



Policy: Over Capacity Waivers

ChildNet Number: CN 003.047

Original Approved Date: June 2, 2003

**Policy Revised Date(s): December 30, 2004; May 5, 2008; October 9, 2008,
July 9, 2014**

Policy Sunset Date:

COA Standard(s): FKC 6.01

Statement of Policy:

The purpose of this policy 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. This operating procedure is applicable to all family foster homes licensed pursuant to s. 409.175, F.S.

Board Chair's Signature:

Date:

07-29-14



Procedure: Over Capacity Waivers

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Procedure Sunset Date:

COA Standard(s): FKC 6.01

Definitions:

Child

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

Means a document personally signed by ChildNet's Chief Executive Officer/Executive Director or designee which authorizes exceptions to the total number of children or infants to be cared for in a family foster home.

Statement of Procedure:

A. Total Number of Children

1. The total number of children who may live in a family foster home is five (5). **All children living in the home are to be considered**, including biological and adopted children.
2. The total number of infants under twenty-four (24) months of age who may live in a family foster home is two (2). For instances where more than two (2) infants are placed in a family foster home ChildNet's Chief Executive Officer/Executive Director or designee needs to authorize such placements.
3. The only children who may be excluded from paragraphs 1 and 2 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.



4. Specialized therapeutic family foster homes are limited to two children.

B. Placement.

The total number of children placed in each family foster home shall be based on the recommendation of the supervising agency, using the following criteria:

1. The needs of each child in care;
2. The ability of the licensed out-of-home caregiver(s) to meet the individual needs of each child, including any adoptive or legal children living in the home;
3. The amount of safe space;
4. The ratio of active and appropriate adult supervision to the number of children; and
5. The background, experience, and skill of the licensed out-of-home caregivers

C. Approval of Over-Capacity Assessments for Over Five Children or More than Two Infants Under Twenty-Four Months.

1. Assessment approvals for the rule of five or no more than two infants under twenty-four months shall be given prior to placement for the following situations and shall be approved personally and in writing by the Regional Administrator or ChildNet's Chief Executive Officer/Executive Director or designee.
 - (a) 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;
 - (b) To accommodate a child or sibling group needing placement who has previously lived in the home;
 - (c) To allow a teen parent in substitute care to have his or her child or children placed in the same home.
 - (d) If the prohibition of the placement would be contrary to the child's best interest.
2. If the total number of children in a family foster home will exceed the rule of five or exceed two infants under twenty-four months, including the family's own children, the assessment of each child in the home and of the child being placed in the home shall be completed by the services worker and approved in writing by the services worker's supervisor prior to the placement.
 - (a) The assessment shall include:
 - (1) The medical, mental, physical and behavioral needs of each child;



- (2) A clear, concise explanation of why the exception should be approved including the reason it has been determined that this is the most appropriate available placement;
- (3) A description of any special services or support systems which may be necessary to assure the well-being of the child or children being placed;
- (4) A description of how this home can physically accommodate the additional child or children. Accommodations shall include a bed, adequate closet space and room for personal possessions and adequate privacy;
- (5) Information concerning how the needs of any particularly vulnerable child currently in placement can be adequately protected;
- (6) Placement needs and risk factors for children who have been sexually victimized or who are sexually aggressive;
- (7) Verification that there are no active complaints, licensing standards in violation, active abuse reports or foster care referrals for the proposed placement; and
- (8) The duration of the waiver; Initial assessment approval shall not exceed 30 days. Subsequent approvals for the same child or children may be approved for (90) day extensions personally and in writing by the Regional Administrator or by ChildNet's Chief Executive Officer/Executive Director or their designees.

(b) General Requirements for the Assessment.

- (1) The services worker shall provide to the licensing counselor a copy of the completed assessment within five working days of the child's placement.
- (2) The written and approved assessment shall be placed in the licensing file of the out-of-home caregiver.
- (3) The licensing counselor 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 by the services worker are in place to support the out-of-home caregiver.

D. Waivers to Exceed a Total of Five (5) Children

1. Waivers to allow more than a total of five (5) children in a family foster home shall only be approved personally and in writing by ChildNet's Chief Executive Officer/Executive Director or designee.
2. Waivers to allow more than a total of five (5) children 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 process. The documentation must be placed in the licensing file of the family foster home.



- a. A clear, concise explanation of why the total number of five (5) children should be exceeded.
- b. 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.
- c. 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?
- d. Can the home physically accommodate the additional child/children? Accommodations include a bed, adequate closet space and room for personal possessions and adequate privacy.
- e. 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?
- f. Will the addition of other child/children adversely affect the quality of care and safety being given to the children currently in the home?
- g. 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?
- h. What efforts have been made to minimize further waiver requests in this case?
- i. Will the Client Resource Record (CRR) accompany the child(ren)? If not, who is responsible for delivery of the CRR within 72 hours of placement?
- j. Have all Child Advocates/Dependency Case Manager for the child(ren) listed on the waiver been notified and are in agreement with the placement of this child(ren) in the home?
- k. Do all Child Advocates/Dependency Case Manager for the child(ren) listed on the waiver understand that placement of this child(ren) is creating an over capacity waiver?



- i. Does any of the children have an alert? If yes, is safety plan attached?
- m. Waiver with children having alerts will not be considered unless the safety plan is attached to the request.

E. Waivers to Exceed a Total of Two (2) Infants under Twenty-Four months

1. Waivers to allow more than a total of two (2) infants under twenty-four (24) months in a family foster home shall only be approved personally and in writing by ChildNet's Chief Executive Officer/Executive Director or designee.
2. Waivers to allow more than a total of two (2) infants under twenty-four (24) months 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 process. The documentation must be placed in the licensing file of the family foster home.
 - a. An explanation of the sibling group dynamics which require that the total number of two (2) infants under twenty-four (24) months be exceeded.
 - b. 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. Child Placing Agency must report to ChildNet/DCF.
 - c. 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?
 - d. Can the home physically accommodate the additional child/children? Accommodations include a bed, adequate closet space and room for personal possessions and adequate privacy.
 - e. 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?
 - f. Will the addition of other child/children adversely affect the quality of care and safety being given to the children currently in the home?



- g. 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?
- h. What efforts have been made to minimize further waiver requests in this case?
- i. Will the Client Resource Record (CRR) accompany the child(ren)? If not, who is responsible for delivery of the CRR within 72 hours of placement?
- j. Have all Child Advocates/Dependency Case Manager for the child(ren) listed on the waiver been notified and are in agreement with the placement of this child(ren) in the home?
- k. Do all Child Advocates/Dependency Case Manager for the child(ren) listed on the waiver understand that placement of this child(ren) is creating an over capacity waiver?
- l. Does any of the children have an alert? If yes, is safety plan attached?
- m. Waiver with children having alerts will not be considered unless the safety plan is attached to the request

F. Age Differential Approvals

- 1. Written approval of the age differential exception shall be obtained prior to placement when the recommended ages of children are exceeded over or under the licensed age range.
- 2. Waivers to allow children to be placed in a home outside of the age range of their license shall only be approved personally and in writing by ChildNet's Chief Executive Officer/Executive Director or designee.
- 3. Age differential waivers can be requested using the Foster Home Over Capacity Waiver Request form.

G. Notification

The waiver request must be approved verbally or in writing prior to the placement of the child(ren) in the home.



H. Waivers for Specialized Therapeutic Family Foster Homes

1. A waiver for a specialized therapeutic family foster home will be considered only for respite placement and must be approved by the local DCF Substance Abuse Mental Health Program Multi-disciplinary team, which consists of a Substance Abuse and Mental Health Program Office representative, ChildNet's Assistant Director of Service Coordination and a representative from the local AHCA Office Team before ChildNet's Chief Executive Officer/Executive Director or designee signs the waiver. The two child limit may be waived when siblings are placed together, with the approval of the Multidisciplinary Team indicated above.
2. Each of the items detailed in paragraph E.3 a - m must be addressed and documented in writing as part of the waiver approval process. The documentation must be placed in the licensing file of the family foster home.

I. Duration of a Waiver

1. A waiver may not exceed thirty (30) calendar days, except as outlined in this operating procedure.
2. Subsequent waivers may be approved for a ninety (90)-day extension in writing by ChildNet's Chief Executive Officer/Executive Director or designee. Each ninety (90)-day waiver extension given to a family foster home must include written documentation of the review process set forth in paragraphs D3 or E3. When deemed appropriate, a review of the home will be done to determine if the licensing capacity should be increased. Child Placing Agency must request ninety (90)-day extensions 7 days prior to expiration of waiver.
3. A waiver may be issued for 180 calendar days if it is issued to accommodate a sibling group larger than five (5) if the children of that sibling group are the only children placed in the home. Subsequent waivers may be approved in writing for a (180)-day extension by the District or Regional Administrator or ChildNet's Chief Executive Officer/Executive Director or designee. Each (180)-day waiver extension given to a family foster home must include the review process set forth in paragraphs D3 or E3.
4. 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 its current capacity or an increase in capacity is approved and in place. Child Placing Agency must request (180)-day extensions 7 days prior to expiration of waiver.
5. Upon expiration of a waiver due to attrition or increase in capacity, the Child Placing Agency has 48 hours to notify in writing the Director of Intake and



Placement or designee and the Licensing Coordinator or designee of a change in capacity and/or in compliance. The Data Specialist will update the census by Provider Screen in SACWIS. The Licensing Coordinator or designee will update the Provider Licensing Screen in SACWIS by deleting the waiver code in place.

6. Waiver with children having alerts will only be approved for thirty (30) calendar days at a time.

J. Other Types of Waivers

Waivers which will not cause the total of five (5) children or two (2) infants in the home to be exceeded shall be addressed by Community-Based-Care operating procedures and be tracked for reporting purposes. For example, if a home is licensed for two children and two children are placed, the child placing agency must request a waiver to approve placement of a third child in the home. This waiver must be signed by ChildNet's Chief Executive Officer/Executive Director or designee.

K. Automated Tracking of Homes with More than Five (5) Children

All child placements must be recorded in SACWIS 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.

President's Signature: _____

Date: 07-25-14