

## PROCEDURE

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<b>Series:</b>	<b>Operating Procedures</b>	<b>COA:</b> <b>CFOP: 170-1, Chapter 14</b>
<b>Procedure Name:</b>	Diligent Search	
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<b>Applicable to:</b>	All BFP FOA Staff and Contract Providers	

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SUBJECT: DILIGENT SEARCH

PURPOSE:

This operating procedure describes the elements for child welfare professionals responsible for locating parents, relatives, and fictive kin when a child must be placed in out of home care.

a. BFP FOA staff must conduct a diligent search to provide notice to the parents of dependency and termination of parental rights proceedings before the court can enter final orders impacting the parents' rights to their child.

b. The failure to conduct a diligent search or conducting a legally insufficient diligent search will cause significant delays to the permanency of the children.

c. Also, locating parents, relatives, and fictive kin is important for maintaining and strengthening the child's long-term or permanent family connections and developing a visitation plan. These persons are possible placement resources for concurrent planning. They also have specific rights for notice and participation in the child's dependency case.

d. These family connections should not only be used for placement purposes but to also establish long-term emotional support networks with other adults who may not be able to have the child placed into their home but want to remain connected to the child.

e. Delays in locating absent parents are a barrier that may lengthen the time to achieve permanency. A child has the best prospects for achieving stability and timely permanency when child welfare professionals follow the procedures for diligent searches and diligent efforts.

f. Diligent searches and diligent efforts begin during the investigation phase and intensify after case transfer to ongoing services. Both the child protective investigator (CPI) and care manager share the responsibility for obtaining and documenting diligent search efforts. Diligent searches are also required when necessary to locate a perpetrator in cases involving intimate partner.

## REFERENCE:

- a. Section [39.01\(24\)](#), Florida Statutes (F.S.).
- b. Section [39.502](#), F.S.
- c. Section [39.503](#), F.S.
- d. Section [39.803](#), F.S.
- e. Section [63.054](#), F.S.
- f. Rule 8.210, Florida Rules of Juvenile Procedure.
- g. Rules 8.225(b), (c), (d), and (f), Florida Rules of Juvenile Procedure.
- h. Rule [65C-30.008](#), Florida Administrative Code (F.A.C.).

## PROCEDURE:

### 1. Definitions:

- a. “Diligent search” means the efforts of BFP FOA to locate a parent or prospective parent whose identity or location is unknown, initiated as soon as BFP FOA Staff are aware of the existence of such a parent with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.
- b. “Prospective parent” means a person who claims to be, or has been identified as, a person who may be a mother or a father of a child.
- c. “Diligent efforts to locate an adult relative” means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.
- d. “Diligent efforts” means reasonable efforts to provide social services or reunification services made by the BFP FOA staff or others that are party to a case plan.
- e. “Absent parent” as used in this chapter means a mother, legal father, or prospective parent whose identity or location is unknown.

### 2. Requirements:

#### **Initiating a Search to Locate Parents, Prospective Parent, Relatives, and Fictive Kin.**

- a. When the parents of an alleged child victim reside in separate households, the CPI must interview the non-maltreating legal or prospective parent as a collateral contact per CFOP 170-5,

Chapter 16, paragraph 16-2e. The CPI must also provide the non-maltreating parent with information about the outcome of the investigation.

b. If the CPI seeks to shelter a child, the CPI must show due diligence to identify and notify the child's mother, legal father, or prospective parent and relatives who may be a placement resource. If the child is a member or is eligible for membership in a tribe, obtain the child's tribal membership information including the name and location of the tribe. If the child is a member or eligible for membership, the tribe may provide placement alternatives.

c. The CPI shall notify Children's Legal Services (CLS) of any identified parents or prospective parent and any placement alternatives to foster care which include relatives or fictive kin.

d. To identify and locate the mother, legal father, or prospective parent the CPI will:

(1) Ask the parent(s) and child, as age appropriate, and other collaterals as necessary to identify the child's mother, legal father or prospective parent, and placement alternatives to foster care. If there is agreement as to the identity and location of the child's mother, legal father or prospective parent, diligent search activities are not required. The CPI must complete an Other Parent Home Assessment per CFOP 170-7, Chapter 5, if the CPI releases the child to, or seeks to shelter the child with, a mother or legal father who is not part of the focus household, or anytime an out of home safety plan is initiated with the parent/legal guardian responsible for the conditions that led to the child being unsafe. Placement with a prospective parent is considered a non-relative placement until paternity is established and requires a Unified Home Study be completed.

(2) Initiate a diligent search prior to the shelter hearing when there is an absent parent. To the extent possible, the CPI will ask the known parent, the child, and collaterals for the information required on the "Affidavit of Diligent Search" (available in FSFN under the Legal drop-down), "Sworn Statement by Person Who Knew the Child's Mother Regarding Identity or Location of Parent" (form CF-FSP 5424, available in DCF Forms), and/or "Sworn Statement by the Child's Mother Regarding Identity or Location of Parent" (form CF-FSP 5423, available in DCF Forms).

e. If the mother and prospective father did not legally establish paternity prior to shelter, the mother and prospective father can execute affidavits of paternity in dependency court when permitted by law. The mother and prospective father must be in agreement as to the paternity of the child.

f. If the court establishes paternity, the child welfare professional must comply with CFOP 170-13, Chapter 2, paragraph 2-7b, so the father's name can be placed on the child's birth certificate.

g. If the mother contests the recognition of the prospective father, the prospective father must comply with proceedings under Chapter 742, F.S. The prospective father is entitled to receive continued notice of dependency proceedings as a participant.

h. Upon the child's removal, the child welfare professional or designee is responsible for:

(1) Continuing diligent search efforts to identify and locate any absent or prospective parent; and,

(2) Performing diligent efforts to locate and provide notice to immediate and extended family members, and fictive kin suggested by the parents. Diligent Effort Activities include, but are not limited to:

(a) Complying with s. [39.4015\(2\)\(a\)](#), F.S.

(b) If the child is an American Indian or Alaskan Native, sending written correspondence to the child's tribe per the requirements in Rule [65C-30.003\(2\)\(b\)](#), F.A.C.

### **Continued Diligent Search and Diligent Efforts Activities.**

a. Until case transfer, the CPI will continue the diligent search and efforts to locate absent parents, relatives, and fictive kin. The CPI must also continue the diligent search and efforts to locate a perpetrator of domestic violence if the CPI seeks to implement a safety plan against the perpetrator. The CPI's activities, information learned, and next steps should be discussed at the case transfer meeting. The care manager must continue diligent search and diligent effort activities until the absent parent, relatives, or fictive kin are found, or the dependency court excuses further search activities.

b. The child welfare professional or designee responsible must document all attempts, results or responses, and any records obtained for each activity in FSFN.

c. Diligent efforts to locate relatives and fictive kin should continue when a child is in a relative or non-relative placement for the purpose of providing additional support. The child welfare professional must document and explain the goal to preserve both family and community connections as it is essential to the child's stability and successful transition to adulthood. These connections are automatically presumed at birth. Examples of diligent efforts are:

(1) Review Child Welfare Record in FSFN. The child's record must be reviewed for information already known:

(a) Child's birth certificate to see if both parents are identified. The birth certificate will also provide the birthdate and birthplace of the parent(s). This information may be used to obtain birth certificates for the parent(s) in order to determine the names of grandparent(s) if not already known.

(b) Information in past assessments, evaluations, family team meetings or case notes about an absent parent, relative, fictive kin, or other persons who demonstrated a commitment to the child in the past.

(c) Persons identified who know the child or family and their contact information. This might include a child welfare professional, Guardian ad Litem or provider who has experience with the child or their family.

(d) Information about past family violence. If there is information in the child's record that indicates that contacting an absent parent or relative might place the family in danger, consult with a supervisor before completing the search.

(2) Conduct Interviews. The child welfare professional must conduct interviews with the child, siblings, parents, and all known relatives (as practicable) of the parent or prospective parent. The child welfare professional will attempt to learn the following:

(a) Information to identify and locate the absent parent, relatives, or fictive kin about the parent's location, date of birth, social security number, aliases, veteran status, employment, driver's license number, criminal charges or convictions, hospitalizations, incarcerations, and other state and federal agencies with which the parent may have been dealing or which could have information about the parents.

(b) Information about the person's established relationship with the child.

(c) Paternity information required in "Sworn Statement by Person Who Knew the Child's Mother Regarding Identity or Location of Parent" (form CF-FSP 5424, available in DCF Forms) and/or "Sworn Statement by the Child's Mother Regarding Identity or Location of Parent" (form CF-FSP 5423, available in DCF Forms).

(d) With respect to relatives and fictive kin who may be a placement resource, the child welfare professional must inquire about contact information and the following:

1. Whether the relative or other person has demonstrated a commitment to or an interest in establishing a relationship with the child or becoming a placement resource.
2. What would be the potential benefits for the child of placement in this home?
3. What would be any potential challenges in caring for the child?
4. What does the child express regarding placement with this individual?
5. What is in the best interest of the child?

(3) Conduct Inquiries of Information Resources and Complete Affidavit of Diligent Search (available in FSFN under the Legal drop-down). The use of information resources will be tailored based on the individual person and information already known. Per s. 39.503(7), F.S., any agency contacted with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order. Per s. 39.503(6), F.S., the diligent search must include: inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of all program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, a thorough search of at least one electronic database specifically designed for locating persons, a search of the Florida Putative Father Registry, and inquiries of appropriate law enforcement agencies. Pursuant to section 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator services for diligent search activities.

(a) Inquiries of Other State and Federal Agencies Likely to Have Information about the Parent or Prospective Parent. This requirement will be met by using the Parent Locator Service managed by the Florida Department of Revenue. Per s. 409.2577, F.S., use of this service is a method available to any child welfare professional attempting to locate a parent, a prospective parent, or

information about relatives for potential child placement. Appendix C of this operating procedure provides brief information as to the searches and information results provided.

(b) A child welfare professional or designee should complete the Request for Authorization to Use the State and Federal Parent Locator Service (form [CS-AP 80](#), available in DCF Forms). This form includes directions for submitting the request.

(c) If information received from the Parent Locator Search does not help locate the individual, repeat the process in 3 weeks or more as the data bases are continuously updated.

(4) A Thorough Search of Multiple Electronic Databases Specifically Designed for Locating Persons. This requirement will be met with any of the following options:

(a) Child welfare professionals or designee may have access to Accurant or other person locator data systems that search multiple data sources for public information that may be helpful with locating persons to include collateral contacts and/or verifying identity and personal information. Availability of Accurant and other systems varies by DCF circuit and CBC Lead Agency. Region administration or local CMO management should be contacted for information about local access and use of search resources.

(b) There are many free person location sites on the internet. The child welfare professional should check local telephone directories and online directories. The following web sites can perform free basic people searches by name. They charge a fee for a full report. The data base used will generally be noted. If it is clearly noted, it is useful to search more than one database for any search being conducted.

1. [www.whitepages.com](http://www.whitepages.com)
2. [www.anywho.com](http://www.anywho.com)
3. [www.infospace.com](http://www.infospace.com)

(5) A search of the Florida Putative Father Registry. The Florida Putative Father Registry is managed by the Bureau of Vital Statistics within the Department of Health. Per s. [63.054](#), F.S., this registry provides an unmarried biological father with a method to file a notarized claim of paternity form.

(a) Information on filing an application for a search is provided on the [Florida Putative Father Registry](#) web page.

(b) The child welfare professional or designee must request a "Putative Father Registry Certificate."

(c) The child welfare professional or designee will follow local procedures for obtaining the required filing fee.

(6) Inquiries of Appropriate Utility and Postal Providers. When necessary, the child welfare professional or designee can request forwarding or change of address information from the U.S. Postal Service (USPS). Specific instructions for submitting a "Request for Change of Address Needed for Service of Legal Process" or "Address Information Request" can be found on the [USPS](#) web site.

(7) Inquiries of Appropriate Law Enforcement Agencies. Information on access to criminal justice data sources can be found on the department's [Criminal Justice Information Services](#) intranet page. These resources include, but are not limited to, the following:

(a) Comprehensive Case Information System (CCIS) which provides Florida Clerk of Courts case information. CCIS Access Request Forms are located on the department's intranet website for [Security Forms](#).

(b) Individuals under supervision by the Department of Corrections (DOC) can be searched on the DOC website for [Offender Information Search](#).

(c) FDLE Sexual Offender and Predator Public Website provides public information and photos on individuals registered as [Sexual Offenders or Predators in Florida](#).

(d) Dru Sjordin [National Sexual Offender Public Website](#) which provides public information and photos on individuals registered as Sexual Offenders or Predators in states in addition to Florida.

(8) Inquiries of all program areas of the department likely to have information about the parent or prospective parent.

(9) When necessary, there are many other public records available online. The availability of court records online from state or county varies from state to state. There are various county courts that have implemented their own online systems. More states and counties are putting their public records online each day. Most state websites have links to county records.

### **Requirements When Parent, Perpetrator of Domestic Violence, or Relatives Are Located.**

If the child welfare professional or designee's diligent search locates a parent or identifies a prospective parent, the following activities must be completed:

a. Notify CLS immediately when a perpetrator of domestic violence has been located so that CLS can decide to seek issuance of an injunction per s. [39.504](#), F.S., if an injunction is required under s. [39.301](#), F.S. If the perpetrator is a parent, CLS can also determine whether to file a shelter or dependency petition if a petition has not been previously filed. The child welfare professional must establish a separate safety plan with the perpetrator per requirements in CFOP 170-7, [Chapter 4](#).

b. Establish contact with the absent parent or relative and schedule an interview. Interviews of parents or relatives who reside outside of the child welfare professional's jurisdiction may be interviewed by phone. The child welfare professional is responsible for:

(1) Informing the parent or relative of the child's involvement with the child welfare system, including the reasons and current placement arrangement. If the absent parent has a known history of domestic violence, the child welfare professional must consult with a supervisor to determine whether specific information about the child's location should be shared.

(2) Informing the parent of their respective rights to be involved in the child's life, including as a potential placement, and providing notice of the next dependency court hearing.

(3) Informing relatives of their right to participate in dependency proceedings and case planning, and to be a placement resource for the child.

(4) Discussing the parent or relative's relationship with the child, his/her efforts to establish or maintain a relationship, and any other effort to provide financial or emotional support.

(5) Determining whether the parent or relative would like to be a placement resource and the steps involved in requesting a home study.

(6) If the parent or relative/non-relative would like to have the child placed with them, the child welfare professional will gather information necessary to complete an Other Parent Home Assessment (OPHA) (form CF-FSP 5411, available in DCF Forms) or a Relative/Non-Relative Unified Home Study (UHS) in FSFN. Completion of an OPHA is not required if the parent is a perpetrator of domestic violence, or other circumstances listed in CFOP 170-7, [Chapter 5](#), paragraph 5-2(g), exist; in such cases, the child welfare professional must seek a staffing with CLS.

c. The child welfare professional will collaborate with CLS as follows:

(1) Immediately notify CLS when a legal or prospective parent has been identified or located. Inform CLS of the specific information learned, whether contact has been achieved, and the date of any scheduled interview.

(2) The child welfare professional must consult with CLS if a man claiming to be the child's father is not named on a child's birth certificate.

(3) CLS will determine the next steps that are required including steps to establish paternity, if paternity is not otherwise established by the law, and provide notice of hearings to the parent or relative.

(4) Provide CLS with copies of a completed OPHA and any Relative/Non-Relative UHS prior to the next hearing.

d. After the interview has been conducted, complete an OPHA per requirements in CFOP 170-7, [Chapter 5](#), or a Relative/Non-Relative UHS per requirements in CFOP 170-1, [Chapter 5](#).

### **Requirements When Diligent Search is Unable to Identify Child's Father.**

a. In order to be excused from further diligent search efforts, the child welfare professional must obtain:

(1) Information from the child's mother and known relatives affirming that the child's father is unknown. The child welfare professional will work with the mother and relatives to obtain a "Sworn Statement by the Child's Mother Regarding Identity or Location of Parent" (form CF-FSP 5423, available in DCF Forms) completed by the child's mother.

(a) The form must be signed by the mother, witnessed by the child welfare professional or other agency representative, and notarized.

(b) The sworn statement is only required when an inquiry of identity or location was not obtained by the court.

(c) Please check with CLS to regarding any court inquiries.

(2) The original or a certified copy of the child's birth certificate.

(3) A Putative Father Registry Certificate.

b. The child welfare professional or designee will provide the above information to CLS and request that a motion be filed to excuse the department from further search efforts and establish the father as unknown.

### **Reporting on Search Efforts at Judicial Hearings.**

a. Prior to the shelter hearing, the CPI must provide to CLS the following diligent search information:

(1) Information the CPI learned from inquiries of an available parent or any known and available relatives, neighbors, and friends possible within the 24-hour time frame; and,

(2) Any inquiries of available data bases or other activities the CPI was able to conduct within the time frame.

b. If the identity or location of a parent is unknown and a petition for dependency or shelter is filed, CLS will ask the court to conduct an inquiry, under oath, of the parent or legal custodian who is available, or, if no parent or legal custodian is available, of any relative or custodian of the child who is present at the hearing and likely to have information about the absent parent or relatives.

c. No later than 10 business days prior to the dependency adjudicatory hearing, the child welfare professional or designee must have completed diligent search activities and diligent efforts to locate relatives and provided the information to CLS. For a diligent search for a parent, the child welfare professional or designee will create an "Affidavit of Diligent Search," which is located in FSFN under create casework using the legal drop-down link and submit the form to CLS.

d. At the disposition hearing and at each judicial review, progress on the diligent search and diligent efforts described must be included in or attached to the Judicial Review Social Study Report and provided to the court, unless the court has excused further search.

e. Prior to the termination of parental rights hearing, the parent must be located, or further search efforts must be excused by the court.

(1) Diligent searches should be current within the past 6 months.

(2) Parents who cannot be personally served must receive notice by publication. The assigned child welfare professional and the CLS attorney must work together to ensure that the diligent search is legally sufficient, that all necessary inquiry has been made, and that the form of the

sworn statement required by Chapter 49, F.S., is legally sufficient to insure that the notice for publication will be issued.

### **Supervisor Consultation and Review.**

a. The supervisor will provide consultation to the child welfare professional when he/she requests assistance with a diligent search or diligent efforts to locate relatives.

b. The supervisor is responsible for determining the sufficiency of diligent search or diligent efforts to locate relatives as a component of approving a Family Functioning Assessment-Initial, Family Functioning Assessment-Ongoing, Progress Update or Judicial Review.

### **FSFN Documentation.**

a. The child welfare professional must document each inquiry conducted during an interview in FSFN Case Notes within 2 business days as follows:

(1) A diligent search for a perpetrator of domestic violence who is not a parent/legal guardian.

(2) Diligent efforts to locate a relative.

b. The child welfare professional must document in FSFN, within 2 business days, all attempts, interview inquiries, results or responses and any records obtained for each activity as follows:

(1) For an absent parent, complete the information fields on the FSFN Diligent Search page in the Legal Module. For each activity conducted, the comments field must be completed to document whether the activity involved a face-to-face contact or phone interview; or the specific name inquires attempted and the results. The comments fields will pre-fill the Affidavit of Diligent Search template.

(2) For relatives, the child welfare professional must document a FSFN Case Note for each specific inquiry.

c. When a diligent search is ongoing, the child welfare professional or designee will complete the Affidavit of Diligent Search prior to dependency hearings. The Affidavit of Diligent search is located in FSFN under create casework using the legal drop-down tab and submit it to CLS based on local protocols.

d. The following FSFN resources for documenting a Diligent Search for an absent parent are located on the [Center for Child Welfare](#) website under the FSFN “How Do I Guide” page:

(1) [“Legal Document User Guide”](#)

(2) [“Legal Document How Do I...Guide”](#)



BY DIRECTION OF THE CHIEF EXECUTIVE  
OFFICER

A handwritten signature in blue ink that reads "Philip J. ScarPELLI".

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

Signature Date: 7/30/2020