



Series 100: Case Management

Policy Name: Legal Services

Policy Number: 136

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Policy: It is the policy of Communities Connected for Kids to ensure that the assigned Children's Legal Services (CLS) attorney receives timely copies of every document contained in the client record. All questions or communications regarding court related case activity are to be directed to the CLS attorney or designee.

Provisions

Children's Legal Services (CLS) will be responsible for all legal services to be performed on behalf of the State of Florida in all Juvenile dependency and termination of parental rights proceedings governed by Chapter 39, F.S., the Florida Rules of Juvenile Procedure, section 409.1451, F.S., governing Independent Living matters for children under eighteen (18) or otherwise properly heard in dependency court as well as all proceedings pursuant to the Florida Rules of Appellate Procedure, including, but not limited to: shelter hearings, mediation, adjudicatory hearings, motions pertaining to care, placement, medication, modification of placements, protective supervision, foster care, case planning, judicial reviews, termination of parental rights and appeals of cases brought pursuant to

Chapter 39, F.S.

1. CLS does not provide legal representation to the Lead Agency or any of its employees for any legal action but rather works in collaboration with the Lead Agency and case management staff.
2. Reasonable oral or written notification (including electronic mail) to any Lead Agency

Employee shall suffice to mandate the employee's presence at any dependency or termination of parental rights court proceeding. CLS's issuance of a subpoena shall not be a prerequisite to obtain the appearance of a Lead Agency employee at sum a proceeding.

- 3.. Prior to making recommendations and creating reports required for court, Communities Connected for Kids case manager will staff the case, by telephone or in person, with the CLS attorney and with protective investigations, if involved.



4. The case manager will request written summary reports from service providers to attach to the court report.
5. The case manager will provide to Children's Legal Services all required reports and documents 10 business days prior to a scheduled court hearing. All reports and documents submitted to legal services must be approved and signed by the case manager's supervisor, prior to submission.
6. If the CLS supervisor returns documents to the case manager for changes the case manager will make the necessary changes and return the documents to the attorney within 2 days.
7. All documents prepared and kept by CCKIDS are available at the request of CLS. The request may be made in either written or oral form, and there are no additional subpoena requirements.
8. For review and discovery purposes, CLS will have access to the Lead Agency's entire case file, either in hard copy or electronically. The Lead Agency shall also submit to CLS any additions or updates to its file in an ongoing fashion throughout all stages of dependency and termination of parental rights cases. The Lead Agency shall immediately notify CLS of any discovery request pertaining to a dependency or termination of parental rights proceeding made to the Lead Agency for any information or materials maintained by the Lead Agency, and CLS shall comply with all discovery requests.
9. The Lead Agency shall be responsible for ensuring the assigned CLS attorney receives timely copies of all reports, narratives, studies, CPT reports and materials, psychological and psychiatric reports, correspondence, Independent Living assessments, notices and accountings concerning Client Trust Funds as required by Florida law, and copies of any and all other documents of whatever nature resulting from or relating to the cases and investigation(s) which are the subject matter of each file. Timely receipt in this context shall mean on or before the time requirements contained in this Chapter 39, F.S., the Juvenile Rules of Procedure, and the Florida Administrative Code.
10. The Lead Agency shall maintain the confidentiality of CLS's legal opinions, mental impressions, conclusions or theories regarding litigation and commentary regarding litigation as privileged work product and shall not disclose same without CLS' express written permission. The Lead Agency shall implement necessary protocols to ensure any notes within a case file relative to conversations with a CLS attorney maintain confidentiality as set forth above. CLS shall also maintain necessary protocols in all discussions with



case managers and in the preparation of case strategies to ensure confidentiality for the Lead Agency as is referenced above for CLS. Nothing in this section shall contravene any provision of Florida Public Records Law or Chapter 39, F.S.

11. To the extent possible, all necessary staffings should be inclusive of the family and be scheduled in accordance with the necessary parties' availability. Locally, CLS attorneys will make all efforts to be available for all staffings. The Lead Agency shall ensure the CLS attorney assigned to the specific case receives reasonable advance notice of all staffings for a child.

12. The Lead Agency and CLS shall ensure all employees arrive promptly and are prepared for all court hearings. The use of case managers and/ or CLS attorneys not assigned to a case for courtroom appearances is strongly discouraged. Proper courtroom attire is mandatory.

13. The Lead Agency shall collaborate with CLS to prepare petitions for shelter, petitions for dependency, petitions for the termination of parental rights, and any other document CLS deems necessary for filing in a Chapter 39 proceeding. When the Lead Agency has knowledge of the facts alleged in the petition or filing, the Lead Agency will execute an oath as to its knowledge or will otherwise work cooperatively with CLS to ensure all statutory requirements of Chapter 39 are satisfied.

14. In the event the Lead Agency determines it is unable to comply with a court order, the Lead Agency shall immediately provide written notification to the CLS attorney with a detailed written explanation as to why the Lead Agency is unable to comply. As a courtesy and at the request of the Lead Agency, CLS may notify the court of the Lead Agency's inability to comply and request adequate relief or stay from the court. CLS is of the legal opinion that the circumstances justify such relief or stay. If CLS deems it necessary, a representative of the Lead Agency will be available to testify truthfully to the Lead Agency's inability to comply with the court order or to prepare and execute a truthful affidavit of such inability. CLS will ensure all court orders are received by the Lead Agency timely so the Lead Agency is aware of what has been ordered by the Court.



Case Plans /Judicial Reviews/Status Reviews:

1. The assigned case manager will present to the attorney a draft of the case plan to review for legal sufficiency minimally 10 days prior to the disposition hearing. The attorney will have attended the case plan conference and should be prepared to review the document as it was drafted during the conference. The attorney will review the case plan within four working days and return it to the case manager with comments. The case manager then has 2 days to return the signed copy to the attorney, who will then submit it to the court and schedule the case plan review hearing, if one has not already been scheduled. If there is to be a delay, the case manager shall consult with the attorney who will then decide whether to file a motion for extension of time with notice to all the parties.
2. After signatures have been obtained on the case plan, the attorney will file it with the court as provided in Chapter 39, F.S within 60 days of removal or 72 hours prior to disposition, whichever is sooner.
3. The attorney will schedule and the court will hold the hearing to review the case plan as provided in Chapter 39, F.S. The attorney will represent the project at the hearing, and the case manager or court liaison will be present. The review is statutorily required at least every six months on each dependency case. The initial review must be held no later than 90 days after disposition hearing and in no event later than 6 months after the date the child was removed.
4. The attorney will prepare the order for the review hearing. The attorney will file the petition and notice all parties, and schedule all judicial reviews in conformity with state and federal timelines.
5. Ten business days before the date of the judicial /status review hearing the case manager will present a draft of the judicial/status review report to the attorney for review. The attorney must be notified regarding any proposed modifications to the case plan to assure legal sufficiency.
6. The attorney will represent the Department at the judicial/status review and prepare the order. The case manager will be present at the hearing.

Protective Services (PS) Supervision: Motions for Change of Placement, Termination of Supervision

1. In all cases where a dependent child is ordered under the protective supervision of the Department, the case manager must immediately notify the attorney when there is a change in the current family environment which threatens the safety of the child and provide evidence necessary to file motions for change of placement, protective orders or injunctions.
2. If emergency removal has occurred, or there is a need for change of placement or custody, the attorney will be consulted and will prepare the petition in accordance with Florida Statute, and will represent the department during court proceedings.
3. Before requesting the court to terminate supervision, the attorney will be consulted. The attorney will prepare the motion and order and represent the Department of Children and Families in any judicial proceedings.

Adoption and Related Services:

1. If after the 12-month judicial review hearing, a child is not returned to the custody of the parents and no extension of case plan has been granted, the case manager will request TPR within 30 days. A TPR petition need not be filed if the child is being cared for by a relative who chooses not to adopt the child; the court has already determined that filing of TPR is not in the best interest of the child; or the child's family has not been provided the services needed to ensure timely reunification.
2. When TPR is planned, the case manager will request the attorney to initiate proceedings for termination of parental rights (TPR), after a permanency staffing, which includes legal review and approval.
3. The child welfare attorney will file a petition for TPR as soon as possible, but not to exceed 90 days of notifying the court of the department's intention to initiate TPR proceedings.
4. The case manager will prepare a witness list for the attorney with the name, address, telephone number and brief explanation of testimony for each witness. This witness list will be presented to the attorney, along with appropriate case file documentation as required by the attorney, within 30 days of notification of intent to the court.
5. The attorney will schedule the advisory and adjudicatory hearings and notify the CMA. If all parties agree, the advisory and adjudicatory hearings may be held together.
6. The attorney will prepare or supervise a paralegal's preparation of all notices, subpoenas and summonses for the advisory hearing. The attorney will direct service of the notices, summonses and subpoenas and notify the CMA.
7. The attorney and the case manager will attend the advisory hearing; the attorney will present the case and the Case Manager will be available to answer questions about the case.
8. The attorney will prepare and have signed any orders resulting from the advisory hearing and will ensure the CMA has a record of these orders.



9. The attorney will be responsible for notifying all parties of the adjudicatory hearing. The attorney assigned to the case will meet with the assigned case manager in preparation for the adjudicatory hearing. The case manager and the attorney will attend the adjudicatory hearing; the attorney will present the case.
10. The attorney will prepare and have signed any order resulting from the adjudicatory hearing and ensure the CMA has a record of these orders.
11. The attorney will schedule the disposition hearing and notice all parties. The attorney will provide the case manager with copies of all petitions, motions, orders and mandates filed or issued during the attorney's participation in the case.

Conflict Resolution:

1. Before the CLS attorney takes action that would change the agreed upon course of action in the case, the attorney will seek the concurrence of the assigned **Communities Connected for Kids** case manager.
2. If agreement cannot be reached between the assigned case manager and the assigned CLS attorney, they will consult with their respective supervisors. A joint consultation will be held if necessary.
3. If further conflict resolution is needed, administrators will attempt resolution. The Communities Connected for Kids and the appropriate County Director or Chief Operating Officer, and the Regional Managing Attorney may be requested to provide final resolution.

Approved: Carol Deloach

Carol Deloach, CEO

July 1, 2018