



State of Florida
Department of Children and Families

Rick Scott
Governor

David E. Wilkins
Secretary

DATE: September 26, 2012

TO: Regional Managing Directors

THROUGH: Pete Digre, Assistant Deputy Secretary for Operations
Elisa Cramer, Director of Family and Community Services *EC*

FROM: Mary Cagle, Director, Children's Legal Services *MC*
Patricia Armstrong, LCSW, Director, Office of Child Welfare *PA*

SUBJECT: Status of Children Placed with a Non-Removal Parent

PURPOSE: The purpose of this memorandum is to clarify that children placed with a non-removal parent are not considered in foster care; how this situation should be documented in FSFN; and language that shall be included in court orders when a child is placed with a non-removal parent.

BACKGROUND: Statewide there has been confusion regarding the status of a child who is removed from one parent due to abuse or neglect and subsequently placed with the other parent. This has led to inconsistency in both documentation in FSFN and language in court orders defining the responsibilities of the Department and the parents.

It is not uncommon to place a child with a non-removal parent. When this occurs, we work with the family and child to develop and implement a case plan, all under the oversight of the Court. The child may (or may not) be adjudicated dependent as adjudication may be withheld even if the child is found to be dependent.

Federal regulations define Foster Care as "...24 hour substitute care for all children placed away from their parents or guardians **and** for whom the State agency has placement and care responsibility." The regulations further state, "Foster care does not include children who are in their own homes under the responsibility of the State agency." This position was affirmed by the Administration for Children and Families during a review of our federal data earlier this year.

Therefore, a child placed away from one parent because of abuse or neglect and placed with the other parent **is not** in out-of-home/foster care, even though the Department may have court ordered supervision. Placement with a legal parent does not constitute a removal for the purposes of case management, but may be considered a removal for the purposes of obtaining a shelter order.

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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

For a child who is placed with a non-removal parent, the following steps should be taken:

When placing from removal parent to non-removal parent

1. The child is documented in FSFN as being in a Living Arrangement, to reflect that he/she is being served in an "In-Home" capacity.
2. Children's Legal Services would document the Shelter hearing and all other dependency actions as appropriate in the child's Legal Record.
3. Language in the Shelter Order shall include the following, "The child shall remain in the shelter custody of _____, who is the mother/father of the child, under the supervision of the Department." Note that the Order shall not give placement and care responsibility to the Department.
4. If the removal parent is working towards reunification, then the Primary Goal should be "Reunification" and the concurrent goal "Maintain and Strengthen." If the removal parent is not working towards reunification, then the Primary Goal should be "Maintain and Strengthen" and the concurrent goal "Reunification."
5. Non-removal parent(s) being considered for placement of their child must have an approved home study and a criminal history records check, including submission of fingerprints to the Department of Law Enforcement (s.39.0138, F.S.).

When placing from an out-of-home placement to a non-removal parent

1. The child should be discharged from the out-of-home placement with an end reason of "Reunification w/Parent(s) including Non-Custodial Parent," and a Discharge Reason of "Reunification w/Parent(s)/Primary Crtkr."
2. The child is documented in FSFN as being in a Living Arrangement, to reflect that he/she is being served in an "In-Home" capacity.
3. Children's Legal Services would document the dependency actions as appropriate in the child's Legal Record.
4. Language in the Court Order shall include the following, "The minor child(ren), (name) are in the placement and care of _____, the mother/father, under the supervision of the Department." Note that the Order gives placement and care responsibility to the parent.
5. If the removal parent is working towards reunification, then the Primary Goal should be "Reunification" and the concurrent goal "Maintain and Strengthen." If the removal parent is not working towards reunification, then the Primary Goal should be "Maintain and Strengthen" and the concurrent goal "Reunification."

6. Non-removal parent(s) being considered for placement of their child must have an approved home study and a criminal history records check, including submission of fingerprints to the Department of Law Enforcement (s.39.0138, F.S.).

Upon return to the removal parent

1. The Living Arrangement is end dated and a second Living Arrangement is created. The Primary Caregiver would change to reflect why the change has occurred.
2. Children's Legal Services continues to document the legal actions as appropriate in the child's Legal Record.
3. The child's primary goal of "Reunification" is achieved and the primary goal is updated to "Maintain and Strengthen."

Upon the case closing with the child remaining with the non-removal parent

1. The Living Arrangement is end dated.
2. Children's Legal Services ends the child's Legal Record as it would with any other case.
3. The child's primary goal of "Reunification" is "Not Achieved" and the goal of "Maintain and Strengthen" is achieved.

ACTION REQUIRED: Ensure all child protective investigators, case managers, supervisors, Children's Legal Services attorneys, and program specialists receive this clarification.

CONTACT INFORMATION: If you have any questions, or for additional information please have the Region offices contact Sallie Bond at (850) 717-4657 or Sallie_Bond@dcf.state.fl.us. Children's Legal Services may contact Stephen Pennypacker at (353) 334-0189 or stephen_pennypacker@dcf.state.fl.us.