

CF OPERATING PROCEDURE
NO. 175-44

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, June 1, 1999

Family Safety

SERVICES TO REFUGEE AND ENTRANT UNACCOMPANIED MINORS

1. Purpose. This operating procedure establishes minimum standards for services provided through the department to refugee and entrant unaccompanied minors.
2. Scope. This operating procedure applies to all districts and to all department staff involved in providing services to refugee and entrant unaccompanied minors. See CFOP 175-15, regarding consular notification in cases of minor foreign nationals.
3. Authority.
 - a. 45 CFR 400, subpart H.
 - b. 45 CFR part 401.
4. Definition of Refugee and Entrant Unaccompanied Minor.
 - a. An unaccompanied minor is defined as a person who has not yet attained 18 years of age, or has attained 18 years and is not over 21 years but is still enrolled in post secondary education, a community college or a university; who entered the United States unaccompanied by and not destined to join a parent, or a close non-parental adult relative who is willing and able to care for the child, or an adult with a clear and court verified claim to custody of the minor; and who has no parent in the United States.
 - b. No child may be considered unaccompanied unless the child was identified by the Immigration and Naturalization Services (INS) as unaccompanied at the time of entry or was classified as "unaccompanied" by the State in accordance with Action Transmittal SSA-AT-79-04 and official interpretations thereof by the Director of the Office of Refugee Resettlement.. Furthermore, once the child is legally adjudicated into state foster care, the department will apply to the Office of Refugee Resettlement for case approval.
5. General Requirements.
 - a. Unaccompanied minor cases are managed by the department's Family Safety foster care component. The foster care component is responsible for reporting requirements and complying with the requirements established under 45 CFR part 400, 401. The department's Office of Refugee Programs Administration monitors the foster care component for compliance of the federal requirements. The same child welfare services and benefits are provided to the unaccompanied minor to the same extent as they are provided to other children of the same age under the State's Title IV-B and IV-E plan.
 - b. An unaccompanied minor must be identified by Immigration and Naturalization Services as unaccompanied at the time of entry or classified as "unaccompanied" by the State in accordance with

This operating procedure supersedes CFOP 175-44 dated January 24, 1997.

OPR: PDFS

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Action Transmittal SSA-AT-79-04 and official interpretations thereof by the Director of the Office of Refugee Resettlement.

c. Once identified by Immigration and Naturalization Services as an unaccompanied minor, the child is potentially eligible for benefits and services. A placement report, with court adjudication, must be submitted and approved by the U.S. Department of Health and Human Services, Office of Refugee Resettlement before any foster care costs can be charged to the Refugee Program. Benefits and services are provided to eligible minor until the minor:

(1) Is reunited with his or her parent;

(2) Is united with a non-parental adult relative or nonrelative willing and able to care for the child or to whom legal custody or guardianship is granted under state law; or,

(3) Reaches the age of 18 years. When over 18 years of age, the unaccompanied minor may continue to receive benefits if enrolled in a community college or a university.

d. Legal Responsibility.

(1) Within 30 days after the minor arrives at the location of resettlement, the state must initiate procedures to have the minor adjudicated dependent and placed in the state's custody.

(2) The unaccompanied minor's parents will not be contacted in their native country since contact could be dangerous to the parents. See CFOP 175-15, notification to consular officials.

(3) Pursuant to 45 CFR section 400.115(c), unaccompanied minors are generally not eligible for adoption. In certain rare cases, adoption may be permitted if a court finds that adoption would be in the best interest of the child and there is termination of parental rights. For example, There may be situations in which the parents are dead or are missing and presumed dead. When adoption occurs, the child's status as an unaccompanied minor terminates.

e. Case Planning.

(1) Pursuant to 45 CFR s. 400.118, a case plan must be developed and implemented for the child by the department's Family Safety foster care component. The objective of the Unaccompanied Minors program is family reunification and the case plan should be developed toward such reunification. However, the minor's natural parents should not be contacted in their native country since contact could be dangerous to the parents. Length of time for the plan will vary according to paragraph 5 c above. Signatories of the plan should include the assigned counselor, child, and the guardian ad litem if one has been appointed. At a minimum the case plan must address the following elements and must be written in English as well as in the child's native language:

(a) Social adjustment;

(b) English language training;

(c) Career planning, as appropriate given the child's age;

(d) Education and training, as appropriate;

(e) Health and treatment (medical and dental) needs;

(f) Suitable care in the least restrictive setting;

(g) Development of socialization skills;

- (h) Family reunification;
- (i) Preservation of ethnic and religious heritage; and,
- (j) Mental health needs, if applicable.

(2) The continuing appropriateness of the child's placement and services must be reviewed no less frequently than every six (6) months. The same judicial and administrative review cycle that applies to nonrefugee children applies to unaccompanied minor refugees.

f. Interstate Movement. After the initial placement of an unaccompanied minor, the same procedures that govern the movement of nonrefugee foster care children to other states applies to the movement of unaccompanied minor refugees. [See CFOP 175-54 and CFOP 175-55]

g. Reporting Requirements. The district must submit the following reports on each unaccompanied minor (see 45 CFR s. 400.120) to the Office of Refugee Administration:

- (1) An initial report within 30 days of the date of the minor's placement in the State (use Placement Report Form ORR-3).
- (2) A progress report every 12 months, beginning with 12 months from the date of initial placement (use Progress Report Form ORR-4).
- (3) A change of status report within 60 days of the date that a minor's placement is changed or legal responsibility of any kind for the minor is established or transferred; or,
- (4) A final report within 60 days of the date the minor is reunited with the parent, is reunited with an adult caretaker, or is emancipated, in accordance with 45 CFR section 400.113(b) or section 400.115(c) (use Placement Report Form ORR-3).

h. Reporting Forms. The reporting forms identified in paragraph g above may be obtained from the Office of Refugee Programs Administration.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

ROBERT S. COHEN
Deputy Secretary

SUMMARY OF REVISED, DELETED OR ADDED MATERIAL

This publication supersedes CFOP 175-44 dated January 24, 1997, and revises terminology and statutory citations to conform to current law. Reference to CFOP 175-15, regarding notification to consular officials, was added.