having two cards in the "YOUR HANDS" area of one hand, the total of which is greater than the number in the "DEALER" play area shall entitle the claimant to the corresponding prize shown for that hand.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$5,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a BLACKJACK lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.