

PROCEDURE

Series:	Operating Procedures	COA: RPM 2.02-.04 CFOP: 175-12, F.A.C 65C-29.006
Procedure Name:	Foster Care Referrals and Institutional Staffing Process for All Levels of Licensure	
Procedure Number:	OP-1007	
Reviewed Date:	(4) 07/19/11 (5) 06/13/15, (6) 6/22/15, (7) 4/8/17	
Revision #/Date:	03/09/2020	
Effective Date:	01/20/08	
Applicable to:	All BFP FOA and Contracted Providers	

PURPOSE:

To review any case in which the FL Abuse Hotline received a call of an abuse report in which the allegations of abuse, neglect, or abandonment involve an alleged perpetrator who is in a family foster home in order to ensure all agency policy and licensing requirements are met. This operating procedure specifically applies to children who are under the primary supervision of Brevard Family Partnership as the Lead Agency. This operating procedure demonstrates how BFP is committed to ensuring the quality and safety of all children, including those being served in an institutional setting. Institutional investigations require additional investigative activities and actions to ensure children are protected by the Department of Children and Families from abuse and neglect. These investigations also require an enhanced level of partnership and cooperation between multiple agencies across the region. The Child Protection Professionals responsible for investigating these facilities are Senior Child Protective Investigators (Sr. CPI) and Institutional Unit staff who have been trained in the specialty of institutional investigations.

The categories listed below represent facilities that require an Institutional investigation:

- All Levels of Licensure Foster homes and group homes licensed by the Department of Children and Families (DCF)
- Facilities and programs licensed by the Agency for Health Care Administration (AHCA)
- Residential and foster placements licensed by the Agency for Persons with Disabilities (APD)
- Both public and private school settings (exception of boarding schools)
- DCF Licensed childcare facilities, family day care homes (both registered and licensed) and Religious exempt facilities
- Residential facilities related to the Department of Juvenile Justice (DJJ)
- Substance Abuse and Mental Health (SAMH) licensed placement facilities

- Investigations with Human Trafficking maltreatments
- Child on Child Special Condition that occur in Foster Homes, Group Homes, and Facilities

PROCEDURE:

References

Brevard Family Partnership (BFP) contract with the Department of Children & Families (DCF) (“the Contract”) GJ401

Chapter 39.302, Florida Statutes, CFOP 175-12, **F.A.C 65C-29.006**

Definitions

- Agency for Healthcare Administration (AHCA)** – provides oversight of health care providers in Florida; licenses and/or certifies and regulates 40 different types of health care providers; including hospitals, nursing homes, assisted living facilities, and home health agencies
- Agency for Persons with Disabilities (APD)** – APD serves individuals with developmental disabilities to include: Autism, Cerebral palsy, Spina bifida, intellectual disabilities, Down syndrome, Prader-Willi syndrome, and children age 3-5 who are at a high risk of a developmental disability
- Central Region General Counsel** – the statewide legal office for the Department of Children and Families that provides legal advice and representation to all of the Department’s programs, institutions, and administrative staff throughout the Central Region.
- Child Care Regulation (CCR)** – statutorily responsible for the administration of child care licensing and training throughout Florida; the purpose of this program is to ensure that children are well cared for in a safe, healthy, positive and educational environment by trained, qualified child care staff; this program currently regulates licensed child care facilities, licensed family day care homes, licensed large family child care homes, and licensed mildly ill facilities; in addition, the Office of Child Care Regulation administer the registration of family day care homes not required to be licensed
- Department of Juvenile Justice (DJJ)** – operates juvenile detention centers in the state of Florida; detention centers provide custody, supervision, education and mental health/substance abuse and medical services to juveniles statewide; Probation and Community Intervention works with youth from the time they are arrested to the time they transition back into the community; the Office of Residential Services provides continued care for a youth who is committed to the custody of the Department. The Florida juvenile justice system is designed to rehabilitate offenders through supervision, counseling and treatment. A youth’s commitment is for an indeterminate period of time, which may include periods of temporary release
- Foster care** – care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof F.S.39.01 (29);

is a system in which a minor has been placed into a ward, group home, or private home of a state-certified caregiver referred to as a "foster parent"; the placement of the child is usually arranged through the government or a social-service agency

- g. **Foster Care Referral Report** involve concerns about possible licensing violations and regulatory infractions for children in an emergency shelter or out of home placement, or placement disruptions, case plan, and safety plan violations for children under the supervision of the Department of Children and Families or its authorized agents. Foster care Referrals do not contain allegations of abuse, neglect or abandonment.
- h. **Foster home** – a foster child lives in a family setting, with foster parents
- i. **Foster parent** – state certified caregiver who acts as parent and guardian for a child in place of the child's natural parents, but without legally adopting the child; they have been through a rigorous interview process to determine they can safely care for abused and neglected children in their home; foster parents are paid a monthly stipend to help cover the costs of the needs of the child
- j. **Guardian ad Litem** – a volunteer advocate for a dependent child in court; this advocate is represented by an attorney and speaks to the judge on behalf of the child they represent
- k. **Group home** – a home for several foster children that is licensed by the state; group homes are run either by house parents, who live with the children, or by shift staff, who transfer in and out during every 24 hours
- l. **Human Trafficking (HT) Maltreatments** –
 - a. Human Trafficking-Commercial Sexual Exploitation of a Child (CSEC) In home, other, institutional – this maltreatment type is used for those cases in which the allegations appear to involve commercial sexual exploitation of a child (e.g., adult entertainment clubs, escort services, prostitution, etc.), and the alleged perpetrator can be a parent, legal guardian, caregiver or non-caregiver.
 - b. Human Trafficking-Labor – this maltreatment type is used in those cases in which the allegations appear to involve issues associated with labor trafficking, slavery, or servitude that do not appear to be sexual in nature.
 - c. Institutional Child Protective Investigation is one in which the allegations of abuse, neglect, or abandonment involve an alleged perpetrator who is either an employee or agent of a public or private school, a public or private day care center, a residential home, institution, facility or agency. The Department of Children and Families maintains responsibility for ensuring the investigation of all abuse reports alleging licensing violations. The Department of Children and Families and Brevard Family Partnership have the right to inspect the entire premises of the licensed out-of-home caregiver at any reasonable time.

d. "Licensed Foster Care Assessment" is a review of the child welfare system's activities to manage and support a foster parent alleged to have abused, neglected, or abandoned a child in their care.

Foster Care Referral Process

In accordance with Admin Code 65C-29.006 Foster Care Referrals involve concerns about possible licensing violations or the manner of care provided for children in emergency shelter, foster, or group homes. These referrals do not contain allegations of abuse, neglect, or abandonment.

A. LICENSED FOSTER HOME:

The CPIS shall immediately notify the BFP contact by email or phone and ensure that an acknowledgement is received.

The CPIS shall link the intake and create a commencement note by documenting the licensing contact who acknowledged the receipt of the referral. The CPIS will forward the foster care referral and add the Licensing Specialist as the primary worker for response and management of the referral.

The BFP Licensing Specialist shall initiate the assessment within 72 hours of receipt of the referral. This will include determining if an on-site visit or phone call is needed to address the current concerns reported to the Hotline to the foster parents as well as making notifications to the Care Manager, Care Manager Supervisor, CLS attorney of record, Attorney Ad Litem and the Guardian Ad Litem. They shall determine if any corrective actions are required or if additional services are needed. The foster care referral must be completed and approved for closure within 5 working days from referral assignment to the licensing unit worker.

If a Foster Care Referral is received during a holiday or weekend, the CPIS shall consult with on-call staff to determine if a response by the licensing unit staff on the next business day is appropriate.

1. If child maltreatment is identified or suspected during assessment of the foster care referral, the responder shall contact the Florida Abuse Hotline for the purpose of reporting the maltreatment so a separate child protective investigation can be initiated.
2. If the foster care referral is involving licensed foster parents, then a member of the BFP licensing team will be assigned.
3. The designated licensing staff should notify the following parties if the following parties are involved with the child or family at the time of foster care referral: Child Protective Investigator, Care Manager, Children's Legal Services attorney, Attorney Ad Litem and the Guardian ad Litem. Notification should occur on the date the referral is received.
4. In cases involving unlicensed relatives, nonrelative caregivers, or families under the supervision of the case management agency the referral will be assigned to the case management agency for assessment and the assigned Care Manager will initiate the assessment within 72 hours of receipt of the referral. This will include determining if an on-site visit or phone call is needed to address the current concerns reported to the Hotline to the caregivers as well as making notifications to the Care Manager Supervisor, CLS attorney of record, Attorney Ad Litem, and the Guardian Ad Litem. They shall determine if any corrective

actions are required or if additional services are needed. The foster care referral must be completed and approved for closure within 5 working days from referral assignment to the assigned Care Manager.

Institutional Investigations

1. When the report contains allegations that a child in family substitute care has been abused or neglected by the foster, shelter or group home parent, the child protective investigator Protective Investigation staff will immediately investigate abuse or neglect reports against licensed out-of-home caregivers, and will notify the state attorney's office, in accordance with Chapter 39.302, F.S. Whenever possible the BFP Licensing Specialist assigned to the home (that has the most knowledge and familiarity with the home) will accompany the protective investigator for abuse reports. The BFP Licensing Specialist and Licensing Supervisor (if warranted) will respond to and assess foster care referrals that involve licensed out-of-home caregivers depending on the complexity and the overall risk level of the referral. This procedure will be discussed with all licensed out-of-home caregivers prior to licensing and again at every re-licensing.

2. Upon receiving a regulatory complaint investigation, the Child Protective Investigator will immediately notify the BFP Licensing Specialist during regular business hours, and if after hours, the next business day. The Licensing Specialist is responsible for notifying the BFP placement unit, or on-call placement unit if after hours.

3. The department staff responsible for conducting the investigation will review the file and may consult with the department's licensing staff for technical assistance if needed.

4. The BFP Licensing Specialist is responsible for developing and maintaining a comprehensive procedure for tracking all institutional reports.

5. The Child Protective Investigator (CPI) will:

- a. Immediately and orally contact the appropriate law enforcement agency, the state attorney and the HRAC.
- b. Notify the BFP Intake and Placement.
- c. Interview all children in the residence.
- d. Interview all paid and volunteer staff.
- e. Address any specific problem areas requiring resolution or corrective action.
- f. Review any audits of fiscal procedures.
- g. Review menus to ensure that clients are receiving an appropriate variety of nutritious food.
- h. Review documentation of all fire and safety drills that have been conducted.
- i. Assess educational and recreational opportunities for residents; and
- j. Review of all corrective action plans to ensure that any deficiencies have been corrected or that correction action is in process.
- k. CPI, Case Management and BFP Intake Specialists will formulate a visitation/contact plan within 48 hours of removal prior to any communication (oral or face to face) for children being removed from the foster, shelter, or group home placement. No contact between the child and the previous out-of-home care provider will be permitted until the formulation of this plan has been developed. Once complete the DCM will provide notification to the BFP Intake Unit. Intake will then forward this information to the Director of Licensing or group home provider with whom that child is placed.
- l. The Institutional Staffing will occur within 14 days of the report.

6. Children may be removed from a foster home that has an open report until the allegations are investigated by the Department of Children and Families if there are immediate safety concerns that warrant removal for any child that is determined to be unsafe through the course of the investigation. If the children placed in the home are removed and the determination is made through the course of the investigation that the report will be closed with no indicators, the children may be returned to the home. There will not be any new children placed in the home during the open investigation period. If the report is closed with some indicators or verified findings, the BFP Director of Licensing will notify the DCF Licensing Unit and BFP Intake Specialists will not place any children in the specified foster home until any necessary corrective action is taken. BFP Licensing Specialists and Intake Specialists will work collaboratively throughout this process to ensure the safety and well-being of each child entrusted in BFP care.
7. For any home that requires a Corrective Action Plan resulting from this process, the plan shall be developed and monitored by the BFP Licensing Specialist and Licensing Supervisor in conjunction with the BFP Intake Specialists and the DCF Licensing Administrator. Corrective action plans shall be submitted in writing with specific dates by which corrective measures shall be completed and approved by the Department of Children and Families Licensing Administrator. The written corrective action plan shall also state that failure to comply with the corrective measures within the time frames identified may result in administrative action including suspension, revocation, or denial of the license. The BFP Licensing Specialist will thoroughly document the Foster Care Referral Assessment information in the licensing file. The BFP Licensing Specialist will provide written notification to the licensed out-of-home caregivers and the Department of Children and Families of the outcome of the investigation as it relates to the licensing violations, and, if appropriate a corrective action plan. All complaint investigations or foster care referrals shall be completed within five working days of the receipt of the complaint unless otherwise authorized by the licensing authority. The BFP Quality Assurance and Compliance division will accompany the Licensing Specialist on the home visit for any Foster Care Referral in which there are chronic historical patterns of inefficiencies that have not been effectively remedied, high risk behavior patterns, hazardous conditions in the home and when the Foster Care Referral was received as a result of the child experiencing a critical incident.

A. Institutional Agency Staffings:

Initial Multi-Agency Staffing:

The goal of the multi-agency staffing is to provide all parties involved with the initial investigative allegations/concerns, pre-commencement, and investigative activities thus far and the summary of the status of the investigation.

All parties should be prepared to provide agency specific information including, but not limited to:

- Family, facility, and staff history
- Information as to any violations, fines, or corrective actions current or past
- Safety measures taken or needed for any children or any facility staff
- Ongoing plans to share communications and assign tasks as needed in an effort to gather adequate information for a final investigative outcome.

The CPI will hold the initial Institutional staffing within 14 calendar days from the intake received date (CFOP 175-12(d) (8)).

The appropriate representatives will be invited to the staffing by the assigned CPI. The following parties are required to be invited as applicable for the facility type being investigated, but not limited to:

- CPI and CPI Supervisor (required to attend all staffings)
- Agency's licensing representative (APD, AHCA, CCR, DJJ, etc.)
- For HT cases-DCF Human Trafficking Regional Point of Contact (also if applicable; GAL, DJJ, School Staff, service provider and victim advocate and if foreign born, the Office of Refugee Services CFOP175-14 6(a)(3), F.S. 409.1754(2)(b))
- School Board representative or School Director
- Dependency Care Manager (DCM) and DCM Supervisor
- BFP Licensing Representative
- Foster Parent or Caregiver

Multi-Disciplinary Staffing:

When Human Trafficking/Commercial Sexual Exploitation of a Child or Human Trafficking/Labor is one of the maltreatment codes contained within an abuse report or the child protective investigator suspects that a child might be a victim of trafficking at any time throughout the course of an investigation, the investigator must immediately initiate a multidisciplinary staffing. The following parties shall be invited to the staffing (this will be coordinated by the CPI to the Child Protection Team, but not be limited to:

- A representative from BFP
- Children's Legal Services
- Knowledgeable victim advocates
- Refugee Services Program Office's Anti-Trafficking Coordinator (In those cases where a foreign national victim is involved)
- Criminal Justice Coordinator
- Law Enforcement

Multi-Agency Closure Staffing:

The closure staffing will be conducted once all investigative activities have been completed and approved by the CPI Supervisor. The staffing will be scheduled once the investigation is ready to close, but before proceeding to the final stage of investigative closure. The CPI is responsible for inviting the same parties that were included in the initial staffing to the closure staffing, to also include, when appropriate, the facility Director, foster parent, or designee. This staffing can be considered official verbal notice to the facility and foster parents of the investigative outcome and closure. The staffing is not an opportunity to review the investigative decision, but to place closure on this process for all parties involved. Items to be discussed include but are not limited to:

- The final investigative maltreatment findings
- Any actions to be taken or expected from any additional agencies or oversight contacts (such as LE, APD or AHCA) and to provide any further information to the ongoing licensing agency that may be needed for future actions or progress

- Corrective action measures
- Closure notification activities

B. Case Closure Letters:

In accordance with CFOP 175-12(d) (9), investigation closure letters will be sent out for all investigations no later than 15 calendar days from investigation closure by DCF. If applicable, closure letters shall be sent to the foster parent(s) involved and to the child's parent(s) if rights remain intact.

LICENSED GROUP HOME:

The CPIS shall immediately notify the BFP Contract and Compliance Manager or designee by email or phone and ensure that an acknowledgement is received.

The CPIS shall link the intake and create a commencement note by documenting the licensing contact who acknowledged the receipt of the referral. The CPIS will forward the foster care referral to DCF Regional Licensing Specialist as the primary worker for response and management of the referral.

Brevard Family Partnership Contract and Compliance staff may accompany the Licensing Specialist if warranted a copy of the final report will be forwarded to the BFP Director of Contracts and Compliance for review.

B. NON-DCF LICENSED GROUP HOME:

If the home or group home is not licensed by DCF, the referral shall be assigned to the CPI staff with the expectation that they partner with the licensing entity responsible for the agency. The DCF Circuit Licensing Specialist can assist the CPI in identifying the appropriate point of contact.

Example – A Foster Care Referral is received but the foster or group home is not licensed or contracted by DCF or the CBC but by another entity (APD, AHCA, DJJ, etc.) the referral will be assigned to a CPI who will work the referral including contacting the entity, determine if an on-site visit or phone call is needed to address the current concerns reported to the Hotline to the foster/group home as well as making notifications to the Care Manager, Care Manager Supervisor, CLS attorney of record, and the Guardian Ad Litem. The foster care referral must be completed and approved for closure within 5 working days from referral assignment to CPI.

Agency Review Procedure:

1. Upon completion of the Institutional Staffing, results will be disseminated to the "Supervisor of Intake and Placement, Director of Licensing, Licensing Specialist, DCF Licensing Administrator, Quality Assurance and Compliance Specialist and Licensing Specialist.
2. A review of the findings submitted by the CPI (for abuse reports) or Licensing Specialist (for Foster Care Referrals) will be held with the following persons in attendance: Supervisor of Intake and Placement, Intake Specialist(s), Director of Licensing, Licensing Supervisor, DCF Licensing Specialist and Licensing Specialist. Findings will be reviewed

- to determine if additional services, supports, trainings; education or performance improvement plans are required.
3. Recommendations made and results will be submitted to the Director of Licensing and Licensing Supervisor to ensure proper follow up and resolution of any identified concerns.
 4. The Director of Licensing is responsible for communicating the recommendations and/or requirements established by the review team in writing within 3 business days of the meeting.
 5. Any foster home determined to require immediate removal of children and/or the denial of future placements until further action is taken will be sent via e-mail to the Supervisor of Intake and Placement and Director of Intake and Placement for monitoring within one day of the meeting results.
 6. A monthly meeting will be held with the Supervisor of Intake and Placement, Director of Licensing, Director of Intake and Placement, Licensing Supervisor, Intake Specialist and Licensing Specialist to review all current and active foster homes. This will be done in addition to the review team for all Institutional/Foster Care Referrals.
 7. Findings from meetings will be reported monthly to the BFP Risk Management Committee in accordance with agency procedures and guidelines.

This operating procedure applies to children who are under the primary supervision of Brevard Family Partnership as the Lead Agency. In courtesy supervision cases, the Lead Agency providing primary supervision will be notified and shall be responsible for managing the foster care referral report.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: 8/14/2020



Child Protective Investigations Involving Foster Parents

Information Sheet

(for additional information, also see CFOP 175-12)

What is the goal of Florida's Child Protection System?

The goal of Florida's Child Protection system is to ensure that children are safe from abuse and neglect while doing everything we can to keep families together.

How do I know the person at my door is really a Child Protective Investigator?

The Child Protective Investigator (CPI) should present proper identification before entering your home. You may verify that the person is employed as a Child Protective Investigator by calling the CPI's local office or the statewide Florida Abuse Hotline Command Center's toll-free number at 1-800-96ABUSE (1-800-962-2873). The Child Protective Investigator and Supervisor's name and phone numbers are provided on the back of this information sheet. You are encouraged to contact the CPI or supervisor with any questions/concerns you may have during the investigation.

What is a Child Protective Investigation and how am I involved as a Foster Parent?

An investigation results when someone has reported a concern to the Florida Abuse Hotline Command Center claiming a child under your supervision has been abused or neglected. The incident resulting in the allegations of abuse or neglect may have occurred while the child was in the care of a biological parent, other caregiver, or while in your care. When such an allegation is received, state law requires that it be investigated by a Child Protective Investigator who will explain what the allegations are and your involvement in the investigation.

When allegations are reported against you or an adult member of your home, the CPI will advise you of the allegations and address them with you as state law requires. The CPI will talk to you and other individuals who may be associated with the child. You can help the CPI by being truthful and by providing information that is necessary to determine whether a concern exists that affects the safety and well being of the child in your care.

Note, state law specifically directs visits and interviews with the child, family, and caregivers to be unannounced whenever possible, which may result in your child being interviewed without you being present. The law also requires you to notify the CPI within two business days if you move or if your child's location or living arrangement changes. You may video or audio tape your interview with the CPI, using your own equipment, if it is immediately available. An attorney may represent you at any point during the investigation. Even if you choose to delay your interview with the CPI in order to be represented by an attorney, the investigation will continue.

What are the possible results of the investigation?

When the allegations are not alleged against you or any adult member of your home, your involvement may be limited.

If allegations are alleged against you or an adult member of your home, it is possible that the investigation will reveal that there is no indication of child abuse or neglect and the investigation will be closed with no further action. The child protective investigation is required to be completed within 60 days, except for investigations involving a child death, missing child, and/or when law enforcement has an open criminal investigation. Investigations may be staffed by the CPI with licensing staff, case managers, law enforcement, Guardian ad Litem, Children's Legal Services, and any other parties with pertinent information relating to the investigation. The



recommendations of the staffing will be forwarded to the supervising agency's licensing staff which may result in a corrective action plan, or suspension or revocation of your foster parent license. If the CPI determines that it is in the best interest of the child's safety and well being, the child may be removed from your care.

If you have any questions, you may contact the CPI or CPI Supervisor below.

Child Protective Investigator: _____

Telephone Number: _____

CPI Supervisor: _____

Telephone Number: _____

Office Address: _____

Intake Number: _____

Florida State Foster/Adoptive Parent Association, Inc. Support Team (F.A.S.T.) is available to provide support to a foster parent when an allegation has been or might be brought against him or her. You may contact F.A.S.T. at 1-800-327-8119 or fast@floridafapa.org