

State of Florida  
Department of Children and Families

Charlie Crist  
Governor

George H. Sheldon  
Secretary

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**DATE:** August 26, 2009

**TO:** Regional Directors

**THROUGH:** Peter Digre, Assistant Secretary for Operations *Marked to*  
David L. Fairbanks, Assistant Secretary for Programs *Patricia*

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

**SUBJECT:** Implementation of Senate Bill 126 – Implementation Guide

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**PURPOSE:** This memorandum is a follow up to the June 22 Memo: Implementation of Senate Bill 126. Attached to this memorandum you will find a proposed Implementation Guide along with a copy of the June 22 memorandum. This Guide is limited to case records for children and young adults who have left the care of the State as well as families who have been involved in investigations. Under development at this time are guidelines for release of records to children who have been adopted.

**ACTION REQUIRED:** Please disseminate the Guide to your local leadership team, including regional counsel, lead agencies and Sheriff's offices who conduct child protective investigations. We seek input on the process and timeframes associated with the release of records within your local system of care. Please provide this input by September 7, 2009 to Pat Badland.

**CONTACT INFORMATION:** For additional information please contact Pat Badland at 922-2298 or via email at [pat\\_badland@dcf.state.fl.us](mailto:pat_badland@dcf.state.fl.us)

Attachments

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1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

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

## **ACCESS TO CHILD PROTECTION CASE RECORDS Implementation of SB 126 – Open Records**

The following proposed guidelines are established to ensure compliance with s.39.00145, Florida Statutes, establishing clear authorization for the release of case records of a child under the supervision or in the custody of the Department of Children and Families. The guidelines apply to children who were subject to an investigation that did not result in a removal, those who were in out of home care and subsequently returned to a parent or relative and youth who age out of care. The General Counsel's office is currently developing guidelines regarding the release of records that contain adoption-related information.

1. Within 90 days after a child leaves the Department's custody, information must be provided to a person with legal custody of the child or the young adult who was in the Department's custody on how to obtain a case record. Effective immediately, Children's Legal Services is required to include in all court orders where custody of a child is changed, notification that records are available to the child, the child's caregiver, guardian ad litem, or attorney until the child reaches the age of 30 years.
2. The brochure (attached) describing the child protection process that our child protection investigators are required to provide to parents and caretakers has been recently updated and clearly states the right to obtain copies of case records. To order a new shipment of brochures from our warehouse, DCF staff must complete an ARTS requisition, and submit the completed and approved requisition to DCF Purchasing. Providers or contractors can call PRIDE at 1-877-277-2208 to order forms and brochures from the warehouse. Creole and Spanish versions are only available in DCF Forms. The Creole version is numbered CF/PI 175-69, and the Spanish version is numbered CF/PI 176-66.
3. When a protective investigator, case worker or other provider in the local system of care receives a request from an authorized party for a case record, notification of such request must be transferred in writing to the single point of contact. This request must be submitted no later than 24 hours after receipt of the request.
4. The single point of contact for the protective investigator shall be either the identified department or sheriff's representative. The single point of contact for a case worker or provider shall be the identified lead agency representative. The contact list (attached) identifies the single point of contact for each department, lead agency and sheriff's office who will be responsible for ensuring that the complete case record is

retrieved from investigative and case management entities upon receipt of request.

5. No later than September 30, 2009, a written communication on local protocol establishing the regional single point of contact who must be notified of all requests for case records received from authorized parties by investigators, case managers and other professionals who may receive such requests must be developed and submitted to the Assistant Secretary for Operations.
6. An initial redaction of documents shall be performed by the custodian of the record and submitted to the single point of contact within 14 days of the receipt of the request. Following redaction, the case record must be submitted to Regional General Counsel Offices' by the single point of contact for review and approval of release which must occur within 14 days of receipt of Regional General Counsel.
7. The single point of contact must notify the requesting party within two days of receipt of the record of the time and place to be provided the case record.
8. The time frames are developed to ensure the case record is provided to the authorized party no later than 30 days after the request is received by the single point of contact. The written communication establishing local protocol may depart from the 14 day redaction and legal review time frames proposed so long as the case record is provided to the authorized party no later than 30 days after the request is made.
9. The authorized party will be notified by the single point of contact if there are any delays in the ability to respond to the request for the case record within this established 30 day time frame.
10. All case records must be presented free of charge in hard copy and not by electronic means to maintain integrity of the careful review and redaction of the documents.
11. A complete and accurate copy of the case record includes the full name and street address of all shelters, foster and group homes, treatment facilities or locations where the child has been placed. It also includes case plans, pre-disposition reports, judicial reviews reports, court orders, guardian ad litem reports, evaluations and comprehensive assessments, medical health history, school records and report cards, mental health reports, hospitalization / residential setting records, any letters, photographs and all other information contained in the case record as directed under law.

12. All local procedures for the destruction of records shall be revised in accordance with the new statutory requirement to preserve the case record pertaining to a child and family until the child who is the subject of the record is 30 years of age.

The following guidelines are offered by the General Counsel's Office of the Department:

- Confidential information regarding other individuals (adult or child) contained in the case record must be redacted if the information is specifically confidential by a state or federal law to be withheld.
- The law is meant to apply only to a child's case record, which includes the investigation and any subsequent services provided
- Each custodian of records will be responsible to redact the records in their custody. DCF Regional General Counsel Offices will be the final review of the case record before it is released to the requesting party.

## **What is the goal of Florida's child protection system?**

Our goal is to ensure that children are safe from abuse or neglect while doing everything we can to keep families together.

## **What is a child protective investigation?**

An investigation results when a call is made to the Florida Abuse Hotline claiming that a child is being abused or neglected. Florida law requires the child protective investigator to determine if any child in your home has been harmed. If abuse or neglect has occurred, services are available to assist your family in keeping your child safe and preventing future abuse or neglect.

## **How do I know the person at my door is really a child protective investigator?**

The investigator should present proper identification before entering your home. You may check that the person is employed as a child protective investigator by calling the investigator's local office or the Abuse Hotline's toll-free number at 1-800-96ABUSE. The name and phone number of the investigator are written on the back of this brochure. You may call the investigator for information or assistance at any time during the investigation.

## **How will information be gathered?**

You can help the protective investigator by truthfully answering questions and providing requested information. Withholding information or telling 'half-truths' is not helpful to the investigator or to you. If your child has been harmed, your understanding of the problem and your willingness to discuss openly with the investigator what happened are important in determining how to improve the situation for your child and family.

The investigator will talk to you, your child, family members, and contact others who know your family such as a teacher or

neighbor. *Florida law specifically directs visits and interviews with the child and family to be unannounced whenever possible, which may result in your child being interviewed without you being present.* You may video or audio tape your interview with the protective investigator, using your own equipment, if it is immediately available. A lawyer may represent you at any point during the investigation. If you choose to delay your interview with the investigator in order to be represented by a lawyer, the investigator will continue to gather information from other persons, including family members.

State law authorizes court action if a child is hidden or made unavailable for the purpose of delaying or avoiding the investigation. *The law also requires you to notify the child protective investigator within two business days if you move or if your child's location or living arrangement changes.*

## **What are the possible results of the investigation?**

The investigation regarding your child is required to be completed within 60 days, except in cases involving a child death, missing child, or when law enforcement has an open criminal investigation. The majority of reports reveal no indication of child abuse or neglect and the investigation is closed without further action.

If child abuse or neglect is identified, the investigator will explore with you what services and resources may be provided to your family that would allow your child to stay at home while also preventing future abuse or neglect. Based upon your family's situation, the investigator will likely consider, (1) referring you to a local community agency for help, (2) offering in-home case management services, or (3) asking a judge to grant court ordered supervision and oversight of your family.

In most situations, service referrals and in-home case management services greatly reduce the need for the investigator to recommend taking more serious steps, such as placing your child outside the home, as allowed by law. You do have the right to refuse the services and assistance offered by the investigator. If you refuse services, the law requires the investigator to determine whether court oversight is required to protect your child.

The parent(s) of the child, and any person alleged to have caused the abuse or neglect may request a copy of the investigative record. This request should be made directly to the investigator or supervisor whose names are provided on the back of this brochure.

## **What are my rights if my child is removed from my home?**

If your child is in immediate danger and the provision of in-home services would not ensure your child's safety in the home, the investigator will place your child in the home of a relative, close friend, or in an agency-licensed shelter. A court hearing will be held within 24 hours so a judge can decide whether your child should be returned home or continued in the temporary care and custody of the department. You have the right to obtain an attorney, to be heard, and present evidence at the shelter hearing.

If your child is placed outside your home, the judge will establish visitation rights. This will include who is allowed to see the child, and whether visits should be supervised. You may visit and talk with your child as provided by the judge. Depending upon the agencies in your area, either the child protective investigator or a case manager from your local community-based care agency will arrange the time and place for visits and calls between you and your child.

Despite possibly being angry and upset, it is important that you continue to care for your child by providing information on any special medical conditions, dietary needs, known allergies, or behavior problems affecting your child. You will be asked to sign forms consenting to necessary medical treatment. This is important in case your child is injured or becomes ill and you are not readily available to provide consent for medical treatment.

In addition to visiting with your child, you are encouraged to call and to write letters, unless restricted by the court. Children also will be comforted by having favorite clothes, pictures, and toys with them while they adjust to their new surroundings. Please check with the investigator or case manager regarding how these items can be provided to your child.

#### **What does the court expect from me?**

Except in cases of severe child abuse or neglect, it is in your child's best interest to be reunified with you as quickly as possible. To approve reunification, the court will want to see that the conditions that led to your child being removed no longer are a danger to the child.

It is important that you understand and fully participate in the process of determining what tasks and activities must be completed before your child can come home. You will be asked to attend a mediation or case planning conference to develop a "case plan". The case plan is the official agreement between you and the court regarding what is expected from you, and what you can expect from those agencies directed to assist you.

State and federal laws require parents be able to provide a stable home for their child within 12 months from the date the child was placed outside the home. After a child

is returned home, court oversight generally continues for an additional six months.

If the child cannot be safely returned home within the 12 month timeframe, the court will determine the best long-term care and goals for the child, and court oversight will continue until some other permanent care is arranged.

**If you have questions, you may call the investigator or supervisor listed below.**

Investigator's Name:

Investigator's Telephone Number:

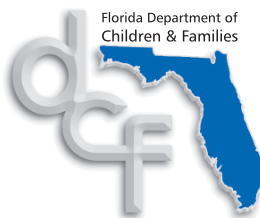
Supervisor's Name:

Supervisor's Telephone Number:

Information on food assistance, temporary cash assistance or Medicaid is available at ACCESS Florida by calling 1-866-76ACCESS or apply online at [www.myflorida.com/accessflorida/](http://www.myflorida.com/accessflorida/).

For KidCare health insurance, call 1-888-540-5437 or go to [www.floridakidcare.com](http://www.floridakidcare.com).

For services in your community, call 211 or go to <http://flweb211.myflorida.com>. You may also ask your investigator or case manager.



# CHILD

**Your Rights and Responsibilities**

# PROTECTION

**SB 126: An Act Relating to the Confidential Records of Children  
Open Records Bill**

**Local Points of Contact**

<b>Region</b>	<b>Region Contact</b>	<b>CBC Contact</b>	<b>Sheriff Contact</b>
<b>Northwest</b>	Melissa Sidoti 850-921-3015 Melissa_sidoti@dcf.state.fl.us	Lakeview Pam Smith (850) 469 3759 <a href="mailto:psmith@bhcpns.org">psmith@bhcpns.org</a>  BigBend CBC Pam East peast@bigbendcbc.org 850-410-1020  FamiliesFirst Network psmith@bhcpns.org 850-469-3759	
<b>Northeast</b>	Susan Bell (904) 723-2199	FSSNF Linsay Warren, FSS Adoption Specialist  Community Partnership for Children, Circuit 7 - Frances Koski Frances.Koski@cbcvf.org 386-944-4720  St. Johns County Family Integrity Program Wendy McDougald 904-209-6117. <a href="mailto:wmcdougald@sjcfl.us">wmcdougald@sjcfl.us</a>	

Region	Region Contact	CBC Contact	Sheriff Contact
<b>Central</b>	Stephanie Weis (Family Safety Program Manager) 407-245-1709 ext 750	<p>CBC of Seminole Jenis Foster 407-268-9239</p> <p>CBC of Brevard James Carlson 321-752-4650 x 2062 office 321-506-0444 cell</p> <p>Heartland for Children Eva Horner EHORNER@heartlandforchildren.org, (863)519-8900 X212</p> <p>United for Children Rusty Kline (772) 398-2920 ext.309</p> <p>Family Services of Metro Orlando Sharon Graham (407) 398-7975</p>	<p>Seminole County Sheriff's Office Melissa Kreinbringer 407-665-5437</p> <p>Citrus County Sheriff's Office Paul Zukowski Office Phone #: 352-726-3145, ext 225; Cell#: 352-422-0936</p>
<b>SunCoast</b>	Lisa Mayrose (813) 558-5610	<p>Safe Children Coalition (Sarasota YMCA) Teresa Davis 941 371-4799 x184. tdavis@sarasota-ymca.org.</p> <p>(backup) Barbara Simmons 941 371-4799, x132 <a href="mailto:bsimmons@sarasota-ymca.org">bsimmons@sarasota-ymca.org</a></p>	<p>Fawn Moore Pasco County</p> <p>HCSO CPID: General Manager Heather Grates hgrates@hcsotampa.fl.us 813-627-2016 (backup - Jennifer Hock)</p>



Region	Region Contact	CBC Contact	Sheriff Contact
<b>Southeast</b>	C-15 Contact is Lynn Boughner for the CPI division.	Donna Andrews dandrews@cfcpbc.org	Broward Sheriff: Mr. James Walker, Assistant Program Administrator, CPIS  Broward Sheriff's Office Child Protective Investigations Section 359 N. State Road 7 Plantation, FL 33317 (954) 585-3730 or (954) 797- 5299
<b>Southern</b>			