CHAPTER 65C-13 SUBSTITUTE CARE OF CHILDREN

The Substitute Care rule provides guidance for the implementing of the provisions of Florida statutes that relate to becoming a licensed out-of-home caregiver.

65C-13.001-13.021 has been repealed.

65C-13.022 Definitions

All definitions for this rule are located in Rule 65C-30.001, F.A.C.

65C-13.023 Background Screening Requirements

This section establishes the requirements and standards for screening of the applicant, household members and those who may have unsupervised contact with the children.

- The screening must be done in accordance with Florida Statute 435.04
- The screening may include responses to the home by law enforcement that did not result in criminal charges
- Civil court records checks must be done
- Request for abuse and neglect histories must be made if the applicant or household member has resided in another state within the last five years
- Only abuse and neglect reports in which the person being considered for licensure was named as the “caregiver responsible” may be used for initial licensing decisions.

65C-13.024 Pre-service Training

- This section establishes the training requirements for becoming a licensed out-of-home caregiver.
- Pre-service training shall meet the requirements of Section 409.175(14) (b), F.S.
- Training shall include training for out-of-home caregivers on decision-making related to normalcy
- Potential caregivers who have swimming pools or whose homes are adjacent to bodies of water, must complete a basic water safety course
- Each pre-service trainer shall be a certified child protection professional
• Young adults formerly in foster care must be invited to participate in one or more sessions
• Prospective foster/adoptive parents may elect to attend pre-service training offered by any Child-Placing Agency
• Agencies are expected to work cooperatively with each other
• Exemptions to the pre-service training may be made, certain criteria must be met

65C-13.025 Initial Licensing Procedures

This section details the requirements for initial licensure of out-of-home caregivers

• Employees, Relatives and Sub-Contractors may be licensed when:
  • No conflict of interest exists
  • The licensing study is completed by a licensed child-placing agency outside of the lead agency’s service delivery system
  • The lead agency has a procedure approved by the department which requires the executive director or designee in upper management of the lead agency to review and approve the submission of all such applications
  • Medical histories shall be explored
  • Medical concerns regarding mental health or progressive disease shall require the submission of medical reports from a doctor
  • If licensure is not recommended, the summary shall indicate the specific reasons and address the standards the applicant was unable to meet
  • The licensing packet shall contain documentation of a review by the lead agency
  • The Regional licensing authority shall provide written notification within 15 working days of issuing the license or denial letter

65C-13.026 In-Service Training

This section outlines the continuing education requirements for out-of-home caregivers

• Within 120 days of initial licensure, the licensed out-of-home caregivers shall complete in-service training regarding the provision of psychotherapeutic medications
• A briefing shall be provided to the licensed out-of –home caregiver when children taking such medication are placed
• Licensed out-of-home caregivers already providing care for children prescribed such medication shall be trained within 90 days of the promulgation of this rule
• Prior to Relicensure all out-of-home caregivers must complete eight hours of training
• Licensed out-of-home caregivers shall be reimbursed for mileage expense not to exceed the rate paid to the supervising agency personnel
• The supervising agency shall make provisions for childcare or reimbursed the out-of-home caregiver when necessary

65C-13.027 Changes during the Licensed Year

This section addresses what changes should be reported, when they should be reported and to whom they should be reported

Licensed out-of-home caregivers shall report to the supervising agency within 48 hours the following incidents:

• Law enforcement involvement with any household member
• A change in marital status
• A change in household composition
• A change in physical address
• Changes in financial situation
• Serious health issues
• If situations not reported and child safety is threatened, a license could be suspended, revoked or denied

The following occurrences shall immediately be reported by the licensed out-of-home caregiver to the supervising agency:

• Change in marital status
• Change of home telephone number
• Change of mailing address
• Change of employment/significant change in work schedule
• Change in household composition

Immediately if during regular business hours or within 24 hours if after regular business hours all Child Protective Investigators, Case Managers and other service providers that frequent the household must report to the supervising agency:

• Law enforcement involvement with any household member
• Changes in marital status
• Change in household composition
• Change of physical address
• Changes in financial situation
• Serious health issue

The supervising agency shall notify the lead agency within 24 hours of the above mentioned events

• All new household members must be screened within five days of residence
• The prints must be submitted to FDLE within five days of receipt by the supervising agency

Change of Location

• A license is issued for a specific location and is not transferable
• Licensed out-of-home caregiver must notify the supervising agency no less than thirty days prior to the expected date of the relocation

Within Region

• Submit new application
• Update home study
• Satisfactory environmental health inspection
• A 90 day provisional license may be issued pending satisfactory health inspection
• No new placements during provisional licensing period
• If the new home license is denied, the primary worker must secure alternative placement

Between Regions

• The supervising agency shall assist the out-of-home caregiver in finding a supervising agency in the region where he/she plans to relocate
• The lead agency will work with the current supervising agency in securing a commitment from the receiving supervising agency in the new region to complete the re-licensing requirements
• If the new home license is denied the licensing authority will notify the applicant and the supervising agency by certified mail within 5 working days
• The reason for denial will be identified
• The right of appeal pursuant to Chapter 120, F.S. will be identified

Out of State

• Same as change between region
Between Supervising Agencies

The desired supervising agency shall:

- Request all information from the current supervising agency
- Advise the applicant in writing within 30 days of decision
- Notify the sending agency and the Department of the decision
- If denied, advise applicant of the appeal process
- Sending agency shall share information concerning performance and make a recommendation upon request

65C-13.028 Re-Licensing

This section details the requirements for the Relicensure of family foster homes.

- Relicensing packets must be submitted at least 30 days prior to the expiration of the current license
- The relicensing process shall not be initiated more than 90 days prior to the expiration of the current license
- If the supervising agency recommends denial of a license this information must be shared with the applicant
- The supervising agency shall obtain and review exit interviews
- If exit interviews are not completed the administrator of the lead agency must be notified
- The relicensing summary must address issues raised in the exit interview
- Vehicles shall be smoke free when transporting children
- The licensing authority has 10 days to turn a complete relicensing packet around or notify the supervising agency in writing of the need for additional information
- Out-of-home caregivers meeting the criteria of Section 409.175(6)(j),F.S. may be issued a license for more than one year

Re-opening of previously licensed Out-of-Home Caregivers within the Region

- Applicants shall complete all initial licensing requirements with the exception of pre-service training, if previously completed within five years.

65C-13.029 Licensed Out-of-home Team Member Roles

This section outlines the responsibilities of the Licensed Out-of-Home Caregiver to the Child and the responsibilities of the Lead Agency and the Department to the Licensed Out-of-home Caregiver and the Children in Care. Issues of normalcy for children in care are also addressed.
• Children in licensed out-of-home care may attend overnight or planned outings if the activities are deemed safe by the out-of-home caregiver. The service worker must be notified of the activity.
• The licensed out-of-home caregiver may allow foster children to experience circumstances without adult supervision depending on the child’s age and maturity.
• Overnight trips exceeding one night must be approved by the child’s service worker.
• Background checks for dating and outings are not necessary.
• Out-of-Home caregivers shall support the child’s effort to learn to drive and obtain a license.
• Out-of-Home Caregivers are not required to buy a car or insurance for a youth.

65C-13.030 Standards for Licensed Out-of-Home Caregivers

This section addresses the expectations for the daily living experiences and safety requirements Licensed Out-of-Home Caregivers are to provide for children in substitute care.

• Serving as a Licensed-Out-of-Home Caregiver is a privilege and public trust. Applicants do not have an inherent right to a license.
• Dependent children may be placed in an APD home with the approval of APD staff.
• An APD home does not have to be dually licensed to serve dependent clients.
• Family Foster homes can be dually licensed to provide day-care and foster care services.
• Dually licensed foster home can serve no more than five children; including biological, adoptive and day-care clients.
• Therapeutic or Medical foster homes can not be dually licensed.
• If a child turns 18 while sharing a bedroom with a minor child, the 18 year old the sleeping arrangement may continue with the approval of the supervising agency. This exception applies only to the circumstances described and not to any new placements in the home.
• Out-of-home Caregivers shall have a first aid kit available and accessible to all caregivers.
• If a home has burglar bars it must be demonstrated that the bars can be released to allow exit. A key placed near a window is not an approved emergency release method.
• Licensed-Out-of-Home Caregivers shall not have driving violations less than five years old that are related to driving under the influence of alcohol or drugs.
• A copy of the Licensed-out-of-Home Caregivers driving record shall be provided to the licensing authority at the time of initial licensure and at each re-licensure

65C-13.031 Terms of a License

This section discusses the conditions under which a license may be granted, the duration of the licensure period and the specific conditions that allow for provisional licensure.

• An applicant who makes a willful or intentional misstatement on an application for licensure shall have his or her license denied or revoked
• A license is issued to specific caregivers for a specific location and is not transferable to any other person or location
• Office, conference rooms and other non home-like settings are not appropriate for licensing or placement of children in care
• A license for renewal may issued for up to three years if compliant with F.S. 409.175(j)
• If a provisional license is requested, a written plan identifying the deficiencies and time frames for correction prior to the expiration of the provisional license
• Under no circumstances shall new or additional children be placed in a foster home that has been issued a provisional license
• A provisional license may be issued for up to one year but shall not be re-issued as a continued provisional license
• The Department and Lead Agency shall maintain a central file in the region for every family foster home licensed
• Supervising agencies shall maintain a file on every active licensed family foster home
• The files must be maintained in a secure location and made available for monitoring upon request
• Licensing files shall be retained for twenty years after closure
• Files of applicants who are denied licensure shall be maintained for twenty years after the issuance of the denial or final denial order date, which ever is later

65C-13.032 Capacity, Placement, and Over-Capacity Assessments

This section defines the guidelines for establishing capacity, determining placement and the requirements that must be met when homes are in over-capacity situations.

• The supervising agency shall make the recommendation for licensed capacity
• Assessment approvals for rule of five or no more than two infants under twenty-four months shall be given prior to placement
• Written approval shall be obtained prior to placement for age and capacity waivers

65C-13.033 Babysitting, Respite and Other Supervision

This section defines guidelines for respite and babysitting

• All persons who provide respite care in their own homes must be licensed
• All persons providing respite care in the family foster home shall be screened pursuant to Rule 65C-13.023, F.A.C.
• Supervising agencies must give prior approval of respite if reimbursement is sought
• Babysitters must be at least 16 years old
• The Licensed Out-of-Home Caregiver is responsible for ensuring individuals providing babysitting are suitable and appropriate for the age, developmental level and behaviors of the children
• Babysitting by sixteen to eighteen years old will not include more than three children
• Babysitting is limited to less than twenty-four hours in duration
• Foster children shall not be permitted to provide supervision to children in the home

65C-13.034 Complaint Investigations and Foster Care Referrals

This section establishes the guidelines for the handling of complaint investigations and foster care referrals

• The Department maintains responsibility for ensuring the investigation of all complaints and foster care referrals alleging licensing violations
• Complaints against a licensed out-of-home caregiver meeting the criteria for acceptance of a report of abuse or neglect shall be investigated jointly with the Child Protective Investigator whenever possible.
• Complaints against a licensed out-of-home caregiver meeting the criteria for acceptance of a report of abuse or neglect, closed with verified or some indicators of abuse or neglect, shall have a staffing conducted

65C-13.035 Administrative Actions, Appeals and Closures

This section addresses administrative actions and the appeals process

• All licensing action negatively impacting an out-of-home caregiver, including denial, suspension or revocation is subject to the procedures set forth in Section 120.60, F.S.
• The Department is the licensing authority for all family foster homes and has final authority for approval, denial or suspension of any license