



State of Florida
Department of Children and Families

Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: June 22, 2009

TO: Regional Directors

THROUGH: John Cooper, Acting Assistant Secretary for Operations
David L. Fairbanks, Assistant Secretary for Programs

FROM: Alan Abramowitz, State Director, Office of Family Safety
Patricia Badland for

SUBJECT: Implementation of HB 381 – Zahid's Law

PURPOSE: At the conclusion of the 2009 legislative session, Governor Charlie Crist convened a signing ceremony to authorize the passage of HB 381: An act relating to care of children, also known as the "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act". The bill contains a number of provisions related to grandparents and other relatives caring for children. This memorandum specifies key provisions of this law that require immediate attention related to children involved in the child protection process to ensure that grandparents and other relatives caring for children have an increased opportunity to participate in proceedings and hearings related to those children.

Professionals in your area who should receive priority notification of these implementation requirements that have an effective date of July 1, 2009 include: child protective investigators, case workers for lead agencies and subcontracted providers, Children's Legal Services, contract managers, and judges and magistrates.

BACKGROUND: The "Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act" was enacted into law in response to a child known to the Department as a victim of child abuse as a result of an initial call to the Hotline in December 2006 and subsequent placement into shelter care and return to the custody of his mother. Zahid tragically died on May 29, 2007 at the hands of his mother's boyfriend. A key component of the case facts that led to the passage of this bill centers around calls to child protective investigators by his maternal grandmother stating that Zahid was at risk of further harm by the boyfriend. The goal of the new legislation is to establish a more effective protocol for engagement of relatives and assurance that their voice will be heard during investigative and judicial processes.

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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

KEY IMPLEMENTATION REQUIREMENTS: The new law has an effective date of July 1, 2009. The bill creates several new requirements that impact the duties of investigators, Children’s Legal Services and the courts. New obligations for initial and ongoing notification of the status of a child to relatives known to the Department are set forth, in addition to opportunities for relatives to address the court at hearings.

ACTION REQUIRED FOR CHILD PROTECTIVE INVESTIGATORS:

1. A child protective investigator (CPI) must:
 - provide contact information to the reporter of a Hotline call within 24 hours of being assigned to an investigation; and,
 - inform a reporter that he or she may provide a written summary of their allegations to the investigator for inclusion in the master file.

If attempts to meet this requirement are unsuccessful, contact information must be provided to the reporter upon earliest contact. It is essential to document fulfillment of this requirement in the FSFN to ensure readily accessible communication channels between both the investigator and the reporter. Florida Administrative Code already requires that an investigator contact a reporter to validate allegations and clarify information (F.A.C. 65C-29.003 (3)(n)); this new requirement ensures that the investigator will also provide contact information to the reporter and that a reporter knows they can provide written information.

2. A CPI must obtain collateral contact from a relative if a family is offered but refuses services, if the CPI has knowledge of, and the ability, to contact a relative.

Florida Administrative Code (F.A.C. 65C-29-003(3)(m)) specifies that when services are refused, the investigator must either take a child into protective custody or file a dependency petition if deemed necessary to protect the child. During the course of this critical decision-making process, having relative contact information in the early stages of an investigation is critical and will assist in complying with this requirement.

ACTION REQUIRED FOR CPI’S AND CASE MANAGERS:

3. Any photographs or reports on examinations made or X-rays taken pursuant to section 39.304, F.S., shall be preserved in permanent form in records held by the Department.

Although this provision is directed at activities related to the initial stage of an investigation, it is important for both investigators and case managers to be mindful of the requirement to maintain information on medical examinations and related documents in the child’s master

record. This new requirement is similar to the requirements of the new SB 126, known as the Open Records Law. It requires the Department to establish a means for ensuring the extended maintenance of all dependency records, including medical content, until a child who received services from the Department reaches 30 years of age.

4. A relative may submit a request in writing to the CPI or case manager to receive notification of all proceedings and hearings. The request must include the relative’s name, address, phone number and relationship to the child. The CPI or case manager must forward the request for notification to the attorney for the Department.

It is important for both investigators and case managers to make certain that relatives understand that they can be an effective advocate when they provide written notification of their desire to be noticed on court proceedings.

JOINT ACTION FOR CPI’S, CASE MANAGERS, CHILDREN’S LEGAL SERVICES:

5. The Case Plan must include a task for the case manager to forward the relative’s request to the Children’s Legal Services attorney.

Prior to submitting a Case Plan to the court for approval, the CPI or case manager who received a written request for notification of proceedings and hearings must make certain that such request is forwarded accordingly for inclusion in the Case Plan.

ACTION REQUIRED FOR CHILDREN’S LEGAL SERVICES:

6. The Children’s Legal Services attorney shall notify the relative of all hearings either in writing or orally and shall inform the relative that he or she has the right to attend all subsequent hearings, submit written reports to the court and speak to the court regarding the child.

The court may release the attorney from this obligation if the relative’s involvement is impeding the dependency process or determined detrimental to the child’s well-being.

ADDITIONAL PROVISIONS: In addition to these requirements, the court is also obligated to include additional processes during judicial proceedings. At shelter, the court must notify the parents, legal custodian, and relatives providing out-of-home care of the importance of their active participation. The court must notify relatives providing out-of-home care following a shelter petition being granted that they have the right to attend all subsequent hearings, submit reports to the court and speak to the court regarding the children.

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CONTACT INFORMATION: Please disseminate this memorandum to all child welfare professionals and Children's Legal Services attorneys within your local system of care, so they can implement these notification provisions effective July 1, 2009. The attached powerpoint presentation can be used as a guide to train staff on the new mandates.

Should you have any questions, please contact Chris Compton at 850-443-6646, or via e-mail at chris_compton@dcf.state.fl.us.

Attachment