

Chapter 5

SAFETY PLAN INVOLVING RELEASE OF A CHILD WITH
NON-MALTREATING PARENT/LEGAL GUARDIAN

5-1. Purpose. When an out of home safety plan is necessary, first consideration must be with the parent/legal guardian who was not responsible for the conditions that led to the child being unsafe. The department still maintains responsibility to determine whether such person is a responsible adult who will be able to care for and protect the child. The Other Parent Home Assessment (OPHA) will provide the formal assessment and documentation as to whether the child should or should not be released to the parent. The OPHA will also help determine whether there should be any concurrent case plan goals or outcomes with the non-maltreating parent and family time expectations.

5-2. When Other Parent Home Assessment Is Required.

a. In cases involving the removal of a child from a parent/legal guardian, the child welfare professional must complete the OPHA prior to a child's release. If the child welfare professional determines that the other parent is unable to care for their child due to a possible maltreatment, a report must be made to the Hotline.

b. The CPI must gather as much information as possible from the child's removal parent before making an emergency placement with the other parent.

c. The CPI will gather the additional information needed to complete and document the OPHA after the child has been placed. The child welfare professional will complete the OPHA on the other, non-maltreating parent any time an out of home safety plan is initiated with the parent/legal guardian responsible for the conditions that led to the child being unsafe

d. When the name of the child's parent or the location of the parent is not known, diligent efforts to identify and/or locate the parent must be initiated by the investigator and continued by the case manager after case transfer.

e. When the other parent/legal guardian is not in the same jurisdiction covered by the child welfare professional, an Out of County Services Request for the OPHA will be completed. The child welfare professional responsible for the diligent search must provide the out of county services worker assigned with information as to the need for the OPHA, any special needs of the child that must be addressed, and any other desired expectations and outcomes of the OPHA.

f. If there are concerns about releasing a child to a parent/legal guardian in another state, the placement must be approved through the Interstate Compact on the Placement of Children (ICPC) per CFOP 175-54. This will also ensure that supervision is provided by the receiving state.

g. Completion of the OPHA is not required when placement or visitation would be detrimental to the child due to the following reasons:

(1) Parent/legal guardian is incarcerated and the period of he/she is expected to be incarcerated constitutes a significant portion of the child's minority years.

(2) Parent/legal guardian has had verified findings of sexual abuse or has been found guilty of any of the serious crimes listed in s. [39.0139](#), F.S.

(3) In either of these cases, the child welfare professional must request a CLS staffing to determine if there is already sufficient information to support that visitation or placement would be detrimental to the child (a presumption of detriment per s. [39.0139\(3\)](#), F.S.).

h. The completion of the Other Parent Home Assessment will result in the determination of one of the following outcomes:

(1) The other parent/legal guardian is able to care for their child as part of a safety plan and the child is released to his/her care. The parent may need some concrete supports in order to care for the child.

(2) The other parent/legal guardian is unable to care for their child due to non-maltreatment related issues (needs a stable home, needs financial stability, etc.) which must be addressed in the child's case plan through permanency goals, outcomes and tasks.

(3) The other parent/legal guardian is unable to care for their child due to maltreatment related issues (chronic substance abuse, abandonment, etc.) which must be called into the Hotline to initiate an investigation.

5-3. Required Background Check. Prior to completing an interview with the other parent/legal guardian, a check of prior child abuse and criminal history will be completed to determine if there is any past incident or pattern of maltreatment. Any criminal record checks conducted through the Hotline Crime Intelligence Unit (CIU) for an emergency placement will include national records. If the child is released to the parent, fingerprints must be obtained no later than 10 calendar days after relocation of the child to ensure compliance with FDLE requirements.

5-4. Interviews and Information Gathering.

a. The child welfare professional responsible for completing the OPHA will gather information from the child and other family members to determine the following:

(1) Whether the child has an established relationship with the parent/legal guardian.

(2) Whether the other parent/legal guardian has provided any financial or other means of support.

(3) An older child's expressed wishes to be placed with the parent/legal guardian.

(4) Input from the removal parent and other family members as to the other parent/legal guardian's ability to care for and protect the child, including any concerns the family has.

(5) Identification of the parent. If there are doubts raised about the identity, the child welfare professional should conduct a review of birth certificates available through the Department of Health, Bureau of Health Statistics' electronic data exchange.

b. The child welfare professional's interview with the other parent/legal guardian is to determine the following:

(1) Does the parent/legal guardian have adequate knowledge, skills, and resources to fulfill caregiving responsibilities and tasks? This may involve considering the ability to meet any exceptional needs that the child might have.

(2) Is the parent/legal guardian physically and mentally able to provide or arrange for the child's care (e.g., does not have significant individual needs, which might affect the safety of the child, such as severe depression, lack of impulse control, medical needs, other current caregiving demands, etc.)?

(3) Do the parent/legal guardian and child have a strong bond and does the parent prioritize the well-being of the child?

(4) Has the parent/legal guardian demonstrated the ability to care for and protect the child in the past while under similar circumstances and family conditions?

(5) Will the parent/legal guardian agree to care for the child until Conditions for Return have been met or permanency is achieved?

(6) Will the parent/legal guardian agree to follow any visitation schedule set by the department or court?

(7) Can the parent/legal guardian describe specific actions to protect the child?

(8) Does the parent/legal guardian believe the child's report of maltreatment? Is the parent supportive of the child?

(9) Does the parent/legal guardian display concern for the child and the child's experience? Is the parent intent on emotionally protecting the child?

(10) Does the parent/legal guardian understand and support all aspects of the safety plan, including expectations for visitation with the other parent and siblings?

(11) Does the parent/legal guardian agree to child abuse and criminal background checks for all household members age 12 and older? Has parent provided information as to what records checks will reveal?

(12) Does the parent/legal guardian agree to provide open access to agency staff responsible for monitoring?

c. The child welfare professional must complete a walkthrough of the home to determine whether the physical environment provides for safe and reasonable accommodations for the child.

d. The child welfare professional must ask for details about the parent/legal guardian's current financial situation. This information includes:

(1) Details about current employment and earnings.

(2) Details about current expenses.

(3) Discussion of the extra costs of caring for the child(ren).

(4) The child welfare professional must have a frank and open discussion with the parent/legal guardian about their need for financial assistance. The child welfare professional must discuss the following options so that the caregiver can make the best choice for the child:

(a) Is the caregiver willing and able to care for the child without any financial assistance?

(b) If eligible, would the caregiver be willing to apply for a TANF child-only grant? If yes, would they be willing to cooperate with Child Support Enforcement Program?

5-5. Completing the OPHA after Child Placement with another Caregiver.

a. When the case manager locates the non-maltreating parent/legal guardian during on-going services and the child is already in another out-of-home placement, the OPHA must still be completed.

b. The interview with the non-maltreating parent/legal guardian must include informing the parent/legal guardian of the following:

(1) The current placement of the child;

(2) The child's strengths and needs assessment; and,

(3) The need to determine the parent/legal guardian's interest in establishing or rebuilding a relationship through visitation, including the possibility of caring for the child.

c. The case manager will obtain a supervisor case consultation **prior** to the parent/legal guardian interview. Discussion should include, but not be limited to, the following:

(1) Any information per requirements in paragraph 5-4 of this operating procedure that is already known.

(2) How close the removal parent/legal guardian is to meeting Conditions for Return.

(3) The child's stability in the current placement and considerations as to the impact of removing the child from the current placement and placing with the other parent/legal guardian.

5-6. On-Going Assessment.

a. The child welfare professional responsible for a child released to another parent/legal guardian will **continually** assess for safety and child needs.

b. When a non-maltreating parent/legal guardian is involved with any tasks in a case plan, the child welfare professional will update the Other Parent Home Assessment at the same time as any Progress Update required in CFOP 170-9, Chapter 6, Evaluating Family Progress.

5-7. Supervisor Consultation and Approval. A Supervisor Consultation is required to review and approve an OPHA.

5-8. FSFN Documentation.

a. The child welfare professional will document the assessment conducted to release a child to a non-maltreating parent/legal guardian on the Other Parent Home Assessment form. The child welfare professional will use the specific case note type of "Other Parent Home Assessment" to document all interview(s) conducted, including with other children in the home as age appropriate, identifying each participant and relationship in the note, and attach a copy of the Other Parent Home Assessment.

b. The child welfare professional will document the child's Living Arrangement with the reference value "Living with One Parent" and the start date will be the day that any safety plan begins.

c. The child welfare professional will update the Other Parent Home Assessment at a minimum of every 90 days.