



Policy: Determination of Non-Judicial and Protective Supervision

ChildNet Number: CN 004.013

Original Approved Date: February 12, 2004

Policy Revised Date(s): December 28, 2009, April 25, 2018

Policy Sunset Date:

COA Standard(s): none

Statement of Policy:

ChildNet works with families under Non Judicial cases in instances where the Child Protective investigatory agency and Children's Legal Services (CLS) has determined that judicial intervention is not warranted to ensure the child's safety and cooperation with caseplan compliance. However issues of risk may exist to the extent that protective services are necessary to prevent a removal and entry into court ordered supervision or out-of-home care. It is ChildNet's policy to engage these families with services and monitor their caseplan compliance with the goal of ensuring safety, ameliorating risk and preventing removal. This policy sets forth the requirements and guidelines for Non Judicial services and agreement.

Board Chair's Signature:

Date:



Procedure: Determination of Non-Judicial and Protective Supervision

ChildNet Number: CN 004.013

Original Approved Date: February 12, 2004

Procedure Revised Date(s): December 28, 2009, July 9, 2014, April 25, 2018

Procedure Sunset Date:

COA Standard(s): none

Definitions:

Non-Judicial Cases: For purposes of this policy and procedure Non-Judicial refers to cases in which the family has consented to the acceptance of services and supervision aimed at stabilizing the family, with the understanding that court action may be taken if the family fails to cooperate in fulfilling the requirements of the voluntary case plan.

Statement of Procedure

In order to ensure that families under Non Judicial cases receive appropriate case planning services to reduce risk, promote safety and prevent removal, the following procedures are performed consistent with, but not limited to the application of the provisions of Florida Administrative Code and Florida Statute

A. Acceptance of Non Judicial Case

1. Upon a determination of legal sufficiency by the Child Protective Investigator (CPI) and CLS attorney, the legal sufficiency staffing committee reviews the case for the appropriateness of offering a Non Judicial agreement to the family. These include cases from initial investigations as well as cases referred by ChildNet as a result of a new child on an existing case as set forth in CN 007.018 Families Under Investigation.
2. On occasion a family may be offered a Non Judicial agreement in advance of the Legal Sufficiency staffing. In these instances, the CPI or Child Advocate/ Dependency Case Manager informs the family that the acceptance of the agreement is contingent upon the final determination at the legal sufficiency staffing. If the Child Advocate/ Dependency Case Manager makes such notification he or she documents in the chronological section of the **Comprehensive Child Welfare Information System (CCWIS)** within 48 hours.
3. Once the case is determined appropriate for Non Judicial services through the staffing process, the CPI will set up a family team meeting where the Child Advocate/ Dependency Case Manager will attend and meet with parents and support people within five days.



4. In order to complete the acceptance of a family for Non Judicial services, the Child Advocate/ Dependency Case Manager and the CPI go over the expectations with the family at the team meeting to ensure they understand the nature of the services; their obligation to participate in the development and carrying out of the case plan requirements and the potential consequences if progress is not made in ameliorating the conditions that led to the abuse, neglect or abandonment report.

B. Non Judicial Case Plan

1. Once the Non Judicial case is accepted by the family, The Child Advocate/ Dependency Case Manager works with the family to develop a case plan.
2. The Child Advocate/ Dependency Case Manager has the case plan developed and signed by all relevant parties to the case within forty five days of the family team meeting and documents in the case chronological section of the **Comprehensive Child Welfare Information System (CCWIS)** within 48 hours.
3. The Child Advocate/ Dependency Case Manager provides all case management and service provision responsibilities required in court ordered cases, with the following exceptions:
 - a) Court petitions and judicial reviews are not required.
 - b) Fingerprinting, photographing and birth verification of the children are not required.
4. The Non Judicial caseplan goal date is not to exceed 5 months and must include a provision specifying that failure to comply with the conditions of the caseplan may lead to a Judicial case or a removal.
5. The Child Advocate/ Dependency Case Manager staffs the case with the Case Management Director or designee at the 30 day review. After the initial 90 day period of the case plan, the Child Advocate/ Dependency Case Manager and Child Advocate Supervisor/ Dependency Case Manager Supervisor staff the case with the Case Management Director or designee to determine if there is a need for continued supervision based on continued risk to the child, lack of compliance, or any change in family circumstance. If a decision is made to continue supervision, the case will be staffed again at the 150 day mark.
6. A Non Judicial case should not exceed 180 days, except under special circumstances where the CPI and/or Child Advocate/Dependency Case Manager are working on obtaining documentation to support the closure or the need to staff for judicial action.



C. Lack of Compliance and Case Closure

1. The family has the right to request closure of its case at any time. However, prior to the closure of a Non Judicial case, the Child Advocate/ Dependency Case Manager shall update the Family Functioning Assessment (FFA)/Progress Update to assess whether the child(ren) is safe. The Child Advocate/Dependency Case Manager staffs the case with Child Advocate Supervisor/ Dependency Case Manager Supervisor and the Case Management Director or designee to determine if there is a need for continued supervision based on continued risk to the child, lack of compliance with the case plan or any changes in family circumstances. The Child Advocate/ Dependency Case Manager documents the family's request to close the case in the chronological section of the **Comprehensive Child Welfare Information System (CCWIS)** within 48 hours.
2. If at any time it is determined that the case closure is not in the child's best interest, the Non Judicial case has been open for the maximum 180 days or that court ordered services are necessary, the Child Advocate/ Dependency Case Manager and Child Advocate Supervisor/ Dependency Case Manager Supervisor requests a staffing with the CLS attorney and the CLS Attorney determines if there is legal sufficiency to file a shelter or dependency petition.
3. In instances where the Child Advocate Supervisor/ Dependency Case Manager Supervisor and CLS attorney disagree about the family's need for continued services, the Case Management Director consults with the CLS Bureau Chief and the CLS Bureau Chief determines whether or not a petition will be filed.
4. Following each consultation and/or staffing with CLS regarding legal options, the CLS attorney provides the Child Advocate/ Dependency Case Manager with a signed and dated statement indicating that the staffing or consultation was held, the recommendation regarding legal sufficiency and any advised action to be taken. This statement may be handwritten. All such staffings and/or consultations are documented in the case chronological section of the **Comprehensive Child Welfare Information System (CCWIS)** within 48 hours.
5. If it is not possible for CLS to establish legal sufficiency under these circumstances and a family has requested that the Non Judicial case be closed, the Child Advocate/ Dependency Case Manager follows the procedures set forth in CN 003.062 and closes the case. The Child Advocate/ Dependency Case Manager documents the circumstances surrounding the closure in the case chronological section of the **Comprehensive Child Welfare Information System (CCWIS)** within 48 hours of receipt of the legal determination.

President's Signature: _____

Date: _____

4/27/18