

## Chapter 1

## GENERAL REQUIREMENTS

1-1. Purpose. A safety plan controls and manages danger threats to a child when a parent/legal guardian is unavailable, unable, or unwilling to protect his or her child. The child welfare professional responsible for the case has primary responsibility for developing and managing the safety plan. A safety plan will be established in response to present or impending danger that meets threshold criteria in CFOP 170-1, [Chapter 2](#), paragraph 2-2, Present Danger, and paragraph 2-8, Impending Danger. A safety plan addresses a specific parent behavior, emotion or condition that results in a child being unsafe. A safety plan must use the least intrusive means appropriate to manage the danger. A safety plan will be in effect as long as a case remains open and parent(s)/legal guardian(s) do not have sufficient protective capacity to protect the child from out of control conditions in the home that would otherwise qualify as danger threats.

1-2. Authority. The following provide the legal authority for the establishment of safety plans in response to present or impending danger.

- a. Section [39.301\(9\)\(a\)\(6\)](#), Florida Statutes (F.S.).
- b. [65C-29.003\(3\)](#), Florida Administrative Code (F.A.C.), Safety Planning Requirements.
- c. [65C-30.002](#), F.A.C., Safety Planning and Case Transfer.
- d. [65C-30.007](#), F.A.C., Case Management Responsibilities After Case Transfer.
- e. [65C-30.009](#), F.A.C., Least Intrusive Interventions.
- f. [65C-30.013](#), F.A.C., Judicial Reviews and Court Reports.
- g. [65C-30.014](#), F.A.C., Post-Placement Supervision and Services.
- h. [65C-30.022](#), F.A.C., Termination of Services.

1-3. Non-Negotiables. The need for the establishment of a safety plan is non-negotiable with the family when present danger (CFOP 170-1, [Chapter 2](#), paragraph 2-2) or impending danger is identified (CFOP 170-1, [Chapter 2](#), paragraph 2-8). A determination of impending danger also requires a case plan. The child welfare professionals responsible for the investigation and subsequent case management must explain to the parent(s)/legal guardian(s) how their action, choice, or arrangement compromises the child's safety.

a. The child welfare professional will also determine if there are any "non-negotiable" conditions of the safety plan. To the degree possible, "non-negotiables" must only reflect essential safety actions needed to keep the child(ren) safe.

b. Safety actions that are non-negotiable include, but are not limited to, the following:

(1) Supervision in the home at times when the parent(s)/legal guardian(s)' behavior is known to be out of control.

(2) The behavior of one parent/legal guardian is so out of control and unpredictable that they must not be in the home. The parent/legal guardian should still be encouraged to assist in developing a child visitation plan. When there is intimate partner violence, feedback from each parent

as to child visitation will be gathered and used to develop a visitation plan as described in Chapter 4 of this operating procedure.

(3) The behavior of both parent(s)/legal guardian(s) is so out of control that conditions in the home are unpredictable and preclude an in-home safety plan. The child welfare professional should ask the parent(s)/legal guardian(s) for their placement preferences.

(4) In a court-supervised case, child(ren) aged 0 to 6 years and already enrolled in a licensed childcare setting must continue enrollment and attendance five days a week (s. [39.604](#), F.S.). Depending on local resources, the child welfare professional may offer licensed childcare program choices. The court has the discretion to rule otherwise. The child welfare professional responsible must notify the operators of the childcare program that the child is in a safety plan and expectations for contacting the child welfare professional responsible if the child has unexcused absences.

#### 1-4. Identification and Selection of Least Intrusive Safety Actions.

a. Depending upon how the danger threat is manifesting in the home, the child welfare professional will choose the least-intrusive safety actions necessary to protect the child. "Least intrusive" is defined in CFOP 170-1, [Chapter 2](#), paragraph 2-6.

b. Two safety plans will be created and active at the same time for either of the following situations:

(1) There is intimate partner violence and certain information must be kept confidential from the perpetrator per requirements in Chapter 4 of this operating procedure.

(2) As a result of a timesharing custody agreement, the child is residing in two households where safety actions are necessary.

c. The child welfare professional has the following possible safety actions to consider:

(1) Safety actions that involve the use of an "In-Home" Safety Plan in order of least intrusive to most intrusive are as follows:

(a) Responsible adult routinely monitors the home at the times when danger manifests.

(b) When less than full-time supervision is necessary, a responsible adult moves into the home.

(c) Alleged perpetrator temporarily leaves the home.

(d) The non-maltreating parent/legal guardian temporarily leaves the home with the child.

(2) Safety actions that involve the use of an "Out-of-Home" Safety Plan are as follows:

(a) Release of child to another parent/legal guardian after approval of an Other Parent Home Assessment is generally the preferred placement. There will be situations when the child does not have a relationship established with the other parent/legal guardian and it is determined that there will be less trauma for the child to be placed with someone in the family network that they know and with whom they are comfortable. In such situations, the child welfare professional must still ask the non-removal parent/legal guardian if they agree with placement of the child with the relative/non-relative.

(b) Child temporarily resides with someone in the family network under an approved “family-made arrangement” when no restrictions on parental access are necessary.

(c) Child placed with a relative/non-relative.

(d) Child placed with the adoptive parent of the child’s sibling after an approved relative/non-relative home study unless the home is a licensed foster care setting.

(e) Child placed in a licensed emergency shelter/foster care placement due to no appropriate relative/non-relative placement being known or available.

(3) The child welfare professional has the following possible safety actions to consider:

(a) Combine the use of in-home and out-of-home actions as appropriate.

(b) Choose one or more safety management service providers that can best address the identified danger threat. This includes communicating with the provider about the danger and the provider’s role in managing the danger.

(c) Approve a parent/legal guardian and child(ren) moving into the home of a relative/non-relative, or a relative/non-relative moving into the parent/legal guardian’s home on a full-time basis when the specific times during which supervision is necessary can be identified and are feasible. This option is not appropriate when the parent/legal guardian’s behavior is so out of control that “24/7” supervision is necessary.

#### 1-5. Family Input.

a. To the fullest extent possible, the parent(s)/legal guardian(s) will be engaged in developing the safety plan and identifying members of their resource network who might be willing and able to participate as safety management providers. The child welfare professional must follow the confidentiality and safety provisions outlined in Chapter 4 of this operating procedure when the dynamics of domestic violence are present.

b. The child welfare professional will consult with the child, the parent(s)/legal guardian(s), relatives or persons who know the family to learn about the following:

(1) Child’s need to be protected by persons with whom the child is most familiar and comfortable.

(2) Child’s need for routines and surroundings that are “normal” to the extent possible.

#### 1-6. Removing Children from Parent(s)/Legal Guardian(s).

a. The child welfare professional must make reasonable efforts to prevent a child’s removal from their parent(s)/legal guardian(s) unless there are no actions that could mitigate the danger to the child. To provide reasonable efforts to prevent removal of the child from their household the child welfare professional must show diligence in offering, arranging, and providing all needed in-home safety plan services. This includes documentation of all safety plan services offered, arranged, and provided to the family.

(1) When there is a determination of present danger, the Present Danger Assessment will document the reasonable efforts made to prevent the child(ren)’s removal.

(2) When there is a determination of impending danger, the reasonable efforts made to prevent the child(ren)'s removal or continue an out-of-home safety plan will be based on thorough analysis of the five criteria for an in-home safety plan and documented in the Safety Analysis section of the FFA-Investigation, FFA-Ongoing or Progress Update.

b. An out-of-home safety plan must be created:

(1) In response to present danger when the provision of in-home safety management services is not feasible given information known at the time.

(2) In response to impending danger when the child welfare professional, based on assessment of the five safety analysis criteria in paragraph 3-2 of this operating procedure, determines that an in-home safety plan cannot adequately control or manage the danger.

c. An out-of-home safety plan may involve any of the following:

(1) The child welfare professional releases the child to a non-maltreating parent after completing and receiving approval of an Other Parent Home Assessment as required in Chapter 5 of this operating procedure.

(2) Per s. [39.401](#), F.S., the child welfare professional places the child in twenty-four hour out-of-home care provided by a relative/non-relative or licensed provider. The department must seek court approval for sheltering the child and assuming care responsibility within 24 hours of the child's placement.

(a) When a medical facility is detaining a child, the investigator responsible for the investigation will make every reasonable effort to notify the parent/legal guardian.

(b) If the investigator determines that the child's detainment should exceed 24 hours, he/she will immediately notify Children's Legal Services (CLS) as to the need to seek a shelter order.

(3) Prior to the placement of child(ren) under court jurisdiction with a relative/non-relative in another state, the placement must be approved through the Interstate Compact on the Placement of Children (ICPC) per CFOP [175-54](#).

(a) If there are concerns about placement of a child with a non-maltreating parent/legal guardian, the ICPC includes provisions for home studies.

(b) An ICPC home study must be requested and approved prior to the child's placement.

(c) The receiving state will provide supervision when the ICPC approves the placement.

d. There may be some situations involving present danger when the parent(s)/legal guardian(s) have already placed, or want to place their child to be with a relative/non-relative who is willing and able to assume the role of a short-term safety management provider. A family-made arrangement must be approved per Chapter 6 of this operating procedure.

e. An out-of-home safety plan will document all safety actions, including who is keeping the child safe and how; and how visitation with the parent(s)/legal guardian(s), siblings and other persons important to the child, will occur.

f. The child welfare professional will establish Conditions for Return when impending danger is established and he/she has completed the safety analysis.

g. Per requirements in Rule [65C-30.003](#), F.A.C., the investigator will initiate a diligent search to identify and locate any absent parent/legal guardian within 30 calendar days of a child's removal. If the child remains in out-of-home care following closure of an investigation, the case manager will continue diligent search activities until released by the court. In addition, the investigator will initiate and the case manager will continue diligent efforts to locate and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents).

h. When the diligent search involves an American Indian or Alaskan Native child, documentation of written correspondence with the child's tribe and to the Secretary of the Interior through the Eastern Regional Office of the Bureau of Indian Affairs will be included in the case file by the case manager and included in the court record.

#### 1-7. Judicial Actions Related to Child Safety.

a. During the course of the investigation or ongoing services, judicial action may be necessary to impose court jurisdiction over daily care and supervision or contact with the child.

b. Judicial actions related to child safety include one or more of the following:

(1) When a perpetrator of a pattern of coercive control is not the parent or legal guardian, the child welfare professional **must** seek an injunction pursuant to s. [39.504](#), F.S., and implement a safety plan to impose any other conditions to protect the child. The child welfare professional may seek an injunction for a parent or legal custodian.

(2) Section [39.395](#), F.S., allows a hospital, physician or other licensed health care professional to detain a child without the consent of the parent/legal guardian when the child's return to the parent presents imminent danger to the child's life or physical or mental health.

(3) A petition for dependency per s. [39.501](#), F.S.

(4) A petition for shelter per s. [39.501](#), F.S.

(a) In all cases involving a child's detainment or a removal, the department must petition the court within twenty-four (24) hours of the removal for a shelter hearing.

(b) The twenty-four (24) hour timeframe starts from the time of the actual removal, and includes when the investigator puts a "hold" on the discharge of a child from a hospital, including a newborn.

(5) In an on-going services case involving an in-home safety plan, the child welfare professional with primary responsibility for the case must request a staffing with CLS to determine legal actions necessary when either of the following occur:

(a) The family no longer meets the criteria for an in-home safety plan based on an in-home safety analysis per paragraph 3-2 of this operating procedure.

(b) When the parent(s) are not demonstrating efforts to achieve case plan outcomes that address the child's need for safety.

1-8. Staffings with Children's Legal Services (CLS). Staffings with CLS must be held in order to determine that the level of evidence for the court proceeding is adequate and that all court requirements are addressed.

a. CLS will staff all cases where a child welfare professional is seeking court action or is seeking assistance to prepare for a court hearing.

b. A supervisor is required to attend a staffing if the child welfare professional has not achieved certification.

c. Staffings will be face-to-face or another venue based on local procedures.

d. Unless there are emergency circumstances, the child welfare professional must complete a FFA-I, FFA-O, or Progress Update prior to the CLS staffing.

e. All participants in the staffing are responsible for a thorough and complete discussion. At a minimum, the following will be discussed:

(1) The persons interviewed and other information gathered, including case and criminal history to:

(a) Identify significant caregivers.

(b) Identify danger threats.

(2) The current maltreatment incident in question or reason for failure of an in-home safety plan.

(3) The criteria that supports the present danger determination or the impending danger threshold criteria.

(4) The safety analysis for impending danger including:

(a) Whether each of the criteria for an in-home safety plan is met.

(b) Reasonable efforts to keep the child in the household.

f. Participants in the staffing should reach consensus as to the next steps necessary for court action including whether additional information needs to be gathered and by whom to strengthen the assessment of family conditions.

g. The attorney will be responsible for drafting and preparing the legal documents necessary for presenting the case in court.

h. The child welfare professional must be prepared for and available to testify at the hearing.

i. The attorney will document in a court pleading or in a legal staffing decision form, the legal analysis and conclusion reached at the staffing, including material facts behind a conclusion. The child welfare professional will document a contact note and any follow-up actions for which he/she is responsible.

j. When a dispute arises that participants cannot resolve at a CLS staffing, the issues must be escalated to the next of level supervision until resolution is achieved. Participants will follow any local procedures established for resolution of disputes. The Regional Director for Children's Legal Services

and the Regional Managing Director for the department must serve as the final arbiters for disputes when necessary.

k. A staffing with CLS, the child welfare professional responsible and the supervisor must be conducted when shelter of a child is denied by the court to determine:

(1) The best options to develop and implement an in-home safety plan.

(2) Whether additional information should be gathered to improve an understanding of danger threats, when they are operating, and the analysis of caregiver protective capacities.

1-9. Scope and Dependability of Safety Plans. The child welfare professional creating, monitoring, or modifying the safety plan will determine that:

a. The safety plan controls the behavior, emotion, or condition that results in the child being unsafe.

b. The effect of a safety plan is immediate, and/or continues to protect the child every day.

c. The safety plan describes each specific action necessary to keep the child(ren) safe, including:

(1) The person responsible for each specific action;

(2) Resources or people who will help with each action;

(3) The frequency of the action, including times and days of the week; and,

(4) The person responsible for monitoring that each action is occurring as planned.

d. The safety plan may be exclusively an in-home plan, an out-of-home plan, or a combination of both.

e. The safety plan will not include promissory commitments by the parent/legal guardian who is currently not able to protect the child. Examples of inappropriate safety plan actions include, but are not limited to:

(1) *Mom will not spank.*

(2) *Parents will remain sober.*

(3) *Mom will file an injunction and will not let the batterer back in the home.*

(4) *Dad will not use drugs.*

f. The child welfare professional will develop separate safety plans with the perpetrator of domestic violence and the parent/legal guardian who is a survivor of domestic violence in accordance with Chapter 4 of this operating procedure.



1-10. FSFN Documentation.

a. The child welfare professional will document reasonable efforts to prevent a child's removal from their parent(s)/legal guardian(s) as follows:

(1) When there is a determination of present danger, the Present Danger Assessment will document the initial reasonable efforts made to prevent the child(ren)'s removal. Initial reasonable efforts will be included in the narrative assessment provided in Section II of the Present Danger Assessment.

(2) When there is a determination of impending danger, the reasonable efforts made to prevent the child(ren)'s removal or continue an out-of-home safety plan will be based on thorough analysis of the five Safety Analysis criteria and documented in the Safety Analysis section of the FFA-Investigation, FFA-Ongoing or Progress Update.

b. The child welfare professional must use FSFN to document all Safety Plans.

(1) All actions to keep the child safe must be listed within the safety plan.

(2) In cases involving intimate partner violence, procedures in Chapter 4 must be followed.