

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL</b>			
	<b>Chapter:</b>	(5) Investigations	<b>Effective Date:</b>	October 2015
	<b>Policy Title:</b>	Safety Resource		
	<b>Policy Number:</b>	5.6	<b>Previous Policy #:</b>	3.10

### CODES/REFERENCES

O.C.G.A. § 15-11-212 Disposition of Dependent Child  
O.C.G.A. § 15-11-29 Protective Orders  
O.C.G.A. § 19-9-122 Power of Attorney for the Care of a Minor Child  
O.C.G.A. § 29-2-5 Petitions for Temporary Guardianship; Requirements of Petition

### REQUIREMENTS

The Division of Family and Children Services (DFCS) defines the use of a safety resource as a non-legally-binding out-of-home safety plan developed collaboratively by the caregiver, the safety resource, and DFCS, that may be used in situations where the identified present or impending danger can likely be controlled or resolved within a 45 calendar day period. Use of a safety resource is contingent upon the expectation that the caregiver, the safety resource and DFCS will work diligently and collaboratively to resolve the safety concern(s) within the 45 calendar day period.

DFCS may consider the use of a safety resource when a present danger situation or impending danger safety threat is identified and the child’s immediate safety cannot be ensured under the caregiver’s supervision.

**NOTE:** A safety resource shall not be considered in situations involving chronic and/or severe abuse or neglect issues. Such situations should be addressed with juvenile court intervention.

DFCS shall ensure that the maximum amount of time a child remains with a safety resource is **45 calendar days** from when the child entered the safety resource home. When it has been determined that resolution of the safety threats will likely exceed the specified timeframe for the safety resource, DFCS shall file a dependency petition in Juvenile Court, prior to the expiration of the 45 calendar days from the date the child entered the safety resource, that may result in one of the following:

1. A court finding dependency, returning the child to the home of the parent/caregiver, and granting a protective order to control the behavior of the caregiver; while the family receives Family Preservation Services, with an in-home safety plan;
2. A court finding dependency and granting custody of the child to DFCS subject to a court ordered permanency plan while the family receives Permanency (Foster Care) services.

**NOTE:** If the child can remain safe in the home of the safety resource, every effort should be made to approve the safety resource as a placement resource for the child via the Relative Care Assessment or by the resource becoming a foster parent.

3. A court finding dependency and granting custody of the child to a third party.
  - a. If this occurs, DFCS shall request a court ordered reunification case plan and

continue to provide Family Preservation Services. If the court does not order a reunification case plan with the parent/caregiver, DFCS shall make every effort to engage the parent/caregiver to continue services on a voluntary basis to address child safety concerns. DFCS shall also consult with the Special Assistant Attorney General (SAAG) regarding legal options.

- b. DFCS shall only recommend temporary custody of a child to a third party in rare circumstances as outlined below and only with the written approval of the County Director/Designee. In addition, DFCS shall request a court ordered reunification case plan to continue to provide Family Preservation Services in conjunction with any recommendation for temporary custody to a third party. DFCS may request temporary custody of a child to a third party only when:
  - i. A comprehensive assessment of the family's circumstances demonstrates the proposed custodian:
    1. Can ensure child safety and well-being, and is equipped with sufficient protective capacities to care for the child on a more long term basis, while the parent/caregiver continues to address case plan goals;
    2. Has adequate financial and other supports to care for the child, inclusive of medical insurance;  
**NOTE:** If the child is receiving Medicaid through the parent/caregiver's eligibility for benefits, the child would need to be removed from the parent/caregiver's case and eligibility would have to be established under the new custodian if custody is transferred to a third party.
    3. Has a history of being in a positive caregiving role with the child;
    4. Understands the need to participate in ongoing court reviews and other hearings, as well as meet other requirements regarding maintaining the child's health, education, visitation, etc.
  - ii. The parent/caregiver demonstrates motivation through actively working the case plan to address safety concerns, and a determination is made by DFCS that it is likely the safety issues that are impacting the child returning home will be sufficiently resolved within a short period of time (less than three (3) months).
  - iii. The parent/caregiver is supportive of the temporary custodial arrangement.
  - iv. There has been consideration of the age of the child (i.e. older youth) or the plan the child/youth has for his/her future (i.e. military, Job Corps, college etc.)

DFCS shall require County Director/Designee approval to close a case in which the Juvenile Court has granted temporary custody to a third party and has not ordered a reunification case plan; and only after efforts have been exhausted to engage the parent/caregiver to continue services on a voluntary basis to address child safety concerns (see policy [8.5 Family Preservation Services: Case Closure](#)).

DFCS shall conduct an assessment of the home of potential safety resources<sup>1</sup> to determine the appropriateness of the home, prior to the child entering the home. The Safety Resource Assessment shall be completed in Georgia SHINES **within three (3) business days** of the child entering the safety resource home.

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<sup>1</sup> Safety Resource is an individual identified by the caregiver that can provide a temporary out-of-home placement for their child for up to 45 calendar days when Present or Impending Danger is identified.

DFCS shall complete an amendment to the initial safety resource assessment prior to or subsequent to the court granting temporary custody to a third party who has served as a safety resource (see Practice Guidance).

DFCS does not support the use of out-of-state safety resources, unless otherwise authorized due to an approved border agreement with the bordering state of the resident county (see policy [15.8 Interstate Compact on the Placement of Children \(ICPC\): Border Agreements](#)).

DFCS shall not request, pursue, suggest, facilitate, consent to, or otherwise utilize a temporary guardianship during any stage of DFCS involvement with a child and/or family. In addition, DFCS staff shall not seek permanent guardianship in Child Protective Services cases (Investigations, Family Support Services and Family Preservation Services), as CPS cases are unlikely to meet the legal standards/threshold associated with a permanent guardianship.

## PROCEDURES

When it has been determined that an out-of-home safety plan utilizing a safety resource is appropriate, the Social Services Case Manager (SSCM) will:

1. Consult a Supervisor to discuss the necessity for the out-of-home safety plan and the potential use of a safety resource, including whether such a safety plan is appropriate based on the identified present or impending dangers.
2. Discuss the identified present danger situation or impending danger safety threat with the caregiver.
3. Discuss the need for an out-of-home safety plan to be implemented in order to control the present danger situation or impending danger safety threat.

**NOTE:** The decision to allow a child to stay with a safety resource is a voluntary option for the parent/caregiver and is not legally binding.

4. Discuss the safety resource process with the caregiver and the information included in the Safety Resource: A Caregiver's Guide brochure. In addition, complete and obtain signatures on the Safety Resource Consent form.
5. Engage the caregiver in contacting the potential safety resource to determine interest.
6. If the potential safety resource is interested, the following must occur:
  - a. Screen all household members, adhering to policy [19.9 Case Management: Safety Screening](#);
  - b. Request state criminal history record information of adult household members by using a Consent for State Criminal Records Check Form:
    - i. **During business hours** by email to [DFCS-GCIC@dhs.ga.gov](mailto:DFCS-GCIC@dhs.ga.gov) or by fax to 404-463-0873. A fully completed and signed Consent for State Criminal Records Check form must accompany the request for each household member for whom a criminal history records check will be done.
    - ii. **After Hours and on Weekends- If** local law enforcement is on the scene, request a state criminal history records check with a fully completed and signed Consent for State Criminal Records Check form for each adult household member for whom a criminal history records check will be done.
    - iii. **If local law enforcement is not available**, call the OIG Emergency On-Call number at 404-798-0217 and request a state criminal history records check for a Safety Resource. A fully completed and signed Consent for State

Criminal Records Check must accompany the request for each household member for whom a criminal history records check will be done.

**NOTE:** If at any point the situation becomes an emergency and the child has to be taken into DFCS custody; call the OIG Emergency On-Call number at 404-798-0217 and request that a criminal records check be done for an Emergency. The emergency on-call operator will conduct a Purpose Code X state criminal records check for each person in the placement household. DFCS will be informed that each person for whom a state criminal records check is done must complete a fingerprint-based GCIC/NCIC criminal history records check within five business days as mandated by federal and state law governing the use of Purpose Code X process that must be followed without exception. If at any time within the five-business-day period, any adult in the placement refuses to complete the fingerprint-based criminal history records check, the child must be removed from the home immediately.

- c. Assess the safety resource home for appropriateness and child safety;

**NOTE:** When the assessment of the home does not occur prior to the child entering the safety resource, the assessment must occur at the time the child enters the home or immediately thereafter.

- d. Discuss with the safety resource and other adults in the home the role of a safety provider including discussing information in the Helping Keep Children Safe brochure. In addition, the home visit will include:

- i. Discussing the present danger or impending dangers;
- ii. Discussing the safety resource process including the short-term nature of the safety resource which is a 45-calendar-day maximum time-frame for the child to remain in a safety resource;
- iii. Interviewing all caregivers to assess their protective capacities, including the ability to care and protect additional children;
- iv. Discussing the needs of the child or children that potentially will reside in the home;
- v. Assessing the impact of additional children being in the home on children already residing there;
- vi. Discussing the responsibilities of the child's caregivers including financially supporting their child; and
- vii. Discussing adherence to stipulations regarding contact with the caregivers under investigation.

7. Consult the Social Services Supervisor (SSS) to discuss the results of the safety resource assessment and if necessary an alternative safety response.
8. Develop the out-of-home safety plan with the caregiver and safety resource.
9. Inform the caregiver of the appropriateness of the identified safety resource. When applicable, discuss with the caregiver the option of identifying another safety resource, foster care placement, or the option of developing an in-home safety plan.
10. Complete sections A, B, C, D, E, F, and G of the Safety Resource and Relative Care Assessment in Georgia SHINES **prior** to the child entering the safety resource home or, if applicable, within three (3) business days of entry.

**NOTE:** If the potential safety resource resides in another county, the SSCM should contact the DFCS office in which the safety resource resides to request permission to cross county lines to complete a safety resource assessment, or to request the resource's county to complete the assessment (see Safety Resources Across County

Lines in Practice Guidance).

Upon approval of the safety resource home by the SSS, the SSCM will:

1. Conduct a family meeting with the caregiver, safety resource and, if applicable, the child, within five (5) business days of the child entering into the safety resource home to:
  - a. Discuss the requirements of the out-of-home safety plan;
  - b. Develop a plan with the caregiver and the safety resource to ensure the child's life is not disrupted and the child's needs are being met; Identify who is responsible for transporting the child to and from school, how medical needs will be addressed and any other well-being concerns;
  - c. Further explore the safety resource's capacity to continue the care of the child on a short-term basis;
  - d. Discuss the financial responsibilities of the parent/caregiver and articulate that the child is not in DFCS custody; therefore, the parent/caregiver remains financially responsible for the child;
  - e. Discuss alternative safety responses, including foster care or an in-home safety plan.
2. Engage the caregiver, safety resource and child weekly to ensure the identified needs of each are met, sufficient services are being provided to enhance caregiver protective capacities, child vulnerabilities are being addressed and the safety plan is being followed.
3. Conduct a face-to-face visit with the caregiver, safety resource and child every 14 calendar days or more frequently while the child remains in the safety resource to:
  - a. Evaluate the sufficiency of the out-of-home safety plan;
  - b. Focus on progress being made by the caregiver in correcting the present or impending dangers which resulted in the child going to a safety resource;
  - c. Discuss the safety resource's willingness to continue to be a safety resource; and
  - d. Discuss the child or children's adjustment to being at the safety resource.
4. Assess the family's progress weekly, reviewing findings with a SSS. The weekly review with the SSS, at a minimum, will include:
  - a. Discussing the sufficiency of the out-of-home safety plan;
  - b. Discussing the information gathered during the weekly and face-to-face contacts with the caregiver, safety resource and child;
  - c. Discussing progress made by the caregiver towards addressing the safety concerns;
  - d. Providing safety management as outlined in policy [19.11 Case Management: Safety Assessment](#); and
  - e. Discussing, when applicable, preparations needed for a more permanent solution for the child or children.
5. While the child is residing with the safety resource, continually assess and analyze caregiver progress in increasing their protective capacity to protect their children.
6. Convene a Family Team Meeting anytime needed while a child remains in a safety resource to formally involve and elicit the support of family members who could provide both formal and informal supports to the parent/caregiver (see policy [19.3 Case Management: Family Team Meetings](#)).
7. Convene a Safety Roundtable anytime necessary during the time which a child is in a safety resource to develop an action plan to address child safety (see policy [19.11 Case Management: Safety Assessment](#) for additional Safety Roundtable information).
8. Staff the case with the Social Services Supervisor at approximately the **35<sup>th</sup> day** of the

child residing in the safety resource to discuss:

- a. The continued presence of any present danger situations or impending danger safety threats;
  - b. The feasibility of the parent/caregiver's ability to resolve the identified safety issues within the next 10 days;
  - c. The parent/caregiver's ability to ensure safety on a long-term basis; and
  - d. If safety concerns continue and it is unlikely that the child will be able to return home to the parent within 45 days, the need to seek court intervention. Upon the determination that court intervention is necessary:
    - i. In conjunction with the SSS, staff recommendations with the Special Assistant to the Attorney General (SAAG).
    - ii. If recommendation is to seek DFCS custody, discuss and determine if the safety resource can serve as a placement resource.
    - iii. In rare circumstances, if recommendation is for temporary custody to a third party, staff recommendations with the County Director for approval and staff with the SAAG (see the Requirements section of this policy for details).
9. Close the safety resource **within 45 calendar days** of the child entering the safety resource. Based on an analysis of progress or lack thereof made by the caregiver, and the determination of child safety, closure of the safety resource may result from any of the following actions:
- a. The child returns to the home if all safety concerns have been resolved;
  - b. The child returns home with an in-home safety plan and the case is transferred for Family Preservation Services;
  - c. The child is adjudicated dependent, the child is returned home to the parent and the court granting a protective order to control the behavior of the caregiver; while the family receives Family Preservation Services, with an in-home safety plan;
  - d. The child is adjudicated dependent and custody is granted to DFCS subject to a court ordered permanency plan while the family receives Permanency (Foster Care) services.

**NOTE:** If custody of the child is granted to DFCS, the child may remain in the placement of the relative caregiver subject to an approved Relative Care Assessment (see policy [10.5 Foster Care: Relative/Non-Relative Care Assessments \(R/Non-RCA\)](#)).
  - e. The child is adjudicated dependent and custody of the child is granted to a third party subject to a court ordered reunification plan while the family receives Family Preservation Services.
    - i. If the court dismisses the case or grants custody to a third party without ordering a reunification case plan, in conjunction with the SSS,
      1. Staff the case with the County Director and the SAAG regarding the need for additional legal recourse to ensure child safety.
      2. Continue efforts to engage the parent/caregiver to work with the agency to address on a voluntary basis to address child safety concerns.

**NOTE:** DFCS staff will not request, pursue, suggest, facilitate, consent to, or otherwise utilize temporary guardianship as an option for closure of a Safety Resource.

**The Social Services Supervisor (SSS) will:**

1. Provide guidance to the SSCM regarding how to ensure the safety of the child which

may include:

- a. The use of a safety resource; or
- b. Court intervention, including emergency removal of the child
2. Determine if the use of a safety resource is an appropriate safety response;
3. Work to ensure the Safety Resource Assessment is completed timely;
4. Review the Safety Resource Assessment and out-of-home safety plan for sufficiency to protect the child;
5. Approve or reject the Safety Resource Assessment and out-of-home safety plan;
6. Staff the case with the SSCM to:
  - a. Discuss the results of the family meeting;
  - b. Discuss conditions in the home that need to exist in order for the child to return home with an in-home safety plan that will control the danger;
  - c. Determine if present or impending dangers continue to exist requiring the need for use of the safety resource and the out-of-home safety plan;
  - d. Discuss the sufficiency of the out-of-home safety plan;
  - e. Discuss the continued capacity of the safety resource to ensure safety and meet the well-being needs of the child; and
  - f. Discuss potential updates to the case plan goals/steps, when applicable.
7. Participate in the staffing of the case at **approximately the 35<sup>th</sup> day** of the child residing in the safety resource;
8. When applicable, participate in the Family Team Meeting or Safety Roundtable.
9. Monitor the Georgia SHINES Safety Resource Placements report, in conjunction with staffing the case with the SSCM for decision-making related to the continued use of a safety resource as a safety response
10. Initiate and participate in staffings with the County Director/Designee and SAAG when court intervention is needed during or subsequent to the safety resource placement.

## **PRACTICE GUIDANCE**

### **Case Management in Safety Resource Cases**

When utilizing a safety resource, the intent should be to focus on the immediate safety issue and work towards implementing a control so that the child may return home. In cases which it is apparent that the safety issue is not going to be resolved within 45 calendar days, a safety resource should not be utilized (i.e. substance abuse). However, when DFCS does employ the use of a safety resource, the obligation remains to work with a caregiver towards resolving the safety concern so the child can return home. To that end, when it becomes apparent that the safety concerns cannot be addressed within 45 calendar days, DFCS must file a dependency petition with the Juvenile Court. Once the petition comes before the Juvenile Court, the child may be adjudicated dependent or the case may be dismissed. If the child is adjudicated dependent, the court has multiple disposition options under the law that may be exercised, including granting a protective order to control the behavior of the parent and returning the child to the parent/caregiver, granting custody of the child to DFCS (Foster Care) or granting temporary custody to a third party. (see O.C.G.A. § 15-11-212.)

#### **1. Child Returns Home**

If the child returns to the home of a parent/caregiver with a protective order to control the safety threats, DFCS must develop and implement an in-home safety plan with the parent(s)/caregiver(s) (see policy [19.12 Case Management: Safety Planning & Management](#)) This in home safety plan developed by DFCS may remain in effect for as

long as necessary during DFCS involvement with the family provided that the safety intervention sufficiently controls or mitigates the identified safety threat with the child in the home. Safety plan sufficiency must be re-evaluated continuously with the family, child, and collateral contacts in order to ensure the controlling intervention remains effective.

**2. DFCS to Custody**

If reunification is not likely, is not in the best interest of the child, the parent/caregiver has a history of non-compliance with case plan goals, lack motivation or engagement in case planning, etc. pursuit of a more permanent legal arrangement for the child through DFCS custody must be pursued to ensure consideration of the child's best interests, while also while protecting the rights of the parents through due process. If DFCS is granted custody, and it is determined that the child can remain safe in the home of the safety resource, every effort should be made to approve the safety resource as a placement resource for the child via the Relative Care Assessment or by the resource becoming a foster parent (see policy [10.5 Foster Care: Relative/Non-Relative Care Assessments \(R/Non-RCA\)](#)).

**3. Custody to a Third Party**

DFCS shall only request temporary custody to a third party in rare circumstances and only with approval of the County Director and under the conditions outlined in the Requirements section of this policy. Prior to DFCS recommending temporary custody to a third party or subsequent to the court ordering temporary custody to a third party who was serving as a safety resource (not recommended by DFCS), the safety resource assessment shall be amended to include:

- a. A formal discussion and assessment of the proposed guardian's ability to ensure the safety and provide care for the child;
- b. A detailed evaluation of the proposed guardian's financial ability to provide for the child in addition to other household members;
- c. A review and consideration of the child's medical insurance if custody is granted to the proposed guardian;

**NOTE:** It is important to explore this issue thoroughly if custody to a third party is being considered. If the child is currently receiving Medicaid as a part of the parent/caregiver's eligibility benefits, upon transfer of custody the third party custodian will be responsible for applying for Medicaid for the child as part of their household. The third party custodian must still meet all eligibility criteria to qualify to receive Medicaid for the child.

2. The relationship of the proposed guardian with the child, including history of positive examples of the third party acting in a caregiving role;
3. Other support systems available to the third party (financial/non-financial); and
4. An indication that the proposed guardian understands the need to participate in ongoing court reviews, other court hearings and comply with other court ordered services, i.e. child health and education, visitation, etc.

If the court grants custody to a third party, DFCS must recommend to the court that the parent/caregiver participates in services subject to a court ordered reunification case plan with DFCS to address the dependency issues. When the case plan is court ordered, the oversight of the court will assist in guiding the case toward resolution. Additionally, DFCS will participate in ongoing reviews and other court hearings subject to the court ordered reunification case plan. When DFCS determines that the parent/caregiver is not compliant with the case plan or is not making sufficient progress within the initial review period, the County Department shall

pursue additional court intervention to recommend modification of the dependency disposition, as applicable, to ensure child safety, permanency and well-being. When it is clear that the parent/caregiver cannot or will not resolve the safety issues that are keeping the child from returning home in a short time period (less than three [3] months), it may become necessary to seek further court intervention and recommend custody be granted to DFCS in order to facilitate permanency for the child.

When a reunification case plan is recommended by DFCS but not ordered by the court and temporary custody is granted to a third party, the County Department must maintain the same level of commitment in working towards ensuring child safety, permanency, and well-being. When these situations occur, a staffing with the County Director or designee and the SAAG shall be initiated to discuss and explore possible legal recourse. Efforts to engage the family and/or safety resource subsequent to the court's decision shall be made to come together and form a consensus about how to achieve the best outcome for the child involved. Additionally, DFCS shall ensure that all reasonable efforts are exhausted to provide reunification services to the parent/caregiver prior to a case being closed.

### **Conditions for Return**

Conditions for return are written statements related to the safety (present or impending dangers) and risk (higher level) issues identified that justified implementing an out-of-home safety plan. These statements are specific conditions describing what needs to occur before the safety resource is no longer needed for the child. These conditions may be specific to a parent and/or the home environment. Statements must include:

1. The safety and risk concerns, diminished caregiver protective capacities, and safety criteria that created the need for the child to reside with a safety resource;
2. The specific conditions and circumstances required for the safety resource to no longer be necessary (based upon the type and degree of change that is needed);
3. The means for implementing the changes necessary to achieve the safe and successful resolution of the safety concerns and the child's return home; and
4. The parent/legal guardian's response to intervention and willingness to make the changes necessary for the child to return home.

Successful completion of the conditions should result in the child returning to a safe environment with their parent(s)/legal guardian(s). If the conditions are not sufficiently met within the prescribed timeframe and/or the need otherwise arises for juvenile court involvement, the conditional statements should be shared with the court during the case review process and may be discussed during court hearings, particularly when discussing reasonable efforts to prevent a child's removal from his/her home.

### **Grandparent Power of Attorney**

Georgia law grants the parent of a minor child the ability to delegate authority to a grandparent in certain situations where a hardship prevents the parent from caring for the child. However, DFCS cannot initiate the use of a power of attorney or otherwise influence the family to pursue this option as it may not be utilized as a safety intervention by DFCS or to circumvent juvenile court involvement. Additionally, Georgia statute specifically denotes that the use of a power of attorney may not be utilized in an attempt to subvert the child welfare investigative process. Examples of hardships where a power of attorney may be acceptable independent of DFCS involvement with a family include:

1. A parent being unable to provide care due to the death of the other parent;
2. A serious illness or terminal illness of a parent;
3. The physical or mental condition of the parent or the child is such that proper care and supervision of the child cannot be provided by the parent;
4. The incarceration of a parent;
5. The loss or un-inhabitability of the child's home as the result of a natural disaster; or
6. A period of active military duty of a parent exceeding 24 months.

**NOTE:** These hardships shall not include the granting of a **power of attorney** for the care of a minor child for the purpose of subverting an investigation of the child's welfare initiated by the Division of Family and Children Services or other agency responsible for such investigations (see O.C.G.A. § 19-9-122 Power of Attorney for the Care of a Minor Child).

### **Guardianship**

Although O.C.G.A. § 29-2-5 provides for temporary guardianship, **temporary guardianship is not an accepted practice in any child welfare case in Georgia and, therefore, shall not be utilized.** Child welfare agencies are charged with ensuring the safety, permanency and well-being of children and families. DFCS staff is therefore prohibited from requesting, pursuing, suggesting, facilitating, or consenting to a temporary guardianship during any stage of DFCS involvement with a child and/or family. The use of temporary guardianship contradicts the agency's goal of ensuring a safe, permanent home for children by the very nature of it being temporary. In addition, DFCS staff shall not seek permanent guardianship in Child Protective Services cases (Investigations, Family Support Services, and Family Preservation Services), as CPS cases are unlikely to meet the legal standards/threshold associated with a permanent guardianship.

While temporary guardianship petitions are usually heard in probate court, some are also heard in juvenile court. If DFCS becomes aware that a parent involved in a child welfare case is pursuing temporary guardianship, DFCS should make efforts to ensure the court (either probate or juvenile) is aware of the agency's involvement with the family, articulating any concerns and recommendations for ensuring the child's safety.

Some challenges presented by the use of temporary guardianships include:

1. The inherent temporary nature of these arrangements, which can be revoked at any time by the parent(s) of the child as long as the guardian does not object;
2. Due to inherent limitations, temporary guardianship is not appropriate where there are dependency issues that require behavioral change by the parent(s) to safely return the child(ren);
3. Temporary guardianship seldom results in changes in family circumstances as there is no case plan to facilitate the change, and when ordered in probate court, no provision of law allows the probate court to order any type of reunification services for the parent and child;
4. Failure to address the family's circumstances or any preference for maintaining the family unit;
5. Parties are most often unrepresented by counsel. The dependency process is procedurally more protective of parental rights. In juvenile court proceedings, indigent parents have access to legal representation at no cost. In probate court, free counsel is not provided for the parents, nor is counsel routinely appointed for the child;
6. Failure to ensure provision of services to the children and guardian;

7. Failure to include a formal assessment of the guardian and the home environment to meet the long term needs of the child;
8. Families use of temporary guardianship as a means to avoid DFCS intervention and then return the child(ren) to the parent(s) without formally dissolving the temporary guardianship placing the child(ren) at risk for further maltreatment; and
9. Failure to address child safety, child support or visitation in temporary guardianship orders.

#### **IV-E Eligibility**

To be eligible for IV-E funding, a child must, among other criteria, be removed from the home of a specified relative as the result of a voluntary placement agreement or judicial determination that the continuation in the home would be contrary to the child's welfare. The federal statute allows a six-month period of time during which the child can live with an interim caregiver (relative or non-relative) and still be eligible for IV-E funding. The removal can be "constructive" (non-physical, paper or legal) or a physical removal (see policy [9.3 Eligibility: Apply for Initial Funding](#)).

#### **Multiple Safety Resources**

When the potential safety resource is assessed and is deemed inappropriate, the SSCM should engage the caregiver in other safety response options, which may include identification of other potential safety resources.

**NOTE:** The 45 calendar day timeframe for a child to be in a safety resource placement is calculated cumulatively from the date the out of home safety plan went into effect, and does not begin again when/if a child has to be moved to another safety resource provider. Under no circumstances should a child be in a safety resource beyond 45 calendar days without a specific plan for permanency having been initiated.

#### **Non-custodial Parents, Putative Fathers and Safety Resources**

The U.S. Supreme Court has affirmed the constitutional protection of a putative father's parental rights when he has established a substantial relationship with the child (ren). If the information obtained indicates that the putative father and the child have a substantial relationship, DFCS does not have to complete a formal safety assessment or consider labeling the putative father as a safety resource.

If the caregiver identifies the father during the safety resource discussion and there is a substantial relationship, the child can be placed voluntarily by the caregiver with the putative father similar to any other safety resource. Under these circumstances, DFCS still has a responsibility in ensuring the safety of the child in the putative father's home. Likewise, a non-custodial parent who retains custodial rights and is afforded visitation would not need to be assessed as a safety resource. The SSCM and the caregiver need to discuss the appropriateness of the non-custodial parent and document the reasons for the selection or non-selection.

#### **Request for Out-of-State Safety Resources**

DFCS shall not support the use of an out-of-state safety resource unless a valid ICPC border agreement exists. If a caregiver proposes this and a valid ICPC border agreement does not apply, explore other options. If a valid border agreement exists between the county and other state, refer to the border agreement for use of homes as safety resources.

## **Safety Resources Across County Lines**

There may be times when it is necessary to utilize a safety resource that is in a different County (*County B*) from the one in which the parent/guardian resides. When these situations occur, the County in which the Safety Resource Home resides (*County B*) has the responsibility to conduct the Safety Resource Assessment of the home upon request from the legal County (*County A*). Upon completion of the Safety Resource Assessment (SRA), *County B* retains the responsibility to approve or deny the Safety Resource home. The results of the SRA should be documented in Georgia SHINES upon completion. Upon review and approval of the SRA, *County A* may then determine if the child will be placed in the Safety Resource home in *County B*. If the decision is made to place a child in the SR in *County B*, *County A* should communicate the decision to *County B* immediately, and begin the process of determining if permission to cross county lines will be granted to *County A* in order to make face to face contacts with the Safety Resource and the child, or if *County B* will be responsible for maintaining face to face contact.

If *County A* disagrees with *County B*'s approval/denial of the Safety Resource Assessment, a staffing should be scheduled as soon as possible to discuss the case circumstances and the reasons for *County B*'s decision. If *County B* denied the SRA, *County A* is not permitted to place the child in *County B*'s jurisdiction.

**NOTE:** The legal County (*County A*) maintains responsibility to ensure that the child is safe during the time period in which logistics of case management and contact responsibilities are determined. Under no circumstances should a child go without being seen face-to-face in a safety resource due to jurisdiction issues. *County A* should obtain permission to cross county lines until such time as final contact responsibilities are determined.

## **Inappropriate Use of a Safety Resource**

A safety resource should not be considered in situations involving chronic and/or severe child maltreatment. Such situations should be addressed with court intervention (see policy [5.1 Investigations: Conducting an Investigation](#)). In addition, a safety resource should not be used when the present danger situation or impending danger safety threat cannot be controlled or resolved within 45 calendar days or less (i.e., when substance abuse is involved).

### **FORMS AND TOOLS**

[Caregiver Child Safety Agreement](#)

[Consent for State Criminal Records Check](#)

[Helping Keep Children Safe: Your Rights and Responsibilities as a Safety Resource \(Brochure\)](#)

[Helping Keep Children Safe: Your Rights and Responsibilities as a Safety Resource \(Brochure\) - Spanish](#)

[Safety Resource: A Caregiver's Guide \(Brochure\)](#)

[Safety Resource: A Caregiver's Guide \(Brochure\) - Spanish](#)

[Safety Resource Consent Form](#)