

**Strong
Foundations**SM
Improving Outcomes for Families

Under the Support of
 **Embrace Families**TM



FLORIDA DEPARTMENT
OF CHILDREN AND FAMILIES

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Conditions for Return: A Practical Guide for the Legal Community

Acknowledgment

Strong Foundations is a cooperative agreement awarded to Embrace Families under the Children's Bureau funding opportunity Strengthening Child Welfare Systems to Achieve Expected Child and Family Outcomes.

Learning Objectives

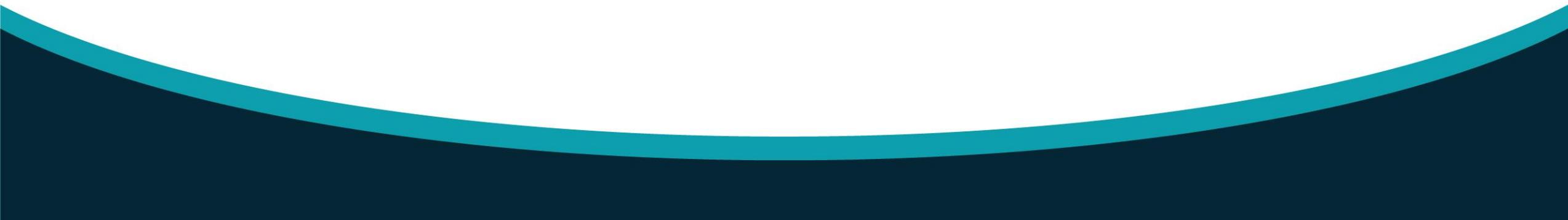
- ✓ Increase knowledge of Conditions for Return (CFR)
- ✓ Increase knowledge of the procedural and evidentiary requirements for Reunification under Conditions for Return.
- ✓ Develop an understanding of the implications of CFR on the dependency process.

What are Conditions for Return?

Conditions for Return are a written statement or statements of the specific conditions, circumstances, or behaviors that must exist within a child's home before a child can safely return and remain in the home with an in-home safety plan while the parents continue to work towards reaching case plan outcomes.

-DCF/OCW

Benefits of CFR

- Reunification sooner/Reduced time in out of home care
 - Increase in parent engagement
 - More ownership and buy in from the parent
 - Reduces trauma to children
- 

How do we get to CFR?

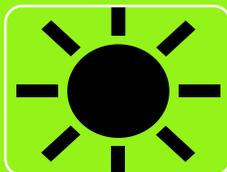
- Child is deemed unsafe
- Safety plan is required to manage the danger threat
- Ask the 5 safety analysis questions to determine whether there will be an in-home or out-of-home safety plan
- All safety analysis questions cannot be answered yes and child is removed from the home.
- CFR is established

Safety Planning Analysis Questions

CFR is based
on the same
questions



Willing for an in-home safety plan to be developed and demonstrated they will cooperate.



Home environment is calm and consistent enough for an in-home safety plan.



Safety services are available at a sufficient level.



In-home safety resources can sufficient manage impending danger without a professional evaluation.



Have residence to implement an in-home safety plan.

Safety Plans

A safety plan is a written arrangement between caregivers and the agency that establishes how danger threats to child safety will be managed. § 39.01(75) Fla.Stat.(2019)

- ✓ Safety plan must control or manage the danger threat
- ✓ Safety plan must have an immediate effect
- ✓ It must be immediately accessible and available
- ✓ It must contain safety actions only
- ✓ There must be no promissory commitments



Safety Plan

Manages danger – controls the behavior, emotion, or condition that results in a child being unsafe.

Fluid and can be easily changed when needed.

Effect must be immediate and continue to protect the child everyday.

Protects the child when the “what ifs” eventually occurs.

Case Plan

- Impacts behavior change – provides “treatment” or other services to remedy or change the underlying family condition.
- Can only be changed upon order of the Court based on a preponderance of the evidence for the need for the change.
- Has to be the least intrusive and most efficient path to quick reunification.



Elements of the CFR Statement

✓ Specific

✓ Applicable

✓ Measurable

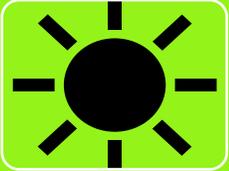
In order for John to return to his mother's home with an in-home safety plan, the following must be demonstrated: The mother has identified sufficient persons who are reliable, willing and able to provide safety management services to the degree necessary. These persons are aligned with the safety of John and fully understand the extent of the mother's substance abuse and have passed all necessary abuse and criminal history checks. These persons have articulated a plan to keep the child safe if the mother is abusing substances or is under the influence while caring for John and are capable of following through.

CFR Statement

- What must be controlled?
- How can it be controlled?
- Why can't it be controlled in the home?
- Can anyone other than the caregiver control it?
- Can anyone substitute for the caregiver?
- Can home or family circumstances be adjusted?
- What are the attitudes, capacities and willingness of the caregiver?



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Impending danger threat- child's basic and essential needs, including supervision, are not being met

Mary leaves her 6 year old child home alone while Mary goes to the club. The 6 year old is home unsupervised for hours to days at a time. Mary is hostile and uncooperative. She does not believe that this is an issue and is minimizing the effect her behavior is having on her child.

EXAMPLE- Mary acknowledges that her behaviors put her child's safety in jeopardy. By acknowledging this, Mary is showing her acceptance of her protective role over her child. Mary is managing her emotions and reactions towards CPS' intervention. Mary also allows the in home safety monitors access to her home and her child.

Home environment not calm and consistent.

Father understands the home environment is dangerous for the children and that he cannot have questionable or threatening people living in or frequenting the home.



- ✓ Shelter Hearing
- ✓ Arraignment

EVERY HEARING!

where CFR are
addressed

- ✓ Financial Review Hearing
- ✓ Motion hearing for Reunification

CFR at Shelter

(7) If the child has been removed from the home and the reasons for his or her removal have been remedied, the child may be returned to the home. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home, the court shall allow the child to remain in the home.

§ 39.402(7) Fla.Stat.(2019)

Conditions for Return = Reunification

If the Court finds....that conditions for return have been met and an in-home safety plan will allow the child to be safely returned to the home, the Court shall allow the child to return to the home after making a **specific finding of the fact that the child's safety, well-being, physical, mental and emotional health will not be endangered.**

§39.521(1)(f) and (g) Fla.Stat.(2019)

Post-Disposition/Adjudication

§39.522(2): In cases where the issue before the court is whether a child should be reunited with a parent, the court shall review the conditions for return (CFR) and determine whether the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home with an in-home safety plan prepared or approved by the Department will not be detrimental to the child's safety, well-being, and physical, mental and emotional health.

*The words "case plan" and "substantial compliance" are no longer in 39.522(2)

So what happened to substantial compliance?

Substantial Compliance remains in Chapter 39.

Substantial Compliance means that the circumstances which caused creation of the case plan have been significantly remedied to the extent that the well-being and safety of the child will not be endangered upon the child's remaining with or being or returned to the child's parent. *§39.01(84) Fla. Stat. (2019)*

The Court is still required to make a finding of the parent's compliance with the case plan in order to make a determination regarding reunification of the parent and child. *§39.621(10)(c) Fla. Stat. (2019)*

Fla. Statute 39.701 There is still a requirement that a finding regarding substantial compliance is made by the Court at the Judicial Review hearing. *§39.701 Fla. Stat. (2019)*

Lack of substantial compliance remains a ground for Termination of Parental Rights under *§39.806(1)(e) Fla. Stat. (2019)*.

Conditions for Return are met. Now what?

- Case Manager completes progress update. The progress update must include completion of the safety analysis responses and decision.
- Planning conference prior to reunification. This planning conference develops the in-home safety plan.
- Case manager staffs with CLS. Staffing will review the progress update, in-home safety plan and all other necessary documentation to prepare the Motion for Reunification.

Documents that
must be filed
with the Court
when CFR are
met

- ✓ Motion for Reunification/Stipulated Order
- ✓ In-home safety plan
- ✓ Progress Report/FFA (Initial/Ongoing)
- ✓ Home study if applicable
- ✓ Transition Plan
- ✓ Professional Evaluation (if applicable)s

Testimony regarding CFR

- Identify the danger threat and how the danger threat manifests in the home.
- Behavioral changes surrounding diminished caregiver protective capacities and child needs.
- Five safety analysis criteria that are/are not met.
- Why we can reunify and meet CFR.
- Transition planning to facilitate CFR.

Court Orders on CFR

- ✓ Finding that the parent remedied the circumstances that caused the child to be removed
- ✓ Specific finding of fact that the child's safety, well-being, physical, mental and emotional health will not be endangered
- ✓ Requirements of in-home safety plan
- ✓ Identify what ramifications are for failure to comply with conditions of the in-home safety plan
- ✓ Outline transition plan
- ✓ Outline what parent is still required to do on case plan

Court grants Reunification.... Now what?

- Child returns home pursuant to transition plan.
- Goal changes to Maintain/Strengthen and court accepts new goal.
- Parents continue engaging services to enhance diminished protective capacities.

CFR & Parent Non-Compliance

- If a child has been returned to the home under conditions for return and the parent is no longer making efforts to enhance their diminished protective capacities and are non-compliant, the parent may no longer meet the 5 safety analysis questions for an in-home safety plan.
- The parent is no longer willing and cooperative (See Safety Analysis Question 1).
- The order for reunification outlines that the parent is required to abide by the terms of the in-home safety plan and what the ramifications are for failure to follow the order.

CFR & Parent Non-Compliance

§39.522(4): ...this issue is whether to place a child in out-of-home care after the child was placed in the child's own home with an in-home safety plan or reunified with a parent or caregiver with an in-home safety plan. In those instance the court must consider:

- **The circumstances that caused the child's dependency and other subsequently identified issues.**
- **The length of time the child has been placed in the home with an in-home safety plan.**
- **The parent's or caregiver's current level of protective capacities.**
- **The level of increase, if any, in the parent's caregiver protective capacities since the child's placement in the home based on the length of time the child has been paced in the home.**

CFR and Closure

- Reunification under CFR does not mean that parent has enhanced their diminished protective capacities in order to keep the child safe.
- After CFR, the parent works on enhancing caregiver protective capacities.
- After CFR, the case manager works on monitoring case plan outcomes.

CFR and Closure

Protective Supervision cannot be terminated until the child is safe in the home and an in-home safety plan is no longer needed. The earliest a case can be closed is 6 months after the child has been reunified and post placement protective supervision has been in the home.

The court must retain jurisdiction over a child if the child is placed in the home with a parent or caregiver with an in-home safety plan and such safety plan remains necessary for the child to reside safely in the home.

Questions & Answers

Christy Fisher, Esq., Legal Consultant Strong Foundations

Email: christy.fisher@embracefamilies.org

Robin Jensen, Esq., Suncoast Regional Director and Statewide Training Director

Children's Legal Services, DCF

Email: Robin.Jensen@myflfamilies.com

Eric Emery Jr., Esq., 2nd Circuit Guardian Ad Litem Managing Attorney

Email: Eric.Emery@gal.fl.gov