

Big Bend Community Based Care Policy & Procedure

Series:	400: Child Welfare Services	
Policy Name:	Judicial Review Social Study Report (JRSSR) and Case Plan Update	
Policy Number:	411	
Origination Date:	03/09/2009	Revised: Board Meeting of 12/13/2018
Regulation:	39.701, F.S. 39.704, F.S. 65C-30.05—65C-30.014, F.A.C. CFOP 170-1 CFOP 170-9	

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to mandate that all CMOs obtain, review, process, and report required and pertinent information to the court within designated timeframes to ensure that permanency, safety and case plan compliance is properly addressed on a routine basis.

Procedures

A. Timeframes.

1. In-home cases must have a judicial review within six (6) months of the CTS contact with the family and at least one every six (6) months thereafter.
2. Out-of-home cases must have an initial judicial review within ninety (90) days of the disposition hearing or case plan acceptance, but no later than six (6) months after removal or the initial face to face contact with the family.
 - a. Subsequent judicial reviews are to be held at least every six (6) months thereafter to include a permanency review addressing efforts to achieve permanency by the 11th month after removal.
3. At least ten (10) days before the date of the judicial review hearing the counselor will present a draft of the judicial review social study report and case plan update to the attorney for review.
 - a. The attorney must be made aware of any proposed modifications to the case plan to assure legal sufficiency.
 - b. The assigned counselor or supervisor must be present during the hearing.

B. Document Requirements.

1. Prior to any judicial review the Case Manager will complete a Progress Update and Judicial Review Worksheet in FSFN as this will create the Final JSSR. Additional information required in the Progress Update prior to a Judicial Review includes the following:
 - a. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.
 - b. A description of the type of placement the child is in at the time of the hearing, including the safety of the child and the continuing necessity for and appropriateness of the placement, any concerns for the stability of the placement and what efforts have been undertaken to ensure the child's stability.

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- c. The amount of fees assessed and collected from parent(s)/legal guardian(s) during the period of time being reported.
 - d. The services provided to the foster family or legal custodian in an effort to address the needs of the child as indicated in the case plan.
 - e. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.
 - f. The number of times a child's educational placement has been changed, the number and types of educational placements which have occurred, and the reason for any change in placement.
 - g. If the child has reached 13 years of age, but is not yet 18 years of age, a statement from the caregiver on the progress the child has made in acquiring independent living skills.
 - h. Copies of all medical, psychological, and educational records that support the terms of the case plan and that have been produced concerning the parent(s)/legal guardians or any caregiver since the last judicial review hearing.
 - i. Copies of the child's current health, mental health, and education records.
 - j. An evaluation of visitation and family to include quality and frequency using the ratings in CFOP 170-1, Chapter 2, "Core Safety Constructs." The case manager should determine if the frequency and quality of family time arrangements need to be modified.
 - k. The case manager is required to provide the court with an overall evaluation of case plan compliance at each judicial review. The overall case plan compliance evaluation will be based on the case manager's assessment of progress on all of the outcomes, including the quality and frequency of family time. The case manager will choose from the following:
 - i. The parent(s)/legal guardian(s), though able to do so, did not comply substantially with the case plan, and the agency recommendations;
 - ii. The parent(s)/legal guardian(s) did substantially comply with the case plan; or
 - iii. The parent(s)/legal guardian(s) has partially complied with the case plan, with a summary of additional progress needed and the agency recommendations.
 - l. A statement from the foster parent or legal custodian providing any material evidence concerning the return of the child to the parent or parents must be provided to the court along with the Progress Update.
2. Prior to the first judicial review hearing held subsequent to the child's 17th birthday, the Case Manager shall provide updates to CLS that includes specific information related to the independent living skills that the child has acquired since the child's 13th birthday, or since the date the child came into foster care, whichever came later.
- a. The JSSR required before three (3) months prior to a youth's 18th birthday shall also include the following:
 - i. A current Medicaid card and all necessary information concerning the Medicaid program sufficient to prepare the child to apply for coverage upon reaching the age of 18, if such application is appropriate.
 - ii. A certified copy of the child's birth certificate and, if the child does not have a valid driver license, a Florida identification card issued under Section 322.051, F.S.

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- iii. A social security card and information relating to social security insurance benefits if the child is eligible for those benefits. If the child has received such benefits and they are being held in trust for the child, a full accounting of these funds must be provided and the child must be informed as to how to access those funds.
 - iv. All relevant information related to the Road-to-Independence Program, including, but not limited to, eligibility requirements, information on participation, and assistance in gaining admission to the program. If the child is eligible for the Road-to-Independence Program, he or she must be advised that he or she may continue to reside with the licensed family home or group care provider with whom the child was residing at the time the child attained his or her 18th birthday, in another licensed family home, or with a group care provider arranged by the department.
 - v. An open bank account or the identification necessary to open a bank account and to acquire essential banking and budgeting skills.
 - vi. Information on public assistance and how to apply for public assistance.
 - vii. A clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and the educational program or school in which he or she will be enrolled.
 - viii. Information related to the ability of the child to remain in care until he or she reaches 21 years of age under Section 39.013, F.S.
 - ix. A letter providing the dates that the child is under the jurisdiction of the court.
 - x. A letter stating that the child is in compliance with financial aid documentation requirements.
 - xi. The child's educational records.
 - xii. The child's entire health and mental health records.
 - xiii. The process for accessing his or her case file.
 - xiv. A statement encouraging the child to attend all judicial review hearings occurring after the child's 17th birthday.
 - xv. Information on how to obtain a driver license or learner's driver license.
3. For any child that may meet the requirements for appointment of a guardian pursuant to Chapter 744, F.S., or a guardian advocate pursuant to Section 393.12, F.S.
- a. The updated case plan must be developed in a face-to-face conference with:
 - i. The child, if appropriate;
 - ii. The child's attorney;
 - iii. Any court appointed guardian ad item;
 - iv. The temporary custodian of the child; and
 - v. The parent(s)/legal guardian(s), if parental rights have not been terminated.
 - b. At the judicial review hearing, if the court determines pursuant to Chapter 744, F.S., that there is a good faith basis to believe that the child qualifies for appointment of a guardian advocate, limited guardian, or plenary guardian for the child and that no less restrictive decision making assistance will meet the child's needs the Case Manager shall complete a multidisciplinary

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report which must include, but is not limited to, a psychosocial evaluation and educational report if such a report has not been completed within the previous two (2) years.

C. Permanency Judicial Review.

1. Each child in out-of-home care must have a Permanency Judicial Review by the 11th month after removal.
 - a. If parents are found in material breach of the court ordered case plan, the permanency options can be addressed by the 6-month milestone in order to move forward towards permanency as quickly as possible.
2. This review is an evaluation of progress towards the achievement of permanency and includes:
 - a. Level of parental compliance;
 - b. Impact of compliance on safety;
 - c. Resolution of the danger threat that resulted in the removal of the child;
 - d. Factors contributing to a lack of compliance;
 - e. Barriers to goal achievement;
 - f. Ongoing case plan development.
3. This review also addresses visitation and family time and the parent-child relationship as well as the appropriateness of the current permanency goal and/or the proposed permanency goal for each child in the case to include consideration of:
 - a. Reunification;
 - b. Adoption (via termination of parental rights);
 - c. Guardianship to relative/non-relative;
 - d. Another Planned Permanent Living Arrangement, i.e.:
 - i. Independent Living; or
 - ii. Long-term Licensed Care.
4. In order to achieve safe and permanent living arrangements for children served, preferably within twelve (12) months of removal:
 - a. The judicial review will address all critical junctures and notify the court and case participants of changes in the case.
 - b. Parties to the case must be notified of court hearings and given the opportunity to attend and give input, including:
 - i. Parents;
 - ii. Caregivers;
 - iii. Service providers;
 - iv. Foster parents;
 - v. Guardians Ad Litem;
 - vi. Children in care as appropriate by age and level of maturity/understanding.