



State of Florida  
Department of Children and Families

Ron DeSantis  
Governor

Rebecca Kapusta  
Interim Secretary

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**DATE:** January 11, 2019

**TO:** Regional Managing Directors  
Community Based Care Lead Agency CEOs

**THROUGH:** Rebecca Kapusta, Interim Secretary *Rebecca Kapusta*

**FROM:** JoShonda Guerrier, Assistant Secretary for Child Welfare

**SUBJECT:** CFOP 170-11, Placement, Chapter 6, Normalcy

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**PURPOSE:** The purpose of this memorandum is to provide notification that Chapter 6, Normalcy, has been updated to include provisions surrounding a youths right to privacy and the use of video surveillance monitoring in CFOP 170-11, Placement.

**BACKGROUND:** It is the policy of the Department of Children and Families to fully support the efforts of caregivers, providers, and Community-Based Care (CBC) Lead Agencies to ensure that children in care have the opportunity to fully participate in activities in their schools, neighborhoods, and communities.

In accordance with s. 39.4085, Florida Statutes, a goal for children in shelter or foster care is to enjoy individual dignity, liberty, pursuit of happiness, and the protection of their civil and legal rights as persons in the custody of the state.

Specific guidance has been provided in CFOP 170-11, Chapter 6, to clarify the use of closed circuit television (CCTV) or video surveillance with all youth in care. The updated section, titled, *Right to Privacy*, clarifies the prudent use of any video surveillance devices, the location and positioning of the devices, recording capacity, and confidential storage of footage.

**ACTION REQUESTED:** Please share this memorandum with staff of the department, CBC lead agencies and subcontracted providers involved with children in out-of-home care of all ages.

**CONTACT INFORMATION:** If you have any questions or need more information, please contact Tanisha Lee, Statewide Group Home Licensing Specialist, Office of Child Welfare, at [Tanisha.Lee@myflfamilies.com](mailto:Tanisha.Lee@myflfamilies.com) or call (850) 717-4659.

cc: Regional Family and Community Services Directors  
Sheriff's Offices Conducting Child Protective Investigations  
Center for Child Welfare

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1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

CF OPERATING PROCEDURE  
NO. 170-11

STATE OF FLORIDA  
DEPARTMENT OF  
CHILDREN AND FAMILIES  
TALLAHASSEE, January 15, 2019

Child Welfare

PLACEMENT

This operating procedure describes requirements related to the appropriate placement of children who need out of home care.

This operating procedure applies to child protective investigators, case managers, and placement, licensure, adoption and independent living specialists.

BY DIRECTION OF THE SECRETARY:



JOSHONDA GUERRIER  
Assistant Secretary for  
Child Welfare

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

Revised Chapter 6 by adding three items to paragraph 6-3; adding the phrase "or care precaution plan" to paragraph 6-5e; adding the phrase "and enrolling in" to paragraph 6-8a; adding the phrase "auto insurance" to the end of the sentence in paragraph 6-8c; and adding paragraph 6-9.



## Chapter 6

## NORMALCY

6-1. Purpose. This chapter describes the Department's policies and procedures regarding the concept of normalcy. It is the policy of the Department to fully support the efforts of caregivers, providers, and Community-Based Care Lead Agencies to ensure that children in our care have the opportunity to fully participate in activities in their schools, neighborhoods, and communities.

6-2. Scope. The policies and procedures within this operating procedure apply to all staff of the Department, Community-Based Care Lead Agencies, and subcontracted providers involved with children in out-of-home care of all ages. This includes child protective investigators, case managers, Children's Legal Services attorneys, foster families, child caring agency staff, relatives, nonrelatives, and Department program specialists. Local policies must not be more restrictive than the policies and procedures outlined in this chapter.

6-3. Authority. The following provide the legal authority for the purpose and scope.

- a. Section [39.4085](#), Florida Statutes (F.S.).
- b. Section [39.4091](#), F.S.
- c. Section [409.145](#), F.S.
- d. Section [409.1454](#), F.S.
- e. Chapter [65C-28](#), Florida Administrative Code (F.A.C.).
- f. Rule [65C-13.033](#), F.A.C.
- g. Rule [65C-14.018](#), F.A.C.

6-4. Explanation of Reasonable and Prudent Parent Standard. In accordance with s. [39.4091](#), F.S., "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, and social activities.

6-5. Normalcy Overview.

- a. A child's right to live a healthy, normal childhood is paramount.
- b. A reasonable and prudent parent standard will be applied to decisions regarding a child's participation in normal childhood activities.
- c. Out-of-home caregivers shall be supported in their decision making.
- d. Normalcy focuses on enabling opportunities for social development, recreation, academic growth, and positive life experiences based on a child's desires and developmental, emotional, physical, and other needs. Caregivers are empowered to make decisions using a reasonable and prudent parent standard. Guidelines aimed at also increasing normalcy for caregivers are addressed in [Chapter 7](#) and [Chapter 8](#) of this operating procedure.
- e. Decisions shall not contradict any existing court order or care precaution plan.

f. While caregivers have authority to make decisions about the normal activities of foster children in their care, the caregiver needs to consider known parental wishes in these decisions.

g. The assigned child welfare professional will make diligent efforts to keep the parent(s) informed and involved, including the resolution of differences between the caregiver and parent.

#### 6-6. Overnight / Planned Activities and Outings.

a. The out-of-home caregiver must determine that the activity or outing is safe and appropriate in accordance with the reasonable and prudent parent standard.

b. Children shall be encouraged to participate in normal school, community, or social activities and outings such as employment, school field trips, dating, scout camping trips, and activities with friends, school, and church groups as appropriate for the child based upon a reasonable and prudent parent standard.

c. Background screening is not required for the child's participation in normal childhood activities and outings like sleepovers with friends, participation in school lock-in's, or team sports.

d. The caregiver may take children placed in their care on vacations and must inform the assigned child welfare professional in advance of the travel. Travel must be in accordance with any existing court orders.

e. The caregiver shall notify the assigned child welfare professional in advance of overnight stays exceeding three (3) nights. Examples of such stays include sleep away camps and school trips.

f. The assigned child welfare professional shall make efforts to accommodate planned activities for the child's participation by assisting in coordination with the family and court, particularly as related to scheduled visitation.

NOTE: See also [Chapter 7](#) ("Babysitting and Overnight Care") and [Chapter 8](#) ("Out of Town Travel / Vacation") of this operating procedure.

#### 6-7. Social Media / Computer Usage / Cell Phones.

a. Children are permitted to participate in social media, computer usage, and have a cell phone as long as permission has been given by the caregiver.

b. Caregivers shall apply the reasonable and prudent parent standard to decision-making regarding social media usage. Caregivers should be sensitive to the risks of the various forms of social media.

c. Children have the right to self-disclose information about themselves on social media. Caregivers should educate children regarding the potential impact and ramifications of such disclosure.

d. Caregivers are permitted to post pictures on social media including children placed in their care. Caregivers may not use the child's last name or identify the child as residing in out-of-home care.

#### 6-8. Driving.

a. Caregivers and child welfare professionals shall assist children in finding and enrolling in a driver's education program.

b. Support of the child's efforts to learn how to drive a car, obtain a learner's permit, and driver's license shall be based upon the child's age, maturity, and access to insurance.



c. The Keys to Independence program is available to assist caregivers, youth, and child welfare professionals to maximize children's access to learners' permits, driving education, drivers' licenses, and auto insurance.

#### 6-9. Right to Privacy.

a. All youth in care have the right to be given a space that is private and to store personal belongings safely and securely.

b. Proper care should be taken when closed circuit television (CCTV) or video camera surveillance is used to ensure its use is appropriate and does not violate a youths right to privacy. It is reasonable to believe that a youth could fully disrobe in private, without concern of being recorded or viewed by another, in a location such as a bedroom or bathroom.

(1) Cameras placed in bedrooms, bathrooms, or toileting areas are prohibited.

(2) Anyone affected by the use of surveillance equipment should be made aware of its existence by the clear and obvious manner in which it is installed or by a written notice conspicuously posted on the premises.

c. Prior to the use of any cameras, the department should be informed where any cameras will be positioned along with a diagram showing their position, why they are in use and when, who is responsible for the camera(s), and what happens to the footage. The surveillance system is not to be used in place of direct supervision by a staff member or caregiver. The information should be kept securely, and the information recorded by the system is only used for the purpose for which it is intended.

(1) Surveillance systems should have the capacity to store footage for at least 14 days before rewriting or deleting. Video footage recorded on an external disc, USB thumb drive, or video home system (VHS) shall always be locked and secured and only accessed by authorized staff. This includes the transmission of footage digitally.

(2) The child welfare professional or DCF licensing staff member shall work with the caregiver or residential care provider to create an agreement which discusses prudent use of any video surveillance, including the use of baby monitors for children older than the device's recommended age.

(3) CCTV footage is subject to review by the Department and access to view footage must be granted within 24 hours upon request.

NOTE: See [Chapter 4](#) (Child Placement Agreements for Care Precautions and Behavior Management Plans) of this operating procedure regarding privacy for care precaution plans.