

Module 4: Court Proceedings and Staffings



***Florida Department of Children and Families
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Unit 4.1:

Taking Court Action

Learning Objectives:

1. Determine when court involvement should be initiated.
2. Identify requirements for reasonable efforts.
3. Explain the four different types of evidence and the standards of proof in judicial dependency cases.
4. Identify and review the dependency court proceeding processes and petitions.

References:

- Section 471(a)(15)(B)(i), of the Social Security Act
- CFOP 175-22, Diligent Search
- F.A.C 65C-30.003 (6)(b), When Diligent Search Involved an Indian Child
- Section 39.402 (17), F.S., Inquiry of the Court at Shelter
- Section 39.507 (7), F.S., Inquiry of the Court at Adjudication
- Section 39.01 (15), F.S., Definition of Dependent Child
- Section 39.6221, F.S., Permanent Guardianship
- Section 39.6231, F.S., Placement With a Fit and Willing Relative
- Section 39.6241, F.S., Another Appropriate Planned Living Arrangement
- 39.806 (1)(a)-(n), F.S., Grounds for Termination of Parental Rights
- Section 794.011, F.S., Sexual Battery
- Section 775.21, F.S., The Florida Sexual Predators Act
- Section 39.701(8)(a)(1-12), F.S., Judicial Review Social Study Report
- Termination of Parental Rights Petition, F.S. 39.8055; F.S. 39.806; FL R Juv P 8.500 39.8055(1)

What authority does the court have? Why would you initiate court action?

There are three ways to involve the court in child protection:

- Removal of a child.
- When a child needs In-Home Safety Intervention Services that cannot be provided on a non-judicial basis.
- Chapter 39 injunction.

When should you staff a case with CLS to initiate court action?

When staffing with CLS to determine if court action is warranted be prepared to provide the following:

- Facts to support the danger threat(s).
 - Facts to support diminished caregiver protective capacities.
 - Demographic information on the family.
 - Paternity of all children.
 - Police, DCF, medical and other reports.
 - Family court information if applicable.
 - Reasonable efforts to prevent removal.
 - An explanation of any lapse in time between initial involvement with the family and the need for court action.
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Types of Evidence

Direct evidence is an eyewitness account of an event and includes the statements of an eyewitness.

Demonstrative evidence are things or objects that help prove a case.

Circumstantial evidence is a step away from an eyewitness account and is less persuasive in court. This is evidence that may allow a judge to deduce a certain fact from other facts that have been proven.

Expert testimony is given by people who have specialized knowledge or experience that relates directly to a problem in a case.

Standards of Proof

Different amounts of evidence are required for each standard.

- **Probable cause** means the judge has enough evidence to create the probability in his mind that significant impairment to the child's safety may occur if the child is left in the home.
 - **Preponderance of the evidence** means there is more evidence for than against the point being argued.
 - **Clear and convincing evidence** means almost all of the questions in the judge's mind about whether or not a termination decision is warranted are answered.
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Reasonable Efforts

Reasonable Efforts

- To prevent unnecessary removal and/or judicial action, you must take strong, affirmative steps to assist families on a voluntary basis.
- You must meet reasonable efforts requirements as set forth by federal and state law.

Reasonable efforts requirements include:

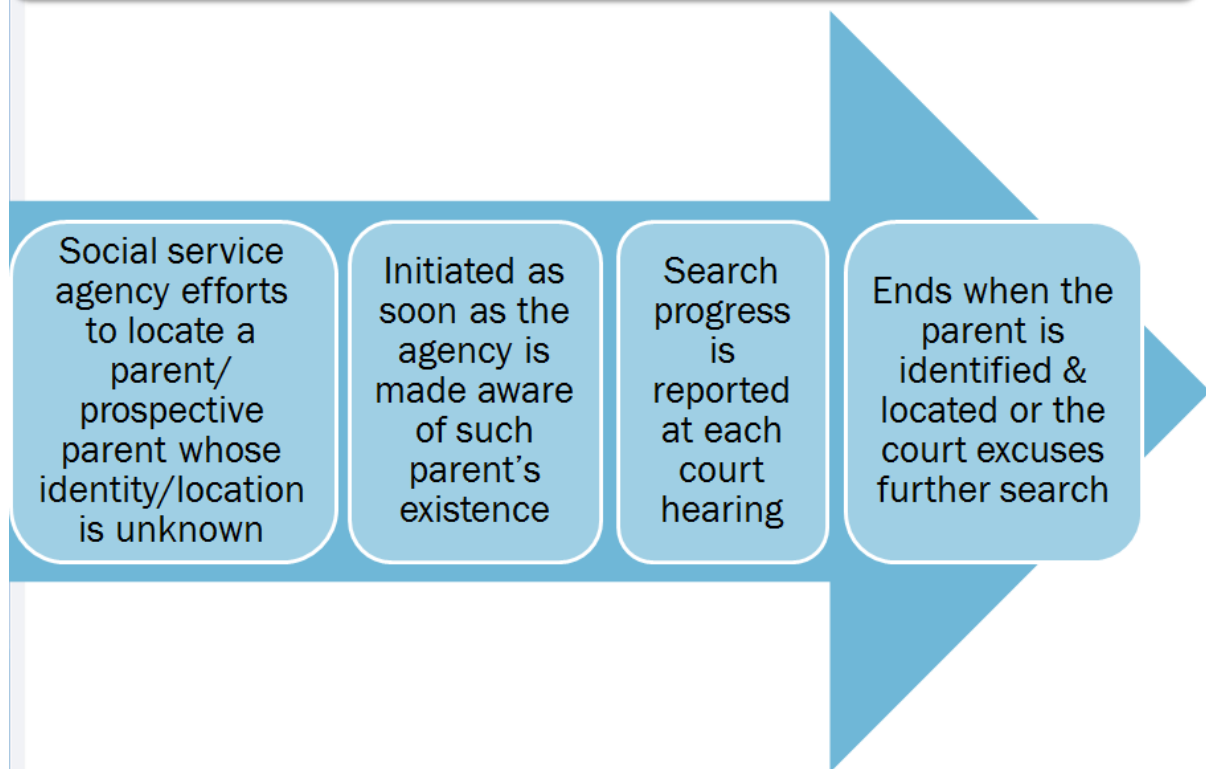
- a) Identifying dangers to the child, and the family problems precipitating those dangers;
 - b) Selecting services specifically relevant to the family's problems and needs;
 - c) Diligently arranging services and following up to ensure the parent understands and follow through with the services (this includes parents who are incarcerated);
 - d) Providing appropriate services on a timely basis;
 - e) Ensuring that paternity is established as early in the case as possible.
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The Process of Locating Parents and Relatives

Types of Location Efforts:

- Locating a missing or unidentified parent
- Locating an adult relative

Diligent Search



Florida Law requires a Diligent Search...

- Whether the mother was married at the time of conception or birth
- Whether the mother was living with a male at the time of conception
- Whether the mother has received payments of support
- Whether the mother has named any man the father of the child
- Whether any man has claimed paternity

There are specific requirements in CFOP 175-22 that must be included in the diligent search.

- All known relatives of the parent, inquiring of them the parents location, date of birth, social security number, aliases, veteran status, employment, driver's license number, criminal history, hospitalizations, incarcerations
- All program offices of the Department, including Economic Self Sufficiency, Substance Abuse/Mental Health, Children's Medical Services, Child Support Enforcement
- Other state and federal agencies, such as the Department of Motor Vehicles, voter registration, Department of Corrections, Social Security Administration
- Telephone directories, schools, utility company, hospitals, postal providers, local law enforcement agencies, housing authorities and armed service branches
- Federal Parent Locator Service
- Accurint, an online person locator service
- You can also include a search of social media (Facebook, Twitter, Instagram, Snapchat, etc.)

Why do you think it is important to complete reasonable efforts to locate a parent if we do not know their location?

Activity A: Diligent Search

Directions:

1. Read the “Diligent Search” scenario.
 2. In small groups, answer the following questions:
 - Why do you think attempts were not made to locate the father?
 - When should the search have been initiated?
 - What kind of documentation seems to have been missing?
 - How would you feel if you were responsible for the situation?
 - What might have been done to avoid the problem?
 - Why is the diligent search a crucial task?
 3. Be prepared to share with the class.
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Diligent Search

Based on a true story:

A couple, who had been married 10 years and were not able to have children, decided to see if they could adopt a child. They learned about foster care, attended 8 weeks of Model Approach to Partnership in Parenting training, and became foster parents for a formerly abused 3-year-old girl.

With “no relatives in sight,” they began the process and eventually adopted her.

However, the couple may now lose their child “because of an apparent error” by the agency.

Living in a neighboring city, not far from that of the adopting couple, was the child’s natural father.

He is now seeking custody of his daughter.

He explained that 3 years ago his ex-wife had fled with their infant daughter. Since then, he has been looking for her.

The judge with jurisdiction in the case has voided the adoption, but the adoptive parents are challenging that decision.

A representative of the agency stated, “affidavits seeking to retrace [the child’s] relatives appear not to meet the legal standards requiring Case Managers to check all available records.”

Somehow the natural father “was overlooked” after they removed the child from an abusive environment.

1. Why do you think attempts were not made to locate the father?

2. When should the search have been initiated?

3. What kind of documentation seems to have been missing?

4. How would you feel if you were responsible for the situation?

5. What might have been done to avoid the problem?

6. Why is the diligent search a crucial task?

Diligent Efforts to Locate Relatives

s. 39.402(17), F.S.

At the shelter hearing,
the court must:

ask the parent if they have
relatives who might be
considered as a placement.

advise parent of their
continuing duty to inform the
agency of any relative who may
be considered for the child's
placement.

Parent(s)
must
provide
identity &
location
information
regarding
the
relatives to
the court &
all parties.

s. 39.507(7), F.S.

If a court adjudicates
a child dependent &
the child is in out-of-
home care, the court
must ask the
parent(s) if they have
relatives who might
be considered for the
child's placement.

The parents must
provide all identity &
location information
about the relatives to
the court & all
parties.

Dependency Case Flowchart

Petitions

Hearings

Timeframes

Shelter Petition

Requirements

- Filed prior to Shelter Hearing.
- Provided to parents and parties prior to hearing.
- Prior to 24-hours after removal.
- Background check and home study for any non-licensed placement.

Findings that must be included in the Shelter Order:



1. Reasonable efforts were made to prevent/eliminate the need to remove the child from home; or



2. If preventive services were not offered due to emergency placement, the lack of services was reasonable under these circumstances; and



3. Leaving the child at home is contrary to their welfare/health

Shelter Hearing

- Within 24-hours after removal.
- Establish probable cause for the removal and if so identify who the child should be sheltered with.
- Appoints counsel for parents.
- Appoints GAL for child.
- Identifies absent parent/family members.
- Explains proceedings to parents.
- Establishes supportive atmosphere.

During this hearing, the judge explains to the parents:

- Their rights.
- The course that the case will take, including possible outcomes ranging from dismissal to Termination of Parental Rights (TPR).
- The roles and responsibilities of each of the participants.
- What will happen before the next hearing.
- The court's expectations of the parents.
- This initial hearing should establish a supportive atmosphere in which parents are treated with dignity and respect. It is a process that should focus on understanding the problems the case presents and solving them as quickly as possible so the family can be reunited safely.

Shelter Hearing: Findings Required



What standard of proof is required at the Shelter Hearing?

Shelter Hearing Considerations

Placement:

Child Needs:

Visitation:

Child Support:

Education:

Services and Counseling:

Psychotropic Medication:

Records:

Case Manager's Role During and After the Shelter Hearing

New Case	Existing Case
<ul style="list-style-type: none">• Participate in case transfer conference.• Assume full ongoing safety and case management responsibility.• Obtain and review a copy of the court order.• Follow all court orders.	<ul style="list-style-type: none">• Attend court to present findings and support probable cause.• Inform the court of reasonable efforts.• Obtain and review a copy of the court order.• Follow all court orders.

Dependent Child - Definition

Florida Statute 39.01 (15) defines a dependent child as a child who is found by the court to meet one of the following qualifications:

- Has been abandoned, abused, or neglected by the child's parent or parents or legal custodians;
- Has been surrendered to the department, the former Department of Health and Rehabilitative Services, or a licensed child-placing agency for purpose of adoption;
- Has been voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, the department, or the former Department of Health and Rehabilitative Services, after which placement, under the requirements of this chapter, a case plan has expired and the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
- Has been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;
- Has no parent or legal custodians capable of providing supervision and care;
- Is at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or
- Has been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.

Dependency Petition

Requirements

- Clear description of the facts. What the parent or parents did or failed to do and how it affected the child.
- Filed 21-days after Shelter Hearing if child was placed in shelter.
- Filed within 7-days if there is a demand of early filing.
- Filed within a reasonable time after referral for services.

What roles does the Case Manager play regarding the filing of the Dependency Petition?

Arraignment Hearing

- Reviews reasonable efforts to prevent or eliminate the need for removal or continued removal from home.
- Held within 28-days after Shelter Hearing if child was placed in shelter.
- Held within 7-days of the dependency petition being filed if there is a demand of early filing.
- Held within a reasonable time after referral for services.

Admit
Deny
Consent

Timeframes:

- Must be held within 28-days of shelter for a child sheltered out of the home.
- If a demand for early filing has been made by any party, within 7-days after the date of filing of the dependency petition.
- Must be held within a reasonable time for a child not sheltered.
- Other time frames:
 - The court is required to hold a status hearing within 60-days of the petition and every 30-days thereafter until an adjudicatory or disposition hearing begins.
 - If there is a violation of the time requirements for filing a petition the court shall make a written determination regarding the child's continued placement in shelter within 24-hours of such violation.
 - If the parent enters an admission/consent, disposition hearing should be

- conducted within 15-days.
- If the parent enters a denial, the adjudicatory hearing (i.e., the trial) should occur within 30-days.
- If a continuance is requested after a parent/legal custodian consents, delaying the date of disposition hearing past 15-days, the court shall make a written determination of the child's continued placement in shelter before granting any such continuances.

How does the Case Manager prepare for the Arraignment Hearing and what role do they play during the hearing?

Adjudicatory Hearing

- Held if parent enters denial.
- Decides if the Department can prove the allegations.
- Held within 30-days after arraignment hearing.

When a child is adjudicated, the court has jurisdiction over the child. In all cases in which dependency is established, the court shall enter a written order stating:

- The legal basis for the dependency finding.
- The facts upon which the dependency is based.
- Whether the court made the finding by the preponderance of the evidence or clear and convincing evidence.

What standard of proof is required at the adjudicatory hearing?

Adjudicatory Hearing: Court Order

The court enters a written order stating:

- The legal basis for the dependency finding.
- The facts upon which the dependency is based.
- Whether the court made the finding by the preponderance of the evidence or clear and convincing evidence.
- Relative caregiver funds are not available until the child is adjudicated dependent.

What does the Case Manager need to do to prepare for the Adjudicatory Hearing?

What role do they play during the hearing?

Disposition Hearing - Paperwork

Documentation that is required by the court prior to the Disposition Hearing includes:

- **Pre-Disposition Study (PDS):** The Pre-Disposition Study is a comprehensive social assessment of a child and family. The Pre-Disposition Study is prepared by an authorized representative of the Department and furnished to all parties 72-hours prior to the hearing.

The information contained in the PDS includes:

- The capacity of the parents to provide the child with food, clothing, etc., and other material needs.
 - The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
 - The mental and physical health of the parents.
 - Home, school and community record of the child.
 - The reasonable preference of the child if child of sufficient intelligence, understanding, and experience, etc.
 - Evidence of domestic violence or child abuse.
 - An assessment of the risks of returning the child, including a description of any changes in or resolution of the initial risks.
 - A description of all unresolved issues.
 - A description of the benefits of returning the child to his home.
 - An abuse history and criminal background check for all caregivers, family members and others residing in the home from which the child was removed. Child protection team report or a statement that none was made.
 - All opinions or recommendations of other professionals that provided services to the family.
 - A listing of appropriate and available prevention and reunification services and an explanation of the following:
 - If the services were or were not provided.
 - If provided, the outcome.
 - Were appropriate services provided? If not, why not? If so, did they meet the family's and/or child's needs?
 - If the services were provided, do they need to continue?
 - Whether dependency mediation was provided.
 - If there is another parent who could be considered for custody, would placement with that parent be detrimental to the child?
 - If the child is placed with a relative or other approved non-relative, a copy of a proper home study must be attached.
 - A determination of the amount of child support to be paid.
- A statement regarding a specific length of time before return of the child to the parent will be considered.

- **Case Plan:** The Case Plan should be meaningful and designed to address facts and circumstances upon which the court based the findings of dependency. The Case Plan is prepared by the Department (in conjunction with the Guardian ad Litem, parent and, if appropriate, child and temporary custodian of the child), filed with the court and served on all parties 72-hours prior to the hearing. You will learn how to create a Case plan in Module 8.
- **Guardian ad Litem Report:** This report focuses on case planning issues specific to the child. The report prepared by the Guardian ad Litem should be filed with the court and furnished to all parties 72-hours prior to the hearing.
- **Other Documents:** Comprehensive assessment for the child, psychological evaluation for the parent, etc.

Disposition Hearing

- Determines what needs to be done by the parent, department and/or the child to ensure the safety of the child and to move the parties toward the stated goal of the case plan.
- Held within 30-days after adjudicatory hearing when the parents deny. Held within 15-day of the arraignment when the parents admit or consent.

Disposition Hearing: Court Order

The Court shall, in its Written Order of Disposition, include all of the following:

- Placement or custody determination.
- Any special conditions of placement or visitation. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.
- Who is responsible to monitor the services to the child and the parent.
- Continuation or discharge of the Guardian ad Litem (unless the court is terminating supervision, the Guardian ad Litem should seek to remain appointed).
- The date, time, and location of the next hearing.
- Approval of the Case Plan or set a case plan hearing within 30-days.
- Child support to be paid by the parent.
- Include a determination of whether diligent efforts were made by the department to

locate relatives.

- Any other requirements necessary to protect the child, to preserve the stability of the child's educational placement and to promote family preservation or reunification – the court may require the parents, custodian and/or child to participate in necessary treatment.

Throughout the life of the case, when do you need to staff with CLS?

Judicial Review

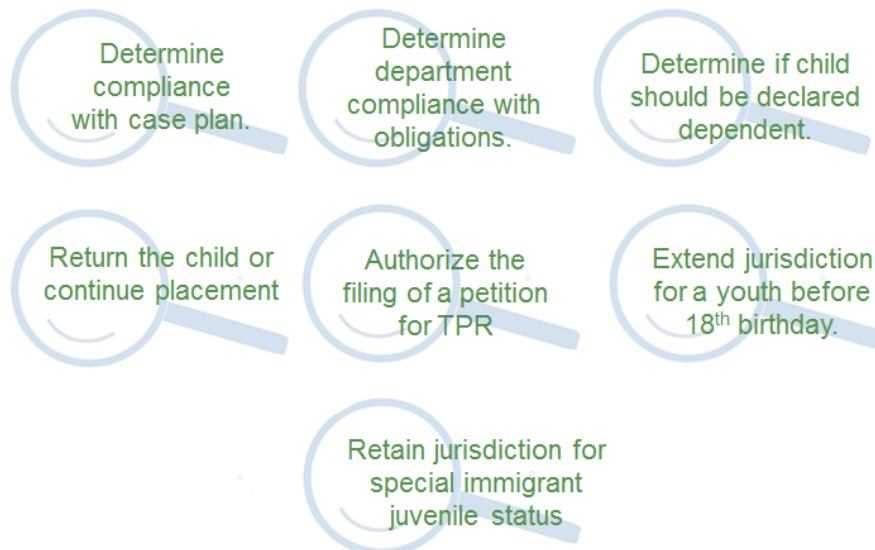
- Evaluate the progress.
- Revise case plan as needed.
- Initial review at 90-days.
- Reviews every 6-months.

Judicial Review Social Study Report (JRSSR)

Requirements

- F.S. 39.701(8)(a) discussed the requirements of the Judicial Review Social Study Report.
- All parties must be served with a copy of the JRSSR at least 72-hours prior to the hearing.

Court Action at Judicial Reviews



How does a Case Manager prepare for the Judicial Review?

What role do they play during the hearing?

Permanency Hearing

- Determine if child will achieve permanency goal or to modify goal.
- Within 12-months of the child's removal.
- Within 30-days if reasonable efforts to reunify are not required.
- At least every 12-months while the child is in care.

At the Permanency Hearing, the court must determine:

- whether the current permanency goal for the child is appropriate or should be changed.
 - when the child will achieve one of the permanency goals.
 - whether the Department has made reasonable efforts to finalize the permanency plan currently in effect.
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Permanency Goals in Order of Preference

Permanency goals are established during case planning and can be modified at any point during the life of the court case. Available permanency goals for dependent children in order of preference are:

- Reunification
 - Returning children to the physical custody of their parent(s)/legal guardian after placement.
- Adoption
 - The primary purpose of adoption is to help children who would not otherwise have a nurturing family, to become members of a family giving them the care, protection, and opportunities essential for their healthy personal growth and development.
 - It is the method provided by law establishing the legal relationship of parent and child between persons who are not related by birth, with the same mutual rights and obligations that exist between children and their birth parents.
- Permanent Guardianship
 - Court decides reunification or adoption is not in the child's best interest and places the child in a permanent guardianship with a relative/other adult approved by the court if all conditions are met:
 - Child has been in the placement for no less than the preceding 6 months;

- The permanent guardian is suitable and able to provide a safe and permanent home
- Child and the relative or other adult are not likely to need agency services
- Permanent guardian has made a commitment to provide for the child until child reaches 18 and to prepare the child for adulthood and independence
- Permanent guardian agrees to give notice of any change in residential address or the residence of the child by filing a written document in the dependency file of the child with the clerk of court
- Permanent Placement with a Fit and Willing Relative
 - Placement of child(ren) with related family members when return to the biological parents is not in the child's best interest.
 - Placement with relatives must be considered early in the placement, rather than after the children have bonded with the substitute caregivers.
 - Some relatives might be an adequate short-term resource, helping to minimize the trauma of a child being placed with strangers on an emergency basis. Others might be more appropriate as a long-term permanent resource. (Vera Fahlberg, *A Child's Journey Through Placement* 1991)
 - Court finds that reunification/adoption is not in the best interests of a child.
 - Child must have been in the placement for at least the preceding 6 months.
 - Relative has made a commitment to provide for the child until the child reaches 18.
 - Relative is suitable and able to provide a safe and permanent home.
 - Relative agrees to give notice of any changes in residence or the residence of the child.
- Another Planned Permanent Living Arrangement (APPLA)
 - Court finds that a more permanent placement, such as adoption, permanent guardianship, or placement with a fit and willing relative, is not in the best interests of the child.
 - Agency must document reasons why the placement will endure and how the proposed arrangement is more stable and secure than ordinary foster care.
 - Court finds that the health, safety, and well-being of the child is not jeopardized.
 - There are compelling reasons to show that placement in another planned permanent living arrangement is the most appropriate permanency goal.
 - A custodian to whom legal custody has been given by the court has the physical custody and the right to determine the nature of care and treatment of the child, including ordinary medical care.
 - Has the right/duty to provide for care, protection, training, education and physical, mental and moral welfare of the child.
 - Must abide by the conditions/limitations of order and the remaining rights/duties of child's parents/guardian as decided by the court.

Activity B: Permanency Options

Directions:

1. Create a teach-back of the permanency option assigned to your group.
 - *Permanent guardianship of a dependent child under s. 39.6221;*
 - *Permanent placement with a fit and willing relative under s. 39.6231; or*
 - *Placement in another planned permanent living arrangement under s. 39.6241.*
2. Be prepared to present your findings.

[illegible]

Termination of Parent Rights (TPR)

Termination of Parent Rights or TPR is the severing of the parent-child relationship by the state. It is governed by state law which varies by state.

Grounds for termination of parental rights:

- a. Child was voluntary surrendered by parent
- b. Child was abandoned (60-day diligent search cannot identify/locate parent)
- c. Severe or continuing maltreatment when the continued involvement of the parent or parents in the parent –child relationship threatens the life, safety, well-being, or physical, mental, or emotional health of the child irrespective of the provision of services. involvement threatens the child regardless of services provided)
- d. Incarcerated parent, under certain circumstances **F.S. 39.806(1)(d)1-3** and include:
 - How long the parent is expected to be incarcerated and if it will be a significant portion of the child’s minority.
 - If the incarcerated parent has been determined by the court to be a violent career criminal, a habitual violent felony offender, a sexual predator, has been convicted of first or second degree murder, or has been convicted of a capital, life, or first degree felony sexual battery
 - The parental relationship between the incarcerated parent and child and whether or not there is clear and convincing evidence that continuing this relationship will be harmful to the child

- e. When a child has been adjudicated dependent, a case plan has been filed with the court and:
- The parent has failed to substantially comply with the case plan for a period of 12 months after adjudication or placement of the child into shelter care (whichever comes first).
 - The parents have materially breached the case plan. In order to prove the parent materially breached the case plan the court must find by clear and convincing evidence that the parent is unlikely or unable to substantially comply with the case plan before time to comply with the case plan expires.
 - The child has been in care for any 12 of the last 22 months and the parents have not substantially complied with the case plan so as to permit reunification.
- f. Parents engaged in egregious conduct or had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct that threatens the life, safety, or physical, mental, or emotional health of the child or the child's sibling.
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- g. The parent subjected the child or another child to aggravated child abuse, sexual battery, sexual abuse, or chronic abuse.
- h. Parent committed the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child, or a felony battery that resulted in serious bodily injury to the child or to another child.
- i. Involuntary TPR of the child's sibling.
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- j. Parent(s) have a history of extensive, abusive, and chronic use of alcohol or a controlled substance and have failed to complete available treatment during the 3-year period before the TPR petition was filed.
 - k. The child's blood, urine, or meconium contained alcohol, controlled substance or metabolites of the substances that was not the result of medical treatment for the mother or infant. And, the child's mother has at least one other child adjudicated dependent due to exposure to a controlled substance or alcohol after she had the opportunity to participate in substance abuse treatment
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- l. On 3 or more occasions the child, or another child of the parent(s), was placed in out-of- home care due to conditions caused by the parent(s).
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- m. The court determines by clear and convincing evidence that the child was conceived as a result of an act of sexual battery made unlawful pursuant to s. 794.011, or pursuant to a similar law of another state, territory, possession, or Native American tribe where the offense occurred. It is presumed that termination of parental rights is in the best interest of the child if the child was conceived as a result of the unlawful sexual battery. A petition for termination of parental rights under this paragraph may be filed at any time. The court must accept a guilty plea or conviction of unlawful sexual battery pursuant to s. 794.011 as conclusive proof that the child was conceived by a violation of criminal law as set forth in this subsection.
 - n. The parent is convicted of an offense that requires the parent to register as a sexual predator under s. 775.21.
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TPR Petition

Requirements:

- Allegations of at least one of the grounds listed in 39.806.
- Termination is in best interest of child.
- Termination is least restrictive.
- Post-permanency petitions after 12 months.
- Pre-permanency petitions before 12 months.

39.8055(2): The above applies unless:

- The child is being cared for by a relative.
 - There is a court documented, compelling reason that filing a TPR petition is not best for the child.
 - A TPR petition may be filed at any time that one of the grounds for TPR exist. The petition may be filed by CLS, a GAL, or any other person who has knowledge of the alleged facts or is informed of them and believes they are true.
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Termination of Parental Rights Petition, F.S. 39.8055; F.S. 39.806; FL R Juv P 8.500

39.8055(1): A petition to terminate parental rights must be filed within 60-days after a:

- Child is not returned to their parents' custody at the 12-month judicial review hearing.
 - TPR petition was not filed, and the child has been in out-of-home care for 12 of the most recent 22-months.
 - Parent has been convicted of the murder, manslaughter, aiding or abetting the murder or conspiracy or solicitation to murder the other parent, or another child of the parent, or felony battery that resulted in serious bodily injury to the child or to another child of the parent.
 - Court finds that reasonable efforts to reunify the child and parent are not required.
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Expedited TPR

TPR can be expedited when any conditions in F.S. 39.806(1)(b)-(d) or (f)-(m) have occurred.

- If expedited, you are not required to offer reasonable efforts to preserve and reunify the family.
- A separate petition for dependency does not need to be filed.
- A case plan with the goal of termination of parental rights and adoption can be filed to allow for a continuation of services.

Termination of Parental Rights Advisory Hearing

- Held soon after all parties have been served with a copy of the petition.
 - Court will:
 - inform parties of their rights,
 - appoint counsel for parties, and
 - appoint a Guardian ad Litem to represent the interests of the child.
 - After the hearing the court will set a date for an Adjudicatory hearing to be held within 45 days.
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Termination of Parental Rights Adjudicatory Hearing

A trial will focus on:

- What the parents did or did not do since the department became involved.
- What the department did to support the parents' efforts to regain custody of the child.

The court considers three main issues:

- Clear and convincing evidence.
- Best interest of the child.
- Least restrictive means.

What standard of proof is required at the TPR hearing?

Activity C: Dependency Hearing Map

Instructions:

1. In small groups, complete the map using the game pieces. Make sure that:
 - “Court Hearings” are in chronological order.
 - “Purpose” refers to the reason the hearing takes place.
 - “Timeframe” refers to the legally required period of time in which the hearing must occur.
 - “Standard of Proof” is the standard that evidence must meet to support an allegation.
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Dependency Hearing Map Key			
Court Hearing	Purpose	Timeframe	Standard of Proof

Unit 4.2:

Staffings

Learning Objectives:

1. Identify the types and purposes of case management specific staffings.
2. Describe how to prepare for and conduct a staffing.

References:

- Florida Child Welfare System Guiding Principles: s. 39.001(b)(1-4), F.S.

Staffings are a type of meeting for you to share the decision-making process with people who bring different expertise, knowledge and perspectives to the case assessment.

Always staff cases with the following guiding principles in mind:

Florida Child Welfare System Guiding Principles: s. 39.001(b)(1-4), F.S.

1. The health and safety of the children served shall be of paramount concern.
2. The prevention and intervention should engage families in constructive, supportive, and non-adversarial relationships.
3. The prevention and intervention should intrude as little as possible into the life of the family, be focused on clearly defined objectives, and keep the safety of the child or children as the paramount concern.
4. The prevention and intervention should be based upon outcome evaluation results that demonstrate success in protecting children and supporting families.

Below is a list of general guidelines related to staffings. These guidelines are not fully inclusive.

Possible reasons you may need a staffing:

- Disagreements between disciplines involving safety actions
- Case is complex and requires subject matter expertise
- Discuss case progress and needed actions
- Cross jurisdictional cases when there is a disagreement between parties

Things to consider before scheduling your staffing:

- Why are you holding this staffing?
- Who will attend? (child, family, GAL, support system, etc.,)
- What are you trying to accomplish?

Staffing Preparation:

- Review the case file.
- Gather and organize the information you need for the staffing including any conflicting professional opinions for presentation at the staffing.
- Ensure you are knowledgeable on the family including knowing:
 - Why the agency is involved with the family
 - The current status regarding the case plan, safety plan, and progress the family has made
 - The underlying cause for the maltreatment
 - Prior history of abuse and neglect, service history, criminal history and outcomes
 - Any other relevant history such as domestic violence, generational abuse or neglect, medical or mental health conditions
- Complete necessary forms.
- Summarize information for presentation using key points.
- Prepare key open-ended questions to ask during the staffing (ensures productive discussion).
- Copy any appropriate documents for distribution.
- Notify participants and explain their roles in the staffing.
- Create an agenda.
- Schedule the staffing and send the agenda to participants in advance so that they have time to plan and prepare for the staffing.

Assessments and information gathered to prepare for the staffing:

- What are the caregiver's protective capacities?
- What danger threats exist?
- What are the caregiver's perceptions and involvement with the child and the case?
- Does the child have any special needs?
- What services are in place now and are they effective?
- Are there any barriers to service provision?
- Are there any patterns of maltreatment?
- What are your impressions and concerns?
- What previous decisions have been made regarding this case?
- Do you agree with these decisions? Why or why not?
- What are the overall outcomes to date?
- Where is the caregiver in their stage of change?

RECOMMENDATIONS

- Is there a safety plan in place to protect the child?
- Do the current service providers have any recommendations?
- What additional services may assist the family?

Facilitate successful staffings by:

- Respecting other's time by starting and finishing punctually.
- Provide a clear statement about the purpose of the staffing and explain the agenda.
- Introduce all participants and explain their roles.
- Keep the meeting on track - be a strong leader or facilitator. Maintain the focus of the meeting agenda (example: redirect conversation; restate purpose; focus on immediate concern; structure the environment for better communication.
- Encourage assertive vs. passive or aggressive behavior.
- Encourage inquiry, advocacy, and assertion.
- Encourage a respectful challenge and response environment.
- Demonstrate and encourage active listening skills. Paraphrase what participants say, respond to questions appropriately, ensure that participants can complete their statements or thoughts without interruption.
- Engage all participants in discussions. Ask for opinions, points of view, and perspectives about the situation.
- Respect and listen to all perspectives. Engage the family. Demonstrate the ability to negotiate and discuss alternatives.
- Demonstrate teamwork and conflict resolution by focusing on what is right, not who is right.
- Fulfill the meeting's purpose.
- Assign responsibilities and define an action plan.
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- Assign responsibilities and define an action plan.

FSFN DOCUMENTATION REQUIREMENTS

- You must document clear and complete information regarding the staffing in FSFN. This includes:
 - All new information acquired during the staffing.
 - All decisions and assigned tasks that resulted from the staffing
 - FSFN Documentation provides clear communication of information when cases are transferred to or reviewed by others.

[illegible]

Activity D: Staffings Chart Matching

Directions:

1. Match the name of the staffing to the letter corresponding to the correct piece of information about the staffing.

<u>Answer</u>	<u>Staffing Name</u>	<u>Information</u>
	Case Plan	A. Purpose/Main Tasks Review case plan to decide if it addresses the specific problems presented in the petition and visitation, and ensure it was developed with parent(s). Also discuss need for concurrent plans.
	Permanency	B. Potential Decisions/Recommendations Preparations for court; decide what kind of permanency including: s. 39.01(52), F.S. - Reunification, adoption, permanent guardianship, permanent placement with a fit and willing relative, placement in another planned permanent living arrangement.
	Child Protection Team (CPT)	C. Purpose/Main Tasks Report results of assessments (medical or psychosocial) and discuss various perspectives on the case. Provide a multi-disciplinary assessment.
	Adoptions	D. Purpose/Main Tasks Review facts that show why rights of parents should be terminated. Show legal basis and legal sufficiency of case
	Family Team Conferencing Individualized Course of Action (ICA)	E. When is it Held? Throughout the duration of case at critical junctions: prevent removal; prepare family for reunification; transition child for TPR; Or as needed when new issues surface.
	Multi-Disciplinary Team	F. Purpose/Main Tasks Determine needed services and treatments for the family. May include mental health services or residential placement for the child; funding resources determined.
	Legal Sufficiency or Determination of Dependency	G. When is it Held? After Shelter Hearing and before arraignment.
	Licensing/Institutional	H. Who Attends? Case Manager, foster parents, licensing staff, service providers
	Case Transfer Conference (CTS)	I. Potential Decisions/ Recommendations: Next case steps are planned. Roles and tasks are assigned. Service Planning Conference Checklist is completed.
	Independent Living	J. Who Attends? Case Manager with Supervisor, CWLS, child, child's caregiver, GAL, Child's Attorney, Independent Living Service Provider, other individuals significant to teen's life