



## Policy: Non-Licensed Relative/Non-Relative Caregiver Home Study Requirements

**ChildNet Number:** CN 003.071  
**Original Approved Date:** May 20, 2010  
**Policy Revised Date(s):** July 9, 2014  
**Policy Sunset Date:**  
**COA Standard(s):** FKC 6.02, 6.03, 6.04, 6.05, 6.07, 15.05, 15.06  
**Statement of Policy:**

ChildNet recognizes the importance of maintaining the family unit and preserving the continuity of care, culture, relationships, and environment essential for child safety and well-being. To effectuate this goal, ChildNet ensures that all non-licensed relatives and non-relatives are properly assessed and screened prior to assuming court-approved placements. This policy sets forth the guidelines and procedures for conducting a home study assessment that is inclusive of all household members and individuals who are in the home on a frequent basis so as to assess the identification of roles and each member's ability to contribute positively towards healthy child development.

Board Chair's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

07-29-14



## **Procedure: Non-Licensed Relative/Non-Relative Caregiver Home Study Requirements**

**ChildNet Number: CN 003.071**

**Original Approved Date: May 20, 2010**

**Procedure Revised Date(s): November 17, 2010, February 10, 2011, July 9, 2014, March 8, 2017**

**Procedure Sunset Date:**

**COA Standard(s): FKC 6.02, 6.03, 6.04, 6.05, 6.07, 15.05, 15.06**

### **Definitions:**

- A. Criminal History Record Check** – means the act of assessing the history of persons through a criminal records check pursuant to Section 39.0138, F.S., and criminal juvenile and abuse/neglect history checks as described in Section 39.401(3) and 39.521(2)(r), F.S.
- B. Criminal History Information** – refers to information collected by criminal justice agencies on persons, consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges and the dispositions thereof. The term does not include identification information, such as fingerprint records, where the information does not indicate involvement of the person in the criminal justice system.
- C. Criminal History Record** – means any non-judicial record maintained by a criminal justice agency containing criminal history information.
- D. Emergency Placement** – Placement with a non- licensed relative or non-relative caregiver that is expected to take place immediately or within seventy-two (72) hours.
- E. Exigent Circumstance** – An emergency situation which requires an immediate and urgent change in placement for a child within seventy-two (72) hours.
- F. Frequent visitor** – refers to paramours of any of the adult household members, adult relatives, and other individuals who interact with the family in the family's home on a regular and consistent basis.
- G. Home Study** – The written documentation of an on-site assessment completed prior to the child's placement that is meant to evaluate the caregiver's capacity to provide a safe, stable, and supportive home environment and to determine if the physical environment is safe and can meet the child's needs.



- H. Household Member** – Any person who resides in a household including the caregiver and other family members residing in the home. Household members include any additional relatives or persons residing in the home, as well as visitors expected to stay an indefinite length of time or college students expected to return to the home.
- I. Non-Relative Caregiver** – A stepparent, prospective parent, or any other person who does not meet the definition of a relative and who is not being paid as a licensed foster or shelter parent for purposes of caring for a child in his or her custody.
- J. Placement** – The supervised placement of a child in a setting outside the child's own home.
- K. Relative Caregiver** – A person who meets the definition of a relative and who is not being paid as a licensed foster or shelter parent for purposes of caring for a child in his or her custody.
- L. Removal Home** – The family setting from which the child was first legally removed including a relative's or non-relative's home if such person had assumed and continued to exercise day- to-day responsibility for care and control of the child, prior to court involvement.
- M. Comprehensive Child Welfare Information System (CCWIS)**– The statewide system of record for clients involved in child welfare investigations and services, Used as a system for tracking data for clients served by Department of Children and Families and/or Community Based Care Lead Agencies or subcontracted providers.

#### **Related Policies and Procedures:**

CN 003.038 - Matching Children to Placement  
CN 007.002 - Processing Background or Criminal History Checks

#### **Statement of Procedure:**

In order to ensure that all placement determinations facilitate the manifest best interest of the child and spare the child the distress of a placement in a shelter or foster care, the following procedures are performed consistent with, but not limited to, the application of the provisions of Florida Administrative Code and Florida Statute



## **I. Planned Placements of Children with Non-Licensed Relative or Non-Relative Caregivers**

A home study is initiated when a child is in licensed or non-licensed care and a potential alternative non-licensed relative or non-relative caregiver is identified. A placement is considered planned where there are no circumstances requiring an emergency placement within seventy-two (72) hours.

- A. For each planned placement in a non-licensed relative or non-relative caregiver's home, a home study is completed by the Child Advocate/Dependency Case Manager or designee prior to placement. The sole exception is in instances where a child remains in his or her current placement in which a Child Protective Investigator has recently conducted an emergency placement. Protocols for conducting these types of home studies are discussed further in Section II of this policy and procedure.
- B. ChildNet works with the child, parents and or other parties on the case to identify relative or non-relative caregivers that can serve as a placement resource for a child and so siblings can remain together. Home studies are performed on more than one (1) perspective placement when ChildNet determines there are more than one (1) placement alternatives for consideration.
- C. Prior to conducting a home study, Child Advocate/Dependency Case Managers:
  1. Complete ChildNet's Background Screening Request form;
  2. Schedule the home study when all potential caregivers are home;
  3. Complete the appropriate home study tool located on the Comprehensive Child Welfare Information System (CCWIS) ; and
  4. Request potential caregivers gather required documents, including: verifiable proof of income such as copies of recent pay stubs or W-2 form; proof of residency such as mortgage payment, lease agreement, or notarized statement; copies of current utility bills; and an automobile insurance declaration page, if applicable.
- D. Home studies assessments are captured on the CCWIS home study tool and may be included as part of the predisposition study filed with the court. At a minimum, home studies include:
  1. The Child Advocate/Dependency Case Manager conducts a visit to the home and an interview with the proposed adult relative or non-relative caregivers. He or she assesses the potential caregivers' ability to provide care, protection, and experiences that promote healthy child development. The Child



Advocate/Dependency Case Manager assures that the child's well-being will be met through the provision of immunizations, education, medical/dental, and mental health services as needed. Interviews are conducted with the proposed caregivers to assess:

- a. Personal characteristics;
- b. Motivation and readiness for providing care;
- c. Family and marital functioning (as applicable);
- d. Parenting skills and experiences;
- e. Physical and mental health;
- f. Cultural sensitivity and a willingness to support the child's cultural ties;
- g. Availability of formal and informal supports;
- h. Willingness to support the case plan goal; and
- i. Proposed caregivers' attitude toward the child's parent(s) or caregiver(s) of the removal home and reunification efforts, as well as the attitude of other household members regarding placement of the child in their home

In order to prevent placement changes through coordinated placement planning the CA/DCM or designee will:

- a. ensures children, families, and resource families are aware of the placement process and receive support and information throughout;
  - b. provides all legally permissible information about children's characteristics, behaviors, histories, and permanency goals to prospective resource families;
  - c. arranges opportunities for children and parents to meet prospective resource families when possible;
  - d. responds proactively to challenges associated with placement and assesses the need for services and supports; and
  - e. facilitates workers' ability to spend more time with children, families, and/or resource parents after a new placement or when challenges arise.
2. A determination is made and documented regarding the child's feelings on the placement if the child is of sufficient maturity, understanding, and experience to reliably express such feelings concerning placement in the potential home.
  3. As a part of the home study, and again prior to placement, ChildNet conducts a criminal history records check on all persons being considered for placement of a child.
  4. For proposed caregivers who will be transporting children in their own motor vehicles, the Child Advocate/Dependency Case Manager must assess that the caregiver:



- a. Use age-appropriate passenger restraint systems to include federally approved child safety seats and booster seats depending on the child's age, weight, and height.;
  - b. Provide adequate passenger supervision, as required by statute or regulation, Per Florida law, no person responsible for a child younger than 6 years of age shall leave such child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes, however, no such person shall leave a child unattended for any period of time if the motor vehicle is running or the health of the child is in danger.
  - c. Properly maintain vehicles and obtain required registration and inspection;
  - d. Provide annual validation of their driving records; and
  - e. Provide regular validation of their licenses and appropriate insurance coverage.
5. Indian children are placed according to the placement preferences specified in the Indian Child Welfare Act, as applicable. For guidelines, please refer to CN 004.022 - Report and Services Involving Indian Children.

**Criminal history record checks requirements:**

- a. All household members and known frequent visitors have prior abuse history screening via CCWIS.
- b. Household members and known frequent visitors age twelve (12) or older have screening performed by the local police department (municipality) and Sherriff's office. In some cases, municipalities may be covered by the Sheriff's office.
- c. All household members age eighteen (18) or older are fingerprinted through the Live Scan process which is submitted to the Florida Department of Law Enforcement (FDLE) and Federal Bureau of Investigations (FBI). In instances where fingerprints are submitted at least twice and rejected due to being illegible, the ChildNet Executive Director or designee may grant a waiver of the Live Scan requirement when all pre-screening results are shown to be clear of any disqualifying criminal offenses.
- d. All household members and paramours age twelve (12) or older have a state criminal records check performed by FDLE and Federal Crime Information Center (FCIC).
- e. Household members and known frequent visitors ages twelve (12) through twenty-six (26) have a delinquency check performed by the Florida Department of Juvenile Justice (DJJ).
- f. Department of Corrections Check.
- g. Sexual Predator/Offender Check.
- h. Department of Motor Vehicles Criminal Background Check.



Out-of-state criminal records checks are initiated for any individual designated above who has resided in a state other than Florida provide that state's laws allow the release of these records. The out-of-state criminal records are filed with the court

Prior to recommending a potential placement to the court, all criminal, delinquency, and abuse/neglect history check activities must be performed and the results reviewed including the results of fingerprinting.

There are situations in which the proposed caregiver for a sibling group is the parent of one (1) or more of the children and an unlicensed relative or non - relative of the other children. For example, the proposed caregiver is the father of one (1) child which is considered a release to a parent. He is also the stepfather of the other children which is considered a planned placement. In this case, all criminal history checks specified below would still apply.

For guidelines on how to conduct a criminal background records check, refer to CN 007.002 "Processing Background or Criminal History Checks."

6. The Child Advocate/Dependency Case Manager or designee considers all criminal activities, including all disqualifying felonies that are documented in the criminal background records to determine if substantial concern is warranted regarding the safety and stability of the potential caregiver's home. All criminal activities documented in the record check results are discussed with the potential caregiver as part of the home study process. A recommendation cannot be made for a child to be placed with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

- Child abuse, abandonment, or neglect;
- Domestic violence;
- Child pornography or other felony in which a child was a victim of the offense; or
- Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery, when an adult was the victim of the assault or battery.

A recommendation cannot be made for a child to be placed with a person other than a parent if the criminal history records check reveals that the person has, within the previous five (5) years, been convicted of a felony that falls within any of the following categories:

- Assault;
- Battery; or
- Drug-related offense.



7. The Child Advocate/Dependency Case Manager or designee makes an assessment of the physical environment of the home to verify that basic health and safety requirements are met, including but not limited to:
  - a. Appropriate sleeping arrangements and sufficient living space/furniture for all members of the household;
  - b. Adequate heat, lights, water, refrigeration, cooking, and toilet facilities;
  - c. Functional smoke detectors;
  - d. Intact doors, steps, windows, and window guards were necessary;
  - e. No exposed wiring;
  - f. No rodent or insect infestation;
  - g. No visible hazardous structural deficiencies;
  - h. Walls/ceilings free of holes, chalking, flaking, and peeling which could indicate the presence of lead based paint; and
  - i. Pool safety mechanisms, if applicable.

The Child Advocate/Dependency Case Manager or designee pays close attention to clues that verify the reported or possible unreported people living in the home.

8. The Child Advocate/Dependency Case Manager assesses that the proposed caregiver has (or can access) adequate resources to support their family and any additional children. A determination is made that the proposed caregiver's expenses do not exceed his or her income and financial resources are sufficient.
9. When proposed caregivers are employed outside of the home, a determination of suitable child care arrangements is made by the Child Advocate/Dependency Case Manager.
10. The Child Advocate/Dependency Case Manager provides documentation of counseling, support services available in the community, and information to the proposed caregivers regarding the dependency process and possible outcomes.
11. The Out of Home Care Plan and any specific safety plans are documented in CCWIS, if applicable.
12. The Child Advocate/Dependency Case Manager must attain a signed Acknowledgement of Firearms Safety Requirements Form from all prospective caregivers during the home study.
13. The Child Advocate/Dependency Case Manager reviews all civil and family court actions that might impact a home study recommendation.





14. The home study, including the placement recommendation, is completed according to the requirements outlined in this policy and procedure and is submitted to the Child Advocate Supervisor/Dependency Case Manager's Supervisor or higher level designee for approval. A recommendation is made to the court based on the results of the home study.
  15. The Child Advocate/Dependency Case Manager maintains a copy of the home study in the child's case record. All relevant attachments, including background screening results, are attached to the complete home study.
- E. The Child Advocate/Dependency Case Manager is not to place or continue the placement of the child in a home if the results of the home study are unfavorable absent court approval of the continued placement overriding ChildNet's concerns.
1. If a home study is unfavorable, the non-licensed relative or non-relative caregiver is advised within five (5) working days of ChildNet's final decision to not recommend placement of the child in his or her home.
  2. If the recommendation in the home study is unfavorable, the child is currently residing in the placement, and may be at imminent risk, the Child Advocate/Dependency Case Manager informs the Florida Abuse Hotline and requests an emergency hearing. If it is determined the child is not at imminent risk, the CA/DCM requests a hearing as soon as possible to inform the court and recommends an alternative placement. If the Child Protective Investigator determines that the child is at imminent risk, the CA/DCM coordinates the emergency placement and requests an emergency hearing to inform the court of the finding and makes a recommendation for alternate placement.
  3. In cases where ChildNet denies the home study because of the results of a criminal history records check, the person seeking placement has the burden of setting forth sufficient evidence of rehabilitation to show that the person will not present a danger to the child if the placement of the child is permitted. Evidence of rehabilitation may include, but is not limited to, the circumstances surrounding the incident providing the basis for denying the application, the time period that has elapsed since the incident, the nature of the harm caused to the victim, whether the victim was a child, the history of the person since the incident, whether the person has complied with any requirement to pay restitution, and any other evidence or circumstances indicating that the person will not present a danger to the child if the placement of the child is allowed. The Director of Case Management or Designee overseeing the unit reviews the denied home study and recommends additional action if needed.
  4. When a child is placed in the custody of a non-licensed relative or non-relative by the court against the recommendation of ChildNet, the CA/DCM immediately



notifies his or her supervisor of the court's determination. The CA/DCM attains the order containing written findings to support the court's decision. In addition, a safety plan may be completed to ensure the child's safety and well-being.

- F. When a child has been placed in a court approved placement with a non-licensed relative or non-relative caregiver and there are changes in the home that may impact the safety or appropriateness of the placement, the home study must be updated as follows:
1. For children who are placed in non-licensed relative or non-relative caregiver's homes, if at any time it is determined that a child's safety and well-being is in danger, the CA/DCM takes such steps as are necessary to protect the child and immediately reports allegations of abuse, neglect, or abandonment to the Florida Abuse Hotline. The CA/DCM cooperates with the assigned Child Protective Investigator for timely completion of the investigation. If the child is removed from a non-licensed placement, an emergency shelter hearing should be scheduled within twenty-four (24) hours of the removal.
  2. All home studies in -CCWIS should be updated within two (2) weeks of a significant change in home composition. Examples include, but are not limited to:
    - a. Death or debilitating illness of a caregiver;
    - b. Structural damage to the home due to fire, flood, or another natural disaster;
    - c. Legal proceedings affecting the family such as eviction or divorce; and
    - d. Loss of income.
  3. When a child has been placed with non-licensed relative or non-relative caregivers subsequent to a home study being performed for the placement of other children in the home, an updated home study is performed prior to placement so as to address issues surrounding placement of an additional child in the home which is then provided to the court in conjunction with a recommendation regarding the appropriateness of the child's placement.
  4. Whenever subsequent criminal activity is discovered which does not automatically disqualify a placement, the CA/DCM informs the court of the criminal history including all available information on the disposition of all offenses within seventy-two (72) hours of receipt of the results.
  5. Criminal history record checks are required for new household members, frequent visitors, or paramours of any household members if they have not otherwise received the checks within the previous twelve (12) months and there has been no break in service for over ninety (90) days. The court is informed of the results within seventy-two (72) hours of their receipt:



- a. A local criminal records check, a child abuse/neglect records check, and a delinquency records check are required on new household members, frequent visitors, or paramours of any household members.
  - b. A state criminal records check is required on new household members or paramours of any household members.
  - c. A federal criminal records check, including a name check followed by submission of fingerprints to FDLE, is required for any new household members eighteen (18) years of age or older.
- G. All home studies are to be updated in CCWIS within two weeks of a significant change in home composition and at least once annually to include a new home assessment and new criminal history records check with the exception of Live Scan requirements. New Live Scan checks may be requested at the CA/DCM's discretion if circumstances warrant this additional screening. For caregivers transporting children, CA/DCM must ensure they possess valid driver's licenses and appropriate insurance coverage.
- H. Non-relative placements are for a specific and predetermined period of time, not to exceed twelve (12) months, and are reviewed by the court at least every six (6) months. If the non-relative placement continues for longer than twelve (12) months, ChildNet requests the court to establish permanent guardianship or requires that the non-relative seek licensure as a foster care provider within thirty (30) days after the court decision. Failure to establish permanent guardianship or obtain licensure does not require the court to change a child's placement unless it is in the best interest of the child to do so

## **II. Emergency Placements of Children in Exigent Circumstances**

There are situations in which emergency placements are made with relatives or non-relatives in exigent circumstances and it is anticipated that a placement will be made within seventy-two (72) hours.

- A. In cases where the basis for the emergency placement are not due to abandonment, abuse, or neglect or there is no Child Protection Investigation involvement, the CA/DCM or designee submits a legal request for an emergency hearing within twenty-four (24) hours.
- B. The CA/DCM initiates the home study process and the required criminal, delinquency, and abuse/neglect history checks without undue delay to avoid placing the child elsewhere in the interim. Prior to making such an emergency placement in exigent circumstances, the following criminal, delinquency, and abuse/neglect history checks, including receipt and consideration of the results of the checks, are required at a minimum:



1. For all persons, who are either household members or who are known to be frequent visitors to the home, an abuse/neglect records check through the Department's information system containing statewide abuse/neglect records.
2. Additionally, the following checks are performed for specified persons based on his or her role in the household and his or her age:
  - a. For all household members and frequent visitors age twelve (12) or older, a local criminal records check through local police and Sheriff's offices.
  - b. For all household members or frequent visitors ages twelve (12) through twenty-six (26), a delinquency records check through the Florida DJJ.
  - c. For all household members and paramours age twelve (12) or older, a state criminal records check through FDLE.
  - d. For all persons who are age eighteen (18) or older who are household members, a name check through the National Crime Information Center (NCIC) is also required. If the child is placed in the home, the fingerprints of these persons shall be submitted to FDLE the next business day, but no later than within ten (10) calendar days of the name check.
  - e. For household members age twelve (12) and older and frequent visitors age eighteen (18) or older who are known to have resided in another state, an attempt shall be made to gather criminal history information from that state.

The home study and initial background checks must be completed prior to making placement. A complete home study as outlined in Section I. D. of this policy must be completed in the CCWIS database and filed with the court by the scheduled hearing, but no later than seventy-two (72) hours. A copy of the home study is maintained in the child's case record. All relevant attachments, including background screening results, are attached to the completed home study.

If the home study and the background checks are positive and the child needs to be placed immediately, the case needs to be staffed with the Director of Case Management or designee until the court approves the placement. The child must be visited on a daily basis by the CA/DCM, Missing Person's Specialist, or designee until the court approves the placement. The CA/DCM must submit a request for an emergency hearing so that the court can approve the placement. If the court does not approve the placement, the child shall be moved immediately.

Any criminal, delinquency and abuse/neglect history check results received subsequent to placing a child are considered in regard to the child's safety and must be provided to the court

The CA/DCM informs the child, family, and the Guardian ad Litem or Attorney ad Litem, if appointed, of the move and the reasons an emergency placement



change was necessary as soon as possible, but no later than seventy-two (72) hours.

- C. When a case is received from the Child Protective Investigator and a child is already placed with non-licensed or non-relative caregivers, ChildNet reviews all previous background screenings and has caregivers fingerprinted through the Live Scan process within seventy-two (72) hours. Furthermore, ChildNet performs a Sexual Predator check and ensures all criminal history record checks as required on the CCWIS home study tool are completed.

In addition to reviewing previous screening and conducting additional criminal background checks, the CA/DCM reviews the full home study completed by Child Protective Investigations. If the family circumstances have changed or the information is inconsistent in the Child Protective Investigations home study, the CA/DCM updates the form to ensure a complete home study as outlined in Section I.D. of this policy and procedure is documented in the file and in the CCWIS database within five (5) business days. When approved, the home study includes the signature of the CAS/DCMS or higher level designee and is filed with a status to the court within thirty (30) calendar days of receipt of the case. A copy of the home study and any home study previously performed by the Child Protective Investigator is maintained in the child's case record. All relevant attachments, including background screening results, are attached to the complete home study.

President's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

03-15-17