



Series: 100: Case Management

Policy Name: Diligent Search

Policy Number: 113

Regulations: F.S. 39.

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Policy: It is the policy of Communities Connect for Kids to respond to the requirements under Chapter 39, F.S., regarding efforts to locate a parent or prospective parent whose location is unknown. The efforts must be initiated as soon as Communities Connect for Kids is aware of the existence of such a parent, with the search progress reported at each court hearing until the parent is either identified or located, or the court excuses further search.

Procedure

Definitions:

"Diligent search" means the efforts of Communities Connect for Kids (or licensed child-placing agency) to locate a parent or prospective parent whose identity or location is unknown, initiated as soon as the agency is made aware of the existence of such, with the search progress reported at each court hearing until the parent is either identified and located or the court excuses further search.

"Prospective parent" means a person who claims to be, or has been identified as, a person who may be a mother or a father of a child.

"Diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.

Requirements

1. Documentation of diligent search must include the attempts, results, responses and records obtained as a result of the following contacts and inquiries:
 - a) All known relatives, as practicable, of the parent or prospective parent, asking them what they know about the parent's location, date of birth, social security number, aliases, veteran status, employment, driver's license number, criminal charges or convictions, hospitalizations, incarcerations, and other state and federal agencies with which the parents may have been dealing or which could have information about the parents;
 - b) All program offices of the department, including Economic Services, The Managing Entity for Substance Abuse and Mental Health (ME), Children's Medical Services (CMS), Agency for Persons with Disabilities (APD), and all client registration systems used by the programs of the department, which are likely to have information about the parent or prospective parent, including delinquency records;



- c) Other state and federal agencies likely to have such information, such as child support enforcement, Department of Motor Vehicles, voter registration, Driver's License Bureau, and the Department of Corrections, Inmate Records. Pursuant to section 39.4051(7), F.S., any state agency contacted by the department or licensed child-placing agency with a request for information shall release the requested information without the necessity of a subpoena or court order (the Florida Legislature has no authority to impose such a requirement on a federal agency but they must be contacted anyway); and,
- d) Telephone directory and directory assistance, schools (if children are with parents), last known employer, utility companies, hospitals, postal providers, law enforcement and taxing agencies, housing authorities, and armed services branches likely to have such information.
- e) If the parents are deceased, diligent search should be made for a living relative of the child for notice purposes.

Unidentified or Un-located Parents

1. In case of unidentified or missing parents, Florida law requires that the court make inquiries of an available parent, relative, or custodian of the child in dependency proceedings. This information may be provided by in-court testimony under oath or supplied to the court in affidavit form, and must address the following:
 - a) Whether the mother of the child was married at the probable time of conception or at the time of birth;
 - b) Whether the mother was cohabiting with a male at the probable time of conception;
 - c) Whether the mother has received payments or promises of support with respect to the child or because of the pregnancy from a man who claims to be the father;
 - d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance; and,
 - e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

Scope of Diligent Search

The required minimum scope of diligent search will vary according to the stage of the dependency proceeding as follows:

1. At the initial shelter hearing, the department shall present, at a minimum, the following diligent search information to the court:
 - a) Inquiry of an available parent or any known and available relatives, neighbors and friends possible within the 24-hour time frame; and,
 - b) Calls to hospitals, law enforcement and department programs possible within the time frame.



2. By the time of the dependency adjudicatory hearing, the following diligent search efforts must be made:
 - Documentation of information relative to paternity outlined in above; and, Documentation of diligent search attempts outlined in above.
 - At the disposition hearing and at each judicial review, progress on the diligent search efforts must be made to the court, unless the court has excused further search.
4. By the time of the termination of parental rights hearing, the parent must be located or further search efforts excused by the court. Diligent searches should be current within the past 6 months.
5. The assigned case manager and the CLS attorney must work together to insure that the diligent search is legally sufficient, that all necessary inquiry has been made and that the form of the sworn statement required by Chapters 39 and 49, F.S.*, is legally sufficient to insure that the notice for publication will be issued. Publication cannot happen until after a court order has been issued allowing service by publication.
6. The case manager is responsible for insuring that all information related to diligent search is contained in the client record. Case managers will document all efforts in the diligent search process, such as making notations in progress notes, receipts of certified mail, returned mailing envelopes, and other evidence of diligent search efforts.

Operation of Diligent Search

1. The diligent search is currently a combination of Accurint, a computer locator database, and a manual system, requiring that the case managers keep letters mailed, receipts, etc.
2. As technology/software is available from the DCF, the Communities Connect for Kids and the case management agencies will work with the Department to deliver and maintain an automated diligent search mechanism to conduct/document the search.
3. The manual search for the subject is based upon potential geographic location(s) identified through a variety of sources during the diligent search process (Accurint and other electronic databases, interviews with relatives and associates of the subject, including children and the other parent, and leads received from a host of government agencies and community service providers that are a standard contact list in every search.
4. All fruitful prospective addresses are provided to CLS for service on the subject of the diligent search. Once all leads are exhausted, an affidavit of diligent search is prepared to be filed with the Court for acceptance of diligent search and relief from further search, if the subject cannot be served/ located.

The Diligent Search process must be completed on missing/ absent parents during the Dependency phase of the case and/ or the Termination of Parental Rights phase, based on the status of the subject. If the subject is absent during the duration of the case, a diligent search would be conducted during both phases of the case. Publication for the subject is conducted during the Termination of Parental Rights phase, after the Court accepts the affidavit of diligent search, and is executed by CLS as prescribed in Chapter 49, F.S.



Approved: Carol Deloach
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