

## PROCEDURE

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<b>Series:</b>	<b>Operating Procedures</b>	<b>COA: N/A</b> <b>CFOP: N/A</b>
<b>Procedure Name:</b>	Family Over Capacity	
<b>Procedure Number:</b>	OP-1064	
<b>Reviewed Date:</b>	02/03/12 (2) 06/03/2015 (3) 04/29/19	
<b>Revision #/Date:</b>	(4) 08/10/10, (4) 09/28/16	
<b>Effective Date:</b>	12/27/05	
<b>Applicable to:</b>	All BFP Licensed Family Foster Homes Levels 2-5	

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**PURPOSE:** To establish the agency's operating procedure for issuing overcapacity waivers in compliance with Florida Administrative Code 65 C-13.3. It is the intent of this procedure to establish a system of limitations on the number of children to be cared for in one home, and a waiver system to address exceptions as they arise.

### PROCEDURE:

#### **References**

FS 409.175,  
Florida Administrative Code 65C-13.032,

#### **Definitions**

Child means any unmarried person under the age of 18 years.

Family Foster Home is defined in s. 409.175, F.S. as a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care and includes emergency shelter family homes.

Waiver is a document which authorizes exceptions to the total number of children or infants to be cared for in a family foster home. The initial over capacity waiver is signed by the Brevard Family Partnership Vice President of Operations or identified designee.

#### **Guidelines**

BFP operates within the guidelines of Over-Capacity Exception and Age Differential Approvals outlined in F.S. 39.032 that includes the following:

- (a) Written approval of the exception shall be obtained prior to placement when the licensed capacity and recommended ages of children are exceeded. The exception shall be approved by the supervisor in writing or via electronic method and shall be approved personally and in writing the next business day by the Vice President of Operations for BFP or designee.
- (b) An initial approval shall not exceed thirty calendar days except when the approval is used to accommodate a sibling group larger than five or with more than two infants under 24 months of age.

(c) The approval for the over-capacity exception shall automatically expire when the total number of children in the home is at or below the licensed capacity.

(d) An approval may be issued for one hundred eighty calendar days if it is issued to accommodate a sibling group larger than five or more than two infants under 24 months of age. Subsequent approvals may be approved for a one hundred eighty-day extension.

(e) All child placements shall be recorded in the Florida Safe Families Network by the supervising agency within forty-eight hours of placement. When such a placement causes a home to exceed a total of five children, the approval shall be recorded on the provider licensing screen.

In addition, the total number of children who may reside in a family foster home is established by the BFP Licensing Specialist, issued through the DCF foster home license and determined by the capability of the foster parent to provide care for the recommended number of children based on an evaluation of: their history as a foster home, the supports they have available, the physical environment of the home and adherence to sleeping requirements specific to the age and sex of the child. All children living in the home are to be considered, including biological and adopted children. The total number of children in the family foster home shall not exceed five (5) children. There must be no more than two (2) infants under twenty-four (24) months of age in a family foster home. The only children who may be excluded from the paragraphs above are grandchildren of the foster parents, when the parents of the grandchildren also reside in the home and the foster parents do not assume supervision of the grandchildren.

### **Approved Reasons for Over Capacity Waivers**

- (1) To accommodate a sibling group. This may be a sibling group with some of the children already in the home as well as a sibling group being placed for the first time;
- (2) To accommodate a child or sibling group needing placement who has previously lived in the home;
- (3) To allow a teen parent in substitute care to have his or her child or children placed in the same home; or
- (4) If the prohibition of the placement would be contrary to the child's best interest.

### **Waivers to Exceed Licensed Capacity**

- (1) Waivers to allow more than the licensed capacity in a family foster home shall be approved in writing by the BFP Intake Specialist, Licensing Supervisor, Intake and Placement Manager, Director of Licensing, Senior Executive of Programs, and the Brevard Family Partnership Vice President of Operations or assigned designee.
- (2) Waivers to allow more than the licensed capacity in a family foster home must be approved prior to placement.
- (3) Each of the following must be addressed and documented in writing as part of the waiver approval/assessment process. The documentation must be placed in the licensing file of the family foster home. The documentation outlined below must be included in the assessment:

- (a) A clear, concise explanation of why the licensed capacity should be exceeded.
- (b) A description of the medical, mental, physical and behavioral needs of each child in the home.
- (c) A description of the special services or support systems which will be put in place to assure that the waiver will not impact on the quality of care the children in the home receive. In addition to the services and supports, a specific staff person must be designated to oversee and document that the added services and supports in the home are provided and are effective in maintaining an adequate level of care.
- (d) Is this the only resource for the children needing placement? Have all available homes been considered and has it been determined that this home is the most appropriate? This foster home is the only or the best resource available for the child.
- (e) Can the home physically accommodate the additional child/children? Accommodations include a bed, adequate closet space and room for personal possessions and adequate privacy.
- (f) Can the substitute parents meet the needs of another child or children? Would appropriate adult supervision be available at all times when the children are in the home? Is help, relief, or other support available to the family? Is the family managing well with the children already in the home?
- (g) Will the addition of another child/children adversely affect the quality of care and safety being given to the children currently in the home? The addition of another child will not adversely affect the quality of care and safety of the children currently in the home. The children in the home will accept the additional child.
- (h) Can the children already in placement in the home accept additional children? Are there any children already living in the home or being considered for placement in the home who are particularly vulnerable? Can those children be adequately protected?
- (i) The waiver addresses how the need of any particularly vulnerable child(ren) currently in the placement can be adequately protected.
- (j) What efforts have been made to minimize further waiver requests in this case?
- (k) Date of next BFP Licensing Specialist visit to the home.
- (l) Does the home have an active complaint, open abuse report and/or is this home the subject of a foster care referral?
- (m) The BFP Licensing Specialist shall conduct a home visit with the licensed out of home caregiver within seven calendar days of a child's placement to ensure that all appropriate services identified are in place to support the out of home caregiver.
- (n) A copy of the licensing home study.

### **Waivers to Exceed a Total of Two (2) Infants**

- (1) Waivers to exceed a total of two (2) infants may be granted only to accommodate a sibling group in which there are more than two (2) infants in one family. The family foster home in which the siblings are placed may not have any infants already placed, unless part of the sibling group being accommodated.
- (2) Waivers to allow more than a total of two (2) infants in a family foster home shall only be approved and in writing by the Brevard Family Partnership Vice President of Operations or designee.
- (3) Waivers to allow more than a total of two (2) infants in a family foster home must be approved prior to placement.
- (4) Each of the following must be addressed and documented in writing as part of the waiver approval process. The documentation must be placed in the BFP licensing file of the family foster home and updated to the central zone licensing office in the family assessment at re-licensure.
- (5) An explanation of the sibling group dynamics which require that the total number of two (2) infants be exceeded.
  - (a) A description of the special services or support systems which will be put in place to assure that the waiver will not impact on the quality of care the children in the home receive. In addition to the services and supports, a specific staff person must be designated to oversee and document that the added services and supports in the home are provided and are effective in maintaining an adequate level of care.
  - (b) Is this the only resource for the children needing placement? Have all available homes been considered and has it been determined that this home is the most appropriate?
  - (c) Can the home physically accommodate the additional child/children? Accommodations include a bed, adequate closet space and room for personal possessions and adequate privacy.
  - (d) Can the substitute parents meet the needs of another child or children? Would appropriate adult supervision be available at all times when the children are in the home? Is help, relief, or other support available to the family? Is the family managing well with the children already in the home?
  - (e) Will the addition of another child/children adversely affect the quality of care and safety being given to the children currently in the home?
  - (f) Can the children already in placement in the home accept additional children? Are there any children already living in the home or being considered for placement in the home who are particularly vulnerable? Can those children be adequately protected?
  - (g) What efforts have been made to minimize further waiver requests in this case?

(h) A copy of the licensing home study.

### **Duration of a Waiver**

- (1) A waiver may not exceed 30 (30) calendar days.
- (2) A waiver must be reviewed and revised if there is any change in the child population of the home. A waiver will automatically expire when the total number of children in the home is at licensed capacity or less.
- (3) Monthly all waivers are reviewed and the need for continued necessity of the waiver is discussed. The following parties are in attendance at the monthly staffing review process: Intake and Placement Manager, Director of Licensing, Licensing Specialist, Intake Specialist and Senior Executive of Programs.

### **Automated Tracking of Homes With More than Five (5) Children.**

- (1) All child placements must be recorded in FSFN within forty-eight (48) hours. When such a placement causes a home to exceed a total of five (5) children, the waiver approval must be recorded on the provider licensing screen.
- (2) Brevard Family Partnership maintains a log used to track the number of homes with more than the licensed capacity and ensure the requirements of this procedure are being met. This is maintained by the Intake and Placement Manager.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



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

APPROVAL DATE: 3/12/2020