

Big Bend Community Based Care Policy & Procedure

Series:	400: Child Welfare Services	
Policy Name:	Compelling Circumstances for Amendment of Case Plan Goal	
Policy Number:	409	
Origination Date:	03/09/2009	Revised: Board Meeting of 12/13/2018
Regulation:	39.621, F.S.—39.6251, F.S.	

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to mandate and to assure that all CMOs establish approved permanency goals in the best interest of the child.

Procedure

A. [Generally.]

1. This policy is applicable to all staff that manages cases of adjudicated dependent children placed in out-of-home care.
2. If the permanency goal is one other than the primary goal of adoption or secondary goal of permanent guardianship, reasons will be articulated to the court to justify amendment of the case plan goal.
3. In order to justify a request to the court to amend the case plan goal beyond twelve (12) months, the Case Management Agency (CMO) Dependency Case Manager (DCM) will be able to provide documentation from the case record and articulate to the court that the child's circumstances are compelling and, that an amendment is warranted and in the child's best interests.
4. Proposed reasons for amending the case plan will be specific and factually supported. "Boilerplate" justifications will not be used.
5. The request for amendment, if applicable, will be made no later than the 12-month Permanency Review hearing.
6. Documentation supporting the compelling circumstances will be included in the Judicial Review Social Study Report either as its own section or under the case plan section and on the permanency staffing form.
7. The compelling circumstances felt to warrant an amendment will be presented as testimony before the Court at the time that the DCM becomes aware that the primary or secondary goals are not options and/or at the Permanency Review Hearing.
8. If approved, the court order will be signed authorizing the amendment.

B. Compelling Circumstances.

1. If a court finds that reunification is not in the best interest of a child, the court may approve placement of the child in another planned permanent living arrangement if:

Big Bend Community Based Care Policy & Procedure

- a. The court finds a more permanent placement, such as adoption, permanent guardianship, or placement with a fit and willing relative, is not in the best interest of the child;
 - b. The Child Legal Service attorney and contracted DCM documents reasons why the placement will endure and how the proposed arrangement will be more stable and secure than ordinary foster care;
 - c. The court finds that the health, safety and well-being of the child will not be jeopardized by such an arrangement; and
 - d. There are compelling reasons to show that the placement in another planned permanent living arrangement is the most appropriate permanency goal.
- C. Compelling reasons for such placement may include, but are not limited to:
1. The case of a parent and child who have a significant bond but the parent is unable to care for the child because of an emotional or physical disability, and the child's foster parents have committed to raising him or her to the age of majority and to facilitate visitation with the disabled parents;
 2. The case of a child for whom an Indian tribe has identified another planned permanent living arrangement for the child; or
 3. The case of a foster child who is 16 years of age or older who chooses to remain in foster care, and the child's foster parents are willing to care for the child until the child reaches 19 years of age.
 4. In the State of Florida, any child over the age of 14 years will be consulted and agree to be adopted;
 5. The child is in court ordered placement, with a relative or non-relative who does not wish to adopt but is willing to become the child's guardian and the child wishes to stay with the relative or non-relative. The Relative Caregiver Program, permanency can be assured by long-term relative custody or guardianship without affecting the relative caregiver benefit. However, adoption will continue to be an alternative when reunification is not possible.
 6. The child has a severe medical or developmental disability and the parents or legal custodians are being trained to care for the child and will resume custody within the next twelve (12) months.
 7. The child is suffering from severe acute emotional or behavioral problems and requires stabilization through crisis treatment of three (3) — six (6) months' duration.
 8. The parent is in compliance with and nearing completion of the case plan and reunification is planned to occur within a specified time frame, not to exceed three (3) months, consistent with the child's needs.
 9. Child is currently in a Department of Juvenile Justice commitment program or adult jail or prison.
 10. Child is in court ordered long term foster care meeting the requirements of subsection 39.508(9)(a)6, F.S., which provides the following two (2) alternatives:
 - a. **Not a permanency option:** foster child age 16 or older (unless court determines younger child qualifies); the child does not wish to be placed in independent living; the child's social study recommends long term out-of-home care.
 - b. **Permanency option:** foster child age 14 or older; foster parents desire to provide permanent care and foster parents and child do not desire adoption; child has been in a foster home at least twelve (12) months; foster parents and child view each other as family; BBCBC social study recommends the placement.
 11. In process of placement with a relative, non-relative or parent out of the state of Florida through the Interstate Compact.

Big Bend Community Based Care Policy & Procedure

12. Child has been consistent runaway status for at least six (6) months except for periods of shelter placement or incarceration in a Juvenile detention center or commitment center.
 13. Parent absconded with child; location unknown.
 14. TPR was filed but the court dismissed or ordered the case held in abeyance.
 15. Legal guardianship established pursuant to Chapter 744, F.S.
 16. Service provision is inadequate or inconsistent with case plan.
- D.** The CLS representative, contracted DCM and the Guardian Ad Litem will provide the court with a recommended list and description of services needed by the child, such as subsidized independent living services and medical, dental, educational or psychological referrals, and a recommended list and description of services needed by his or her caregiver.
- E.** The DCM will continue to supervise the planned permanent living arrangement until the court orders otherwise. The court will continue to review the placement at least once every six (6) months.