

# Big Bend Community Based Care Policy & Procedure

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<b>Series:</b>	600: Legal Issues	
<b>Policy Name:</b>	Termination of Services	
<b>Policy Number:</b>	602	
<b>Origination Date:</b>	03/09/2009	<b>Revised:</b> Board Meeting of 12/13/2018
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## Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to establish termination procedure for both voluntary and judicial cases which provide direction to the children and families and document transition/closure of the case.

## Procedure

- A. When casework service begins, the DCM simultaneously begins working towards termination of services.
- B. Cases in which a child is reunified with a parent will remain open a minimum of six (6) months following reunification.
- C. In all out-of-home placements where relatives or non-relatives agree to guardianship, cases will remain open a minimum of six (6) months after placement.
- D. Supervision will not be terminated if supervision is court ordered unless the child is age 18.
  1. A child in licensed out-of-home care may select to petition the court for continued court jurisdiction until age 19.
- E. Prior to terminating services case, the Dependency Case Manager (DCM) will establish if there is an open or pending child protective investigation or is, within the previous three (3) months, a child abuse, neglect or abandonment report has been received on any child in the case.
  1. For both court ordered and voluntary cases, if any of these situations applies the DCM Supervisor will be required to review and approve the case closure before a voluntary case may be closed or a recommendation can be made to the court to close a court ordered case.
- F. During a case transfer, upon acceptance of a case by the receiving Case Management Organization (CMO), the following procedures will be followed for case termination by the sending CMO.

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- G.** When all the persons and entities agree that case plan objectives have been achieved, i.e., services designed to ensure the safety and well-being of the child are no longer necessary, case termination should be considered.
- 1.** If a collaborative assessment indicates risk to the child has been ameliorated to the extent that the child's health and safety are reasonably assured, the CMO should close a voluntary case and recommend closure in court-ordered cases.
    - a.** If the persons or entities giving input into the decision concerning termination do not agree, it is mandatory to hold a staffing in order to reach consensus or make an appropriate decision or recommendation to the court;
    - b.** If there is disagreement, the issue will be resolved by BBCBC's COO or designee.
  - 2.** The following list of indicators represents the factors used in determining if termination is appropriate (the DCM will determine which are applicable to a particular family through consideration of the case record material, family assessments, the case plan, other CMOs assessments and discussion with the family):
    - a.** The parent and, if "appropriate to the child's age and level of understanding," the child, are aware of their own needs and have demonstrated both a willingness and ability to use others in time of need;
    - b.** The parent and, if "appropriate to the child's age and level of understanding," the child, are able to recognize their own feelings, communicate them effectively, and are sensitive to the feelings of others;
    - c.** The parent and, if "appropriate to the child's age and level of understanding," the child, perceive and are able to verbalize changes that they have made in themselves;
    - d.** The parent and, if "appropriate to the child's age and level of understanding," the child, have a support network available and are able and willing to use that network;
    - e.** The parent is developing outside interests;
    - f.** The parent and, if "appropriate to the child's age and level of understanding," the child, have improved self-concepts;
    - g.** Each parent recognizes when his spouse needs help and tries to meet the spouse's needs;
    - h.** The parent and the child have close contact with at least one (1) person who can recognize a crisis in the family and intervene to remedy the situation;
    - i.** The parent's immediate crises, such as housing, illness, and unemployment, have been resolved;

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- j. Obstacles to the parent getting help are minimal; for example, the parent has access to a working telephone and transportation;
  - k. The parent has realistic expectations of his or her child and the child is capable of meeting these expectations;
  - l. The parent sees the child as an individual;
  - m. The parent is aware of alternative methods of disciplining the child.
- H.** All staffings and contacts will be documented in the statewide automated information system and the case file.
- I. Failure to Locate.**
- 1. When the assigned DCM has been unable to locate the family using all available sources of information, a termination summary or court report is prepared which documents all efforts made to locate the family (see below).
  - 2. In court ordered cases, the child welfare attorney will also review, sign and date the report and submit it to the court.
  - 3. A written order from the court releasing the CMO from further supervision will be received prior to terminating court-ordered supervision/services.
- J. Termination Summary/Report to the Court.**
- 1. After the Case Review Staffing, the DCM will then complete the Closing/Transfer Summary, providing closing/transfer information as required by this Policy and the receiving CMO.
  - 2. The completed form will be submitted to the sending DCM Supervisor to initiate computer case transfer in FSFN.
    - a. The Data Clerk will file the summary in the case file;
    - b. The case file will be provided to the receiving CMO.
  - 3. The termination summary (voluntary services) or court report (court-ordered services) will:
    - a. Be reviewed and accepted by the DCM supervisor;
    - b. Include the dated signature of the DCM and the supervisor;
    - c. State the reason agency involvement was required;

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- d. Document the progress made toward resolving the problems which resulted in Department intervention, including an updated assessment of:
    - i. Family strengths;
    - ii. Improved family functioning;
    - iii. Reduced risk to the child; and
    - iv. Progress of court-ordered or case plan objectives (specify which were met, which were not and why).
  - e. Include verification of successful completion of services;
  - f. Include written input and comments from service providers about the proposed termination of services/supervision;
  - g. Be signed and dated by an authorized provider representative;
  - h. Include the basis for requesting termination;
  - i. Indicate the involvement of the parent, legal custodian, or legal guardian and the child, if appropriate, in making the decision about termination.
4. As appropriate, other agencies or persons, such as the Guardian ad Litem, will be provided with written notification when supervision is to be terminated or such recommendation is to be made to the court.
    - a. This written notification will be documented in the case record.
  5. Termination of services in those cases where a Florida child has been legally placed into another state (the receiving state) pursuant to BBCBC's Interstate Compact on the Placement of Children policy requires the prior written concurrence of the receiving state Compact office before any action to terminate can be accomplished. In order to terminate services for a child placed in Florida by another state, the ICPC case cannot be closed until a 100B is received indicating the case is terminated. Such other state's written concurrence will, when received, be placed in the case record and a copy attached to the appropriate report to the court.
  6. The DCM supervisor will ensure that cases in which the court has ordered supervision are not closed until an order has been entered by the court terminating supervision and a copy has been placed in the case record. The DCM supervisor will also ensure that the case is closed on all computer systems.

## **K. Termination of Supervision in Relative and Non-Relative Placements.**

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1. While the parent, legal custodian or legal guardian is working toward reunification, i.e., visiting and performing case plan tasks in a timely manner, it is appropriate to request termination of supervision.
2. If the parent, legal custodian, or legal guardian has not substantially complied with the terms of the case plan within the specified target date, the DCM, in collaboration with all involved persons and entities, will assess the family's situation.
3. A decision will be reached about whether to extend the target date for reunification based upon the input of all the involved persons and entities within the context of the Statute.
4. When the collaborative assessment, including input from all appropriate persons, results in a decision that reunification is not a viable plan, an alternative permanency plan will be presented to the court for approval:
  - a. Adoption;
  - b. Permanent Guardianship of a Dependent Child;
  - c. Permanent Placement with a Fit and Willing Relative; or
  - d. Another Planned Permanent Living Arrangement.
5. If neither Permanent Guardianship nor adoption are a viable option, then formalization of the relative's or non-relative's status as legal custodian under subsection 39.41(1)(a)2., F.S., will be pursued prior to requesting termination of supervision by the court.
6. Cases meeting all of the following criteria are appropriate for petitioning the court for termination of supervision with continued custody by the relative or non-relative:
  - a. There is no immediate or continuing plan for reunification with the parent or adoption by the relative or non-relative;
  - b. Continued supervision or oversight is not required to ensure ongoing supportive or supplementary services that are necessary to ensure the stability of the child's placement;
  - c. The safety of the child would not be jeopardized by unsupervised visitation with the parent;
  - d. The parent and the relative or non-relative have entered into a family plan which acknowledges agreement with the relative's or non-relative's status as legal custodian, or, if the parent is unavailable, the relative or non-relative has indicated a willingness to provide long-term care for the child even though the relative or non-relative is unwilling or unable to formalize this arrangement through guardianship or adoption;
  - e. The preferences of the child have been considered, if age appropriate;

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- f. The relative or non-relative and the parent, if available, understand that the parent may petition the court for return of their child at any time they are ready to assume full responsibility for their child or they may request that the court order the resumption of protective supervision in order for the department to provide supportive and supplementary services toward the goal of reunification; and
  - g. The relative or non-relative understands that he or she may petition the court for adoption of the child at a later date.
7. In cases of Permanent Guardianship to relatives or non-relatives, those individuals agree not to allow children to return to the parents from whom the children were removed without permission of the court.
- a. The Judicial Review Social Study Report should make recommendations for case closure;
  - b. Judicial Cases should only be closed at the direction of the court.

## **L. Termination in Cases Where Progress is Less Than Adequate.**

- 1. When case progress is less than adequate, termination can occur in the circumstances listed below (the requirements of *paragraphs K.6.a.—g*, above, apply for each of the cited instances):
  - a. Court-Ordered;
  - b. In-Home Protective Services.
- 2. The DCM, through the child welfare attorney, may request a review by the court and inform the court of the family's lack of progress or cooperation.
- 3. When the child is not at risk and this can be clearly documented for the court, the DCM, through the attorney, will request that supervision be terminated.
  - a. In making this risk determination, school, day care, medical and therapeutic documentation, and any other information relative to child health and safety will be reviewed, documented in the case file, and presented to the court.

## **M. Voluntary Supervision.**

- 1. When the DCM is aware of no immediate risk to the child which warrants court intervention, the DCM, after a staffing with, and agreement by, the DCM supervisor may terminate supervision.
- 2. If the DCM has concerns that there may be some risk to the child, but the family requests termination, the DCM and supervisor will consult with CLS in regard to initiation of proceedings for court ordered dependency and supervision.

## **N. Case Closure Process.**

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1. In judicial cases, when the case plan reaches completion, termination may be considered.
  - a. In making decisions about case closure, the DCM is required to gather contributions from the various parties to the case (the parents, children, if developmentally appropriate, caregivers, Guardian ad Litem, CLS, service providers, etc.).
  - b. In judicial cases, a case staffing should be held as a part of decision making and the outcome of the staffing should be reflected in Judicial Review Social Study Report recommendations to the court.
2. The case staffing outcome will be documented in the case file in a Case Staffing form and FSFN chronological notes.
3. Attachments required for staffing:
  - a. Current Risk Assessment;
  - b. An updated Home Study as needed; and
  - c. A new/updated FSFN/Local Law Check.
4. If the Dependency Court Judge orders a case terminated without prior knowledge of CMO staff, an immediate staffing will be held to include at least the DCM, DCM Supervisor, and CMO Director and CLS to review the case factors, services provided to reduce the risk, and determine if there are grounds to file an appeal with the court.
5. In voluntary cases, the staffing to consider termination of services should minimally include the DCM, DCM Supervisor, and the CMO Director.
  - a. The case information and progress will be discussed and the case file reviewed;
  - b. The outcome of the staffing will be documented in the case file in a Case Staffing form and the chronological notes section of the statewide automated system;
  - c. Attachments required for staffing:
    - i. Current Risk Assessment;
    - ii. A new/updated FSFN/Local Law Check.