

CF OPERATING PROCEDURE  
NO. 170-16

STATE OF FLORIDA  
DEPARTMENT OF  
CHILDREN AND FAMILIES  
TALLAHASSEE, July 7, 2023

Child Welfare

ADMINISTRATIVE FUNCTIONS

This operating procedure describes various administrative functions related to Child Welfare activities.

BY DIRECTION OF THE SECRETARY:

*(Signed original copy on file)*

KATHRYN WILLIAMS  
Assistant Secretary for Child and Family Well-Being

SUMMARY OF REVISED, DELETED OR ADDED  
MATERIAL

Added a new Chapter 9, Community-Based Care Lead Agency Direct Services Exemption Process.

## Table of Contents

Chapter 1 INTERNAL REVIEW OF VERIFIED FINDINGS.....	1-1
1-1. Purpose.....	1-1
1-2. Scope.....	1-1
1-3. Authority.....	1-1
1-4. Definitions.....	1-1
1-5. Internal Review Requirements.....	1-1
1-6. Internal Review Procedures.....	1-2
1-7. Post Internal Review Activities.....	1-2
Chapter 2 ADMINISTRATIVE FINES AND OTHER PENALTIES FOR FALSE REPORTING OF ABUSE, NEGLECT, AND ABANDONMENT .....	2-1
(Draft Pending).....	2-1
Chapter 3 MASTER TRUST FOR BENEFIT OF FAMILY SAFETY PROGRAM CLIENTS .....	3-1
(Draft Pending).....	3-1
Chapter 4 STATE INSTITUTIONAL CLAIMS FOR DAMAGES CAUSED BY SHELTER OR FOSTER CHILD.....	4-1
4-1. Purpose.....	4-1
4-2. Definitions.....	4-1
4-3. Authority.....	4-1
4-4. General Requirements.....	4-1
4-5. Responsibilities of the Child Welfare Professional.....	4-1
4-6. Responsibilities of the Claimant.....	4-3
Chapter 5 EMPLOYEES INVOLVED IN REPORTS OF ABUSE, NEGLECT OR EXPLOITATION .....	5-1
5-1. Purpose.....	5-1
5-2. Scope.....	5-1
5-3. Access to Restricted and Confidential Information.....	5-1
5-4. Report Processing and Required Notifications.....	5-2
5-5. Management Responsibilities.....	5-3
5-6. Investigative Unit/Circuit and Regional Responsibilities .....	<del>5-4</del> 5-3
Chapter 6 TCA/HARDSHIP EXEMPTION – SUBSTITUTE CARE REVIEW .....	6-1
6-1. Purpose.....	6-1
6-2. Scope.....	6-1

6-3. Authority.....	6-1
6-4. Definitions .....	6-1
6-5. Requirements .....	<del>6-26-1</del>
Chapter 7 FUNERAL ARRANGEMENTS FOR CHILDREN IN FOSTER CARE.....	7-1
7-1. Purpose. ....	7-1
7-2. Scope.....	7-1
7-3. Explanation of Terms.....	7-1
7-4. General.....	7-1
7-5. Procedure. ....	7-2
Chapter 8 .....	8-1
(Draft Pending).....	8-1
Chapter 9 COMMUNITY-BASED CARE LEAD AGENCY DIRECT SERVICES EXEMPTION PROCESS.....	9-1
9-1. Purpose. ....	9-1
9-2. Legal Authority.....	9-1
9-3. Scope.....	9-1
9-4. Procedure .....	9-1

## Chapter 1

### INTERNAL REVIEW OF VERIFIED FINDINGS

1-1. Purpose. This chapter describes the policies and procedures for conducting an internal review of a verified finding pursuant to the Child Abuse Prevention and Treatment Act.

1-2. Scope. The policies and procedures described within this chapter apply to staff of the Department who conducts internal reviews of verified findings.

1-3. Authority. The Child Abuse Prevention and Treatment Act (CAPTA) as amended 42 U.S.C. ss. 5106a(b)(2)(B)(xv)(II), provides authority to conduct internal reviews of verified findings. Section [39.202\(7\)](#), Florida Statutes (F.S.), provides authority to retain investigative reports with verified findings of maltreatment in FSFN until the youngest victim turns 30 years of age.

1-4. Definitions.

a. Caregiver Responsible. An individual who is named as the responsible person in a child protective investigation with a verified finding.

b. Florida Safe Families Network (FSFN). The Department's Statewide Automated Child Welfare Information System (SACWIS). FSFN serves as the statewide electronic case record for all child abuse investigations and case management activities in Florida for the Department of Children and Families.

c. Internal Review. A review conducted by the Department to ensure policy, rule and statute were followed when making a determination of a verified finding in a child protective investigation.

d. Verified Finding. A finding made by the child protective investigator that a preponderance of credible evidence exists to support the allegations of abuse, neglect or abandonment.

1-5. Internal Review Requirements.

a. Only the "caregiver responsible" may request an internal review.

b. An internal review involves the examination of the information contained in FSFN, the hardcopy investigation file, other pertinent documents (if any are available) particular to the specific case such as police reports, and any documents provided by the requestor along with interviews of staff involved in the investigation, if they are still employed by the Department.

c. The internal review will not reinvestigate the allegations but will consider whether a preponderance of the evidence supports the verified finding based on the investigative process and information provided by the requestor.

- d. The internal review will be completed by the Regional Family and Community Services Director or his or her designee. The person completing the internal review must not have been involved in any stage of the investigation.
- e. The internal review shall be completed within 60 days of the request.
- f. The person completing the internal review has the authority to change a verified finding if the documentation does not support the finding.

#### 1-6. Internal Review Procedures.

- a. If a Chapter 39 dependency proceeding is pending at the time of the request for an internal review, the internal review shall not be initiated until after the adjudicatory hearing.
- b. If a criminal investigation or criminal case is pending at the time of the request for an internal review, the internal review shall not be initiated until after the Law Enforcement investigation or State Attorney's case is completed.
- c. An internal review may not be conducted on an investigative file past the Department's retention schedule.

#### 1-7. Post Internal Review Activities. If the verified finding(s) is/are changed as a result of the internal review, the supervisor of the child protective investigator that made the finding or a person designated by the Regional Family and Community Services Director will immediately:

- a. Ensure the investigative summary is updated and an addition is made to the chronological notes to explain that an internal review occurred, resulting in an update of the finding(s);
- b. Ensure the program office staff documents the decision on the appropriate screens in FSFN;
- c. Prepare an addendum to the investigative summary reflecting the changed finding(s) and send a copy to Children's Legal Services attorney assigned to the case along with the case manager assigned to the case if there is an open dependency case involving the subject of the internal review; and,
- d. Review the case with the child protective investigator, supervisor and Program Administrator that made the finding, if appropriate, to discuss and document why the reviewer indicated that a preponderance of credible evidence did not exist and to discuss any changes in practice indicated by the internal review

Chapter 2  
ADMINISTRATIVE FINES AND OTHER PENALTIES FOR FALSE  
REPORTING OF ABUSE, NEGLECT, AND ABANDONMENT

(Draft Pending)

Chapter 3  
MASTER TRUST FOR BENEFIT OF FAMILY SAFETY PROGRAM  
CLIENTS

(Draft Pending)

## Chapter 4 STATE INSTITUTIONAL CLAIMS FOR DAMAGES CAUSED BY SHELTER OR FOSTER CHILD

4-1. Purpose. This chapter outlines the procedure to follow when an individual wants to request restitution for direct medical expenses and/or property damage caused by a shelter or foster child.

4-2. Definitions.

a. State Institutions Claim Fund. A program established by the Legislature pursuant to s. 402.181(1), F.S., for the purpose of making restitution for property damages and direct medical expenses related to injuries caused by shelter or foster children.

b. Claimant. The person who suffered personal injury or property damage.

4-3. Authority.

a. Section [402.181](#), F.S.

b. Chapter [2-6](#), Florida Administrative Code (F.A.C.).

4-4. General Requirements.

a. At the time the injury or damage occurred, if the child responsible was:

(1) In shelter legal status (pursuant to a court's shelter order), restitution up to \$1,000.00 may be claimed.

(2) In foster care legal status (pursuant to a court order granting custody to the department for placement in foster care), restitution up to \$1,500.00 may be claimed.

b. The child's placement, such as shelter, foster home, or group care has no bearing on the above distinction; it is based solely on the child's legal status at the time the injury or damage occurred.

4-5. Responsibilities of the Child Welfare Professional.

a. When a shelter parent, foster parent, or other individual advises the Child Welfare Professional of expenses they have incurred as a result of personal injury or property damage caused by a shelter or foster child, the Child Welfare Professional shall:

(1) Assist the claimant in completion of the Restitution Claim Form (form [BVC 402 IS](#), available in DCF Forms).

(2) Ensure that the form is completed in its entirety and that legible receipts (or estimates) from a licensed vendor are attached.

(3) Confirm the damage described on the application. This can be completed through observation of the home or by reviewing validated documentation provided by the claimant (i.e., pictures).

(4) Confirm that the claimant has provided pictures of the damage, two written estimates for repair, or receipt(s) if the repair has been paid for.

(5) Review the circumstances of the claim and have the claimant sign the form.

(6) The form will be processed and sent to the Office of the Attorney General no later than 10 business days after receipt of the completed form with receipts and estimates attached.

b. The Child Welfare Professional will review the application and complete “Section Three: State Agency Delegate Information” on the [form](#), complete the State Institutional Claims for Damages Recommendation (form CF-FSP [5453](#), available in DCF Forms), and submit the completed and signed application form and recommendation form to the Office of the Attorney General.

c. Examples of personal injury or damages that may be submitted for processing include, but are not limited to:

(1) Child intentionally breaks furniture;

(2) Child punches holes in the wall;

(3) Child hits the foster parent causing bodily harm and medical treatment is required; or,

(4) Child destroys personal property of another foster child.

d. Examples of damages that cannot be claimed include, but are not limited to:

(1) Child purchases movies on the foster parent’s internet account;

(2) Child purchases items online with the foster parent’s credit card; or,

(3) Damages resulting from circumstances where the biological/adoptive child and foster child are equally responsible.

e. In the event a claim is denied by the Office of the Attorney General and the claimant requests a 120 hearing, the Child Welfare Professional must attend the hearing.

#### 4-6. Responsibilities of the Claimant.

a. The claim must be written and filed by the claimant with the Child Welfare Professional within 120 days of the occurrence of the incident upon which the claim is based. The form is available in DCF Forms (form BVC 402 IS). The form is also available at <http://myfloridalegal.com> under the "Programs" heading.

b. The claimant must provide pictures of the damage, two written estimates for repair, or receipt(s) if the repair has been paid for.

c. The claimant is not required to submit a claim to his or her homeowner's insurance company for primary coverage of the expenses.

d. If the claimant's homeowner's insurance coverage is used, the Institutional Claims Fund may be used only to request restitution for any deductible amount and/or repair of damage the homeowner's insurance coverage did not pay. Paperwork from the homeowner's insurance must be included with the form and receipts. For example, if the damage cost \$600 to repair and homeowner's insurance paid \$100 due to a \$500 deductible, the \$500 deductible could be claimed through Institutional Claims.

e. If the claim is denied by the Office of the Attorney General, the claimant has a right to appeal pursuant to Chapter 120, F.S. The claimant must request a hearing in writing within 21 days following notification of the adverse decision pursuant to s. [120.57](#), F.S. The request for a hearing must be sent to the Office of the Attorney General.

## Chapter 5 EMPLOYEES INVOLVED IN REPORTS OF ABUSE, NEGLECT OR EXPLOITATION

5-1. Purpose. This chapter describes the processes to follow when department employees identified in paragraph 5-2 of this operating procedure (including other personnel services [OPS] positions) and community-based providers, contractors and subcontractors working with children or vulnerable adults (or the family or household members of any of these individuals) are the subject of a report of abuse, neglect or exploitation. The procedure is also designed to:

- a. Preserve the integrity of the investigative process; and,
- b. Afford employees, to the extent possible, the same confidentiality provided to any other citizen of Florida as provided for by Chapters 39 and 415, Florida Statutes (F.S.).

5-2. Scope. This chapter applies to employees of the Office of Child Welfare (CW), Adult Protective Services (APS), Substance Abuse and Mental Health (SAMH) and community-based providers, contractors and subcontractors working with children or vulnerable adults.

5-3. Access to Restricted and Confidential Information.

- a. Access to reports of abuse, neglect or exploitation in the Florida Safe Families Network (FSFN) or any other supporting or ancillary computer programs or records containing the identities of those employees listed in paragraph 5-2 above (or their family or household members) shall be limited to only individuals with a legitimate business need. A legitimate business need to access records involving employees and their family or household members is established for the child or adult protective investigator conducting the investigation, supervisors responsible for approving the investigator's work, and managers responsible for placing affected staff on administrative leave or assigning the employee to administrative, non-client contact duties.

- b. All department employees and community-based providers, contractors and subcontractors working with children or vulnerable adults are statutorily bound to abide by the laws of confidentiality in ss. [39.202](#) and [415.107](#), F.S. All employees:

- (1) Must protect the individual's right to privacy by safeguarding the confidentiality of the information received or accessed when acting in a professional capacity, and shall not share information received about one employee with any other person not having a legitimate business need;

(2) Are not authorized to access the Florida Safe Families Network (FSFN) or any other supporting or ancillary computer programs or records for personal reasons, including reviewing reports in which the individual or a family or household member of the employee is a subject of the report; and,

(3) Shall immediately exit any report as soon as the employee becomes aware that the report involves a family or household member, or a co-worker as a subject of the report, or the individual themselves. Any employee inadvertently obtaining access to unrestricted, but confidential information shall immediately notify their supervisor of the situation.

c. When a report involves alleged abuse, neglect or exploitation by a department employee, community-based provider, contractor or subcontractor (or a family or household member of any of these individuals is a subject of a report), the caller shall immediately inform the Hotline counselor that the report involves an employee with access to FSFN and the employee's access to the report needs to be restricted.

d. All Hotline staff shall make reports involving members of their own families to a Hotline supervisor.

e. At any point an individual has reason to believe that the Hotline did not restrict access to a report involving a department employee, community-based provider, contractor or subcontractor or a family or household member of any of these individuals at the time of the report intake, the individual shall immediately report these concerns to the OCW or APS program office at Headquarters.

#### 5-4. Report Processing and Required Notifications.

a. The Hotline shall accept reports that meet statutory criteria for maltreatment while the employee was acting in an official capacity (i.e., in the professional performance of their work duties) or while the employee is off-duty (i.e., in the role of a caregiver in their own home or as an "Other Person Responsible for a Child's Welfare") as defined in Florida Statute.

b. Hotline supervisors or their designee shall notify the appropriate manager or designee upon the acceptance of a report:

(1) For OCW and APS department employees, community-based providers, contractors and subcontractors working with children and vulnerable adults, the employee's Regional Managing Director or designee shall be notified.

(2) For SAMH department employees, community-based providers, contractors and subcontractors working in substance abuse or mental health treatment facilities, the Assistant Secretary for Substance Abuse and Mental Health or designee, the Director or designee of State Mental Health Treatment Facilities, and the applicable Hospital Administrator shall be notified.

- c. The Hotline supervisor shall also send an email notification to the following individuals:
- (1) Hotline Director;
  - (2) Hotline Deputy Director;
  - (3) Circuit or Regional Program Administrator of initial county assignment;
  - (4) Circuit or Regional Program Administrator of reassignment county (if different from initial county assignment);
  - (5) Assistant Secretary for Substance Abuse and Mental Health (for reports involving personnel at Substance Abuse or Mental Health treatment facilities); and,
  - (6) APS Statewide Program Director.
- d. The email shall contain the following information:
- (1) Intake number;
  - (2) Name of person who reassigned the report (if applicable);
  - (3) County of reassignment (if applicable);
  - (4) Individual who received reassigned report (if applicable);
  - (5) Date and time of reassignment; and,
  - (6) Reason for special handling.

#### 5-5. Management Responsibilities.

- a. The appropriate Circuit, Regional or Headquarters manager shall review the report immediately upon receipt.
- b. In all cases where the affected employee is the alleged perpetrator of the maltreatment, the employee must be removed from customer contact while the investigation is being conducted and management systems must designate the report as a restricted case or remove the security clearance that allows the individual access into FSFN by close of business the next working day. Legal counsel, human resources and the Office of Inspector General shall be involved as appropriate.

## 5-6. Investigative Unit/Circuit and Regional Responsibilities.

a. Each Regional Managing Director or designee shall be readily available to receive "special handling" reports or provide a chain of command available to Hotline staff when not available to receive reports.

b. To maintain confidentiality, provide an objective assessment, and avoid the appearance of impropriety, the Circuit or Regional Program Administrator or Program Manager shall determine if the report needs to be reassigned to a different region or county.

c. If during the course of an investigation, it is learned that an employee meets the involvement criteria set forth in this chapter but it was not known at the on-set, the circuit shall implement the procedures of this chapter immediately.

d. If during the course of the investigation, the employee's role in the report changes, the appropriate circuit, regional or headquarters office supervisory chain of command shall be so informed.

e. Investigative activities shall be expedited to ensure a timely but thorough investigation.

f. The decision regarding when or if an employee may return to assigned duties shall be made at the discretion of the appropriate regional or headquarters office manager or their designee, or Hospital Administrator or their designee, with input from human resources, legal counsel and the assigned protective investigator and supervisor, as appropriate.

g. Region or headquarters office managers shall periodically request management systems to audit special handling cases and report any inappropriate access of the report prior to and after report closure.

## Chapter 6 TCA/HARDSHIP EXEMPTION – SUBSTITUTE CARE REVIEW

6-1. Purpose. This chapter sets out the department's response to a review of a family's situation when the end of the eligibility period for temporary cash assistance has been reached.

6-2. Scope. This chapter is applicable to all regional/circuit Family Safety and Economic Self- Sufficiency (ESS) staff.

6-3. Authority. A review for a hardship extension for minor children in a participating family that has reached the end of eligibility is authorized pursuant to section [414.105\(1\)\(e\)](#), Florida Statutes (F.S.).

6-4. Definitions.

a. TCA. "Temporary Cash Assistance" program. The goal of the program is to emphasize work, self-sufficiency and personal responsibility. The program strives to meet the transitional needs of program participants who need short-term assistance by providing time limited cash assistance to meet some immediate need while moving from welfare to work.

b. Hardship Exemption. A hardship exemption is defined as extraordinary barriers that potentially qualify a participant to receive an exemption to the TCA requirements. Criteria for hardship exemptions include the following:

(1) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions that may result in an exemption to work requirements.

(2) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility after receiving a high school diploma or its equivalent.

(3) Diligent participation in activities, combined with inability to find employment.

(4) Significant barriers to employment, combined with a need for additional time.

(5) A review and recommendation from Family Safety staff for an extension of assistance for a minor child of the participating family, based on the determination that the termination of cash assistance would be likely to result in the child being placed into emergency shelter or foster care.

## 6-5. Requirements.

a. Family Safety staff will be responsible for reviewing and assessing the risk of a child being placed into emergency shelter or foster care as a result of the termination of the family's temporary cash assistance.

b. The department's public assistance specialists and Welfare Transition Program contracted case managers (local CareerSource Agencies) will use statutory criteria to recommend participants for a hardship exemption. If the participant was denied an exemption, a Substitute Care Review will be requested.

c. The review will be conveyed through each region's Economic Self-Sufficiency program office to the region's Family Safety program office. The review will involve three elements:

(1) Financial Management Review (form [CF-ES 2091](#), available in DCF Forms) – to be completed by Economic Self-Sufficiency.

(2) Participant Case Summary (form [CF-ES 2087](#), available in DCF Forms) – to be completed by Economic Self-Sufficiency.

(3) Substitute Care Review (form [CF-ES 2089](#), available in DCF Forms) – to be completed by Family Safety.

d. Family Safety will conduct the assessments in cases in which a child may require continuation of cash assistance. The assessment consists of the following:

(1) Review of child maltreatment history.

(2) Review of provider history.

(3) Documentation of extended family/support system.

(4) Consultation with respective family support or case management staff who may currently be working with the family.

e. Family Safety staff will review these factors and will provide a recommendation whether or not to continue cash assistance for the child through a protective payee.

## Chapter 7 FUNERAL ARRANGEMENTS FOR CHILDREN IN FOSTER CARE

7-1. Purpose. This chapter establishes guidelines for the provision of funeral arrangements at no cost to the Department for children who die while in the Department's custody or in the care of its designee, and for young adults who die while in the Extended Foster Care, Postsecondary Education Services and Support, or Aftercare programs.

7-2. Scope. This chapter is applicable in all cases where existing resources are not available to pay for funerals and final expenses of a child who dies while in the Department's custody or in the care of the Department's designee, or a young adult who dies while in the Extended Foster Care, Postsecondary Education Services and Support, or Aftercare programs.

7-3. Explanation of Terms. For purposes of this operating procedure, the following definitions will apply:

a. "Child" means any unmarried person under the age of 18 years who has not been emancipated by order of the court and who has been found to be dependent and is in the Department's custody or in the care of the Department's designee. This includes children in shelter status who have not yet been adjudicated.

b. "Designee" means a person, contractual provider or other agency or entity named by the Department.

c. "Department" means the State of Florida Department of Children and Families.

d. "Member(s)" means the members of the Florida Cemetery, Cremation, and Funeral Association ("FCCFA") and their respective funeral establishment.

e. "Young adult" means an individual who has attained 18 years of age but who has not attained 21 years of age (or 22, if disabled), who is in Extended Foster Care, and/or an individual who has attained 18 years of age but who has not attained 23 years of age, who is in the Road to Independence programs, including Postsecondary Education Services and Support and Aftercare.

7-4. General. The purpose of this chapter is to ensure culturally appropriate funeral arrangements are made and carried out for children and young adults who die while in the custody of the Department or the care of its designee and who do not have family members, a client welfare trust fund, or other resources to pay the cost of funeral and burial arrangements. The Florida Cemetery, Cremation and Funeral Association (FCCFA) historically has aided the Department in identifying funeral homes that may be able to assist with services for those families who cannot afford a funeral.

a. The FCCFA does not directly provide funding for the service or burial of a child or young adult.

b. The FCCFA attempts to locate members of its association who are able to provide low or no-cost services to the families in need of assistance within the scope of this operating procedure. In some instances, the FCCFA may not be able to identify a member in the vicinity of the deceased who is able to provide low or no-cost services.

#### 7-5. Procedure.

a. Any time a child or young adult who is in the custody of the Department or the care of its designee dies, the case manager or case manager supervisor of the deceased child or young adult shall immediately notify the biological parent of the death of the child or young adult. In cases that involve a child whose parents' rights have been terminated, the case manager and case manager supervisor shall decide on a case-by-case basis whether to notify the biological parent.

b. The deceased child or young adult's case manager or supervisor shall determine whether the family has the resources to pay the funeral expenses as soon as possible. Immediately upon determining whether the family has the resources, the respective regional Family and Community Services Director or designee will be contacted and provided with this information.

c. If the parents or caregivers do not have the necessary financial resources, the respective regional Family and Community Services Director or designee shall call the FCCFA office in Tallahassee at (800) 226-3332 during regular working hours. Regular working hours of the FCCFA are Monday through Thursday 8:00 a.m. – 5:00 p.m. and Friday 8:00 a.m. – 3:00 pm. On weekends or after hours a message can be left at the main number, or an e-mail can be sent to [jbrewton@executiveoffice.org](mailto:jbrewton@executiveoffice.org) and the FCCFA will make contact the next business day.

d. FCCFA will send the FCCFA Foster Child Funeral Program form to the respective regional Family and Community Services Director or designee. Once the form is completed and received by the FCCFA office in Tallahassee, the FCCFA will begin to identify members of FCCFA that are:

- (1) In close proximity to the deceased foster child or young adult; and,
- (2) Able to provide low or no-cost services to the family.

e. Once an FCCFA member is identified and is able to provide such services, the FCCFA will provide the contact information of the case worker to the funeral establishment(s) that has offered to assist. From that point forward, the case worker or agency coordinator and the funeral establishment will coordinate

the remainder of the process, including but not limited to the release of the body, funeral arrangements and burial/cremation information.

f. Family participation in such activities as providing clothing, scheduling of services and provision of clergy will be coordinated with the local funeral director through the regional Family and Community Services Director or designee. If the religious affiliation of the biological parents is unknown and cannot be reasonably determined, the religious affiliation of the foster parents may be used in the selection of the clergy.

g. The Office of Child Welfare shall ensure that the FCCFA's executive director is provided with an updated listing of the regional Family and Community Services directors.

h. If the Department, designee, or family member of the deceased child or young adult has already begun speaking with a funeral establishment(s) about any arrangements for death prior to contacting the FCCFA, the FCCFA has the right to decline all assistance within the scope of this operating procedure.

Chapter 8  
(Draft Pending)

## Chapter 9 COMMUNITY-BASED CARE LEAD AGENCY DIRECT SERVICES EXEMPTION PROCESS

9-1. Purpose. This chapter provides a formalized process for a Community-Based Care Led Agency to request an exemption from the statutorily required 35 percent threshold for direct provision of child welfare services and Department review of same.

9-2. Legal Authority. Section [409.988](#), Florida Statutes (F.S.).

9-3. Scope. Statute provides that “the lead agency shall directly provide no more than 35 percent of all child welfare services provided unless it can demonstrate a need, within the lead agency’s geographic service area, to exceed this threshold” (section [409.988\(1\)\(j\)](#), F.S.). This chapter outlines the process the Department will use to approve or deny a request for an exemption from the 35 percent threshold.

9-4. Procedure.

a. Memorandum Detailing the Justification of Need. If a Lead Agency requires an exemption from the 35 percent threshold in order to facilitate better service provision and be in the best interest of children and families in that lead agency’s geographic service area, the lead agency shall submit a memorandum detailing the justification of need to:

(1) In a geographic service area with a local community alliance, the Department’s contract manager and the local community alliance.

(2) In a geographic services area without a local community alliance, the Department’s contract manager. In this instance, in order to comply with section [409.988\(1\)\(j\)](#), F.S., the Department will convene a local committee of representatives from each of the following:

- (a) The Department of Children and Families.
- (b) The county government.
- (c) The local school district.
- (d) The county United Way.
- (e) The county sheriff’s office.
- (f) The Circuit Court corresponding to the county.
- (g) The county Children’s Services Council, if one exists.

(h) The Guardian ad Litem's office; and,

(i) The Managing Entity, unless the Lead Agency is also the Managing Entity.

(3) A memorandum detailing the justification of need must include:

(a) A narrative description of reasons for requesting an exemption from the 35 percent direct service provision threshold, to include:

1. Services the Lead Agency proposes to provide directly.
2. Current sub-contracted services and the entities who perform these services for the Lead Agency; and,
3. Any attempts the Lead Agency has made to avoid or reduce the need to exceed the 35 percent threshold.

(b) The current percentage of child welfare services provided by the Lead Agency as calculated by the Child Welfare Services Calculation Template (form CF-FSP [5457](#), available in DCF Forms).

(c) The proposed percentage of child welfare services provided by the Lead Agency as calculated by the Child Welfare Services Calculation Template (form CF-FSP [5457](#), available in DCF Forms).

(d) Any collateral information important to the review and approval process.

(e) Any feedback or responses from community stakeholders the Lead Agency has already gathered.

(4) Submission of all materials outlined in (3) will begin the review process.

b. Local Community Alliance or Local Justification of Need Committee.

(1) Once a memorandum is received by the local community alliance or local committee (convened as needed), that entity shall review the memorandum and any collateral information submitted and formulate a recommendation (based on the internal procedures of that body) to the Department whether to approve or deny the Lead Agency's request for exemption from the 35 percent threshold. An explanation of the recommendation and supporting documentation shall be included.

(2) The local community alliance or local committee may request additional documentation from the Lead Agency to assist in the process. Further, the Lead Agency may be required to explain its memorandum or respond to questions. The review and recommendation process shall be completed within 20 business days of the

submission of all materials in (3) and any additional documents requested unless the Department authorizes additional time for the submission of the recommendation.

(3) Once finalized, the written recommendation must be submitted to the Department's contract manager.

c. Department Process.

(1) Once a local community alliance or local committee has submitted a written recommendation, Department contract staff will review the recommendation as well as the previously submitted memorandum of justification and any collateral information submitted. The Department will also discuss any issues and develop a plan to address any new requirements created by approval of the Lead Agency's request to providing direct services in excess of the 35 percent threshold.

(2) If Department contract staff determines the process has been followed and there are no outstanding issues or questions, the Department contract manager will submit the materials and schedule a meeting with the Assistant Secretary for Child and Family Well-Being or designee to discuss the recommendation. This meeting must take place within 10 business days of the submission of the written recommendation to the Department contract manager by the local community alliance or local committee.

(3) Upon review of all submitted materials, the Assistant Secretary for Child and Family Well-Being or designee may request additional information in support of the request prior to rendering a final decision.

d. Final Decision. Once the Assistant Secretary for Child and Family Well-Being or designee has held a meeting with the Department contract manager and reviewed the recommendation and all submitted materials, the Assistant Secretary for Child and Family Well-Being or designee will draft and provide an official approval or denial letter from the Secretary or designee to the Lead Agency, and representative of the local community alliance or local committee.