

REPORTING CHILD ABUSE & WHAT HAPPENS NEXT:

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



Definitions



□ Parent:

- A woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1).
- If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child.
- The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent.

Definitions

- Caregiver:
 - The parent (even if the parent is a minor), legal custodian, adult household member, or other person responsible for a child's welfare as defined in subsection (47). [s. 39.01(10), F.S.]
- Child:
 - Any born, unmarried person less than 18 years old who has not been emancipated by order of the court.
- Legal Custodian;
 - An **ADULT HOUSEHOLD MEMBER** found in the home continually or at regular intervals;
 - **ANOTHER ADULT** entrusted with, or voluntarily assumed responsibility for the care of the child;
 - **ANOTHER CHILD** who is an **employee or volunteer** of a daycare, private school, agency, summer camp or similar facility when given sole responsibility for the care of the child.

Other Persons Responsible for a Child's Welfare

- Includes the child's legal guardian, legal custodian, or foster parent; an employee of a private school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care.
- For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity. [s. 39.01(47), F.S.]

Alleged Juvenile Sexual Offender

- A child 12 years of age or younger who engages in any sexual behavior which occurs without consent, without equality, or as a result of coercion.
- A child who is alleged to have committed any violation of law or delinquent act involving juvenile sexual abuse.
- The department is required to track these “child on child sexual abuse” incidents.
- Law Enforcement in the county where the incident occurred will investigate.
- The Hotline is **required** by statute to transfer all callers with this allegation to the Sheriff’s Department.
- If the alleged juvenile sex offender is 12 years or younger, a report will be accepted to assess the need for services.

Abuse

Abuse

- Any willful or threatened act or omission that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

However . . .

- Abuse of a child includes acts or omissions.
- Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child. [s. 39.01 (2), F.S.]

Discipline versus Abuse

- Discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:
 - ▣ Sprains, dislocations, or cartilage damage.
 - ▣ Bone or skull fractures.
 - ▣ Brain or spinal cord damage.
 - ▣ Intracranial hemorrhage or injury to other internal organs.
 - ▣ Asphyxiation, suffocation, or drowning.
 - ▣ Injury resulting from the use of a deadly weapon.
 - ▣ Burns or scalding.
 - ▣ Cuts, lacerations, punctures, or bites.
 - ▣ **Significant** permanent or temporary disfigurement.
 - ▣ Permanent or temporary loss or impairment of a body part or function.
 - ▣ **Significant** bruises or welts.

Neglect

Neglect

- Any act or omission where a child is deprived of, or allowed to be deprived of, necessary supervision, food, clothing, shelter or medical treatment, or is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

However . . .

- The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by the caretaker responsible.

Examples of Neglect

- ❑ Noncompliance (nonadherence) with health-care recommendations
- ❑ Delay or failure in seeking health care
- ❑ Inadequate food or failure to restrict food intake
- ❑ Drug-exposed neonates and older children
- ❑ Inadequate protection from environmental hazards
- ❑ Inadequate supervision, abandonment
- ❑ Inadequate affection, nurturance, love
- ❑ Unmet educational needs
- ❑ Inadequate hygiene
- ❑ Inadequate clothing

Abandonment

- The parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations.
- The term “abandoned” does not include an abandoned newborn infant, “child in need services,” or a “family in need of services.”
- The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment.

Threatened Harm

- A situation, circumstances or behavior which leads a prudent person to have reasonable cause to suspect abuse or neglect has occurred or may occur in the immediate future if no intervention is provided.



Examples of Threatened Harm

- Parental Substance Abuse
 - ▣ Including prescription drug abuse
 - ▣ Access/Lack of Needs being met/Lack of Supervision
- Family Violence Threatens Child
 - ▣ Child is present for violent episode
 - ▣ Child attempted to intervene
 - ▣ Child was at risk due to thrown items
 - ▣ Child was dropped/thrown/struck during battering of parent

When Will the Hotline Accept a Report?

- There is reasonable cause to suspect that a **child** (under age 18),
- Who can be **located in Florida**, or is temporarily out of the state but expected to return in the immediate future,
- Has been **harmed** or is believed to be **threatened with harm**
- From a **person responsible for the care of the child.**



How to Report Abuse

- **TELEPHONE:**

- **1-800-96-ABUSE**
(1-800-962-2873)

- **TDD (Telephone Device for the Deaf):**

- **1-800-453-5145**

- **FAX:**

- **1-800-914-0004**



How to Report Abuse

□ ON-LINE REPORTING

□ <http://www.dcf.state.fl.us/programs/abuse/>

- An emergency situation occurs when a child or elderly/disabled person appears to face immediate risk of abuse/neglect that is likely to result in death or serious harm (without intervention).
- EMERGENCY: FIRST, call 911, SECOND contact the Florida Abuse Hotline at 1-800-962-2873. DO NOT fax or submit a web report.

TIPS FOR SUCCESSFUL REPORTING

- Be sure to include the following information:
 - ▣ Victim name and Date of Birth
 - ▣ Alleged perpetrator name and the relationship of the alleged perpetrator to the victim.
 - ▣ Reporter name (**required for mandatory reporters**).
 - ▣ Addresses for subjects, including a numbered street address, apartment or lot number.
 - ▣ Telephone numbers, including area code.
 - ▣ Social Security numbers, if available.
 - ▣ A brief, description of the abuse, neglect, abandonment, including physical, mental or sexual injuries, if any.
 - ▣ Names and telephone numbers and/or addresses of witnesses and others involved.
 - ▣ A brief description of the victim's disability or infirmity (required for vulnerable adults).
 - ▣ Do not use profession-specific language; i.e., "fx" for fracture.

Confidentiality

- **All reports of child abuse and neglect are confidential** and access to these reports is limited.
- Counselors will not acknowledge the existence of any report, acknowledge that they have spoken to a caller on a previous occasion, nor release any information provided by a caller or contained in a report.
- No reports are released by the Hotline. Any person with a statutory right to a report copy must contact the local investigative office.
- Callers will be clearly told whether or not the information provided is being accepted as a report for investigation. A referral may be provided if appropriate.

Florida Statutes Relating to Reporting

- Florida Statute 39.201(1)(a) requires ANY person who has REASONABLE CAUSE to suspect that child abuse is occurring is required to report.
- Florida Statute 39.201(1)(b) defines mandated reporters.
- The name of the reporter shall be entered into the record of the report but shall be held confidential as provided in s. 39.202, F.S.

ARE YOU A MANDATORY REPORTER?

- Physician
- Osteopath
- Medical Examiner
- Chiropractic Physician
- Nurse
- Hospital personnel engaged in the admission, examination, care or treatment of children
- Health Professional
- Mental Health Professional
- Practitioner who relies solely on spiritual means for healing
- School Teacher
- School Official or Personnel
- Social Worker
- Day Care Center Worker
- Professional Child Care Worker
- Foster Care Worker
- Residential Care Worker
- Institutional Worker
- Law Enforcement
- Judge
- ANYONE WITH KNOWLEDGE OF POTENTIAL ABUSE OF A CHILD IS NOW A MANDATORY REPORTER UNDER PROTECTION OF VULNERABLE PEOPLE LAW.

Who Will Know You Called?

- The reporter's name may not be released to any person except DCF employees responsible for investigations, the abuse hotline, law enforcement, child protection team, or state attorney, without the written consent of the person reporting.
 - ▣ However, parents often suspect school employees.
 - ▣ Why do you think this is?
- The reporter may be subpoenaed when deemed necessary by the court, the state attorney, or the department, provided the fact that such person who made the report is not disclosed.
- You may request to be contacted by the investigator.
- If you are reporting in official capacity, you may request a written summary of the findings (which you would receive within 10 days of the investigation being closed).

Protection of Vulnerable Persons

Law: “Penn State Law”

- It is now mandatory to report the suspected abuse of a child, regardless of whether the alleged perpetrator is a parent or caregiver.
- Changes to the statute this year increased penalties for failing to report. Any university or college who “knowingly and willfully” fails to report suspected abuse or neglect or preventing someone else from doing so will receive a \$1 million fine for each incident.
 - ▣ They must report and not conduct internal investigations
- Individuals who fail to report now face a third degree felony charge and a \$5,000 fine.

False Reporting

- **Florida Statute protects mandated reported AS LONG AS the report was made in good faith.**
- **Knowingly and willfully** making a false report is a 3rd degree felony.
 - ▣ This can result in a fine or imprisonment if convicted.



Child Welfare System of Care

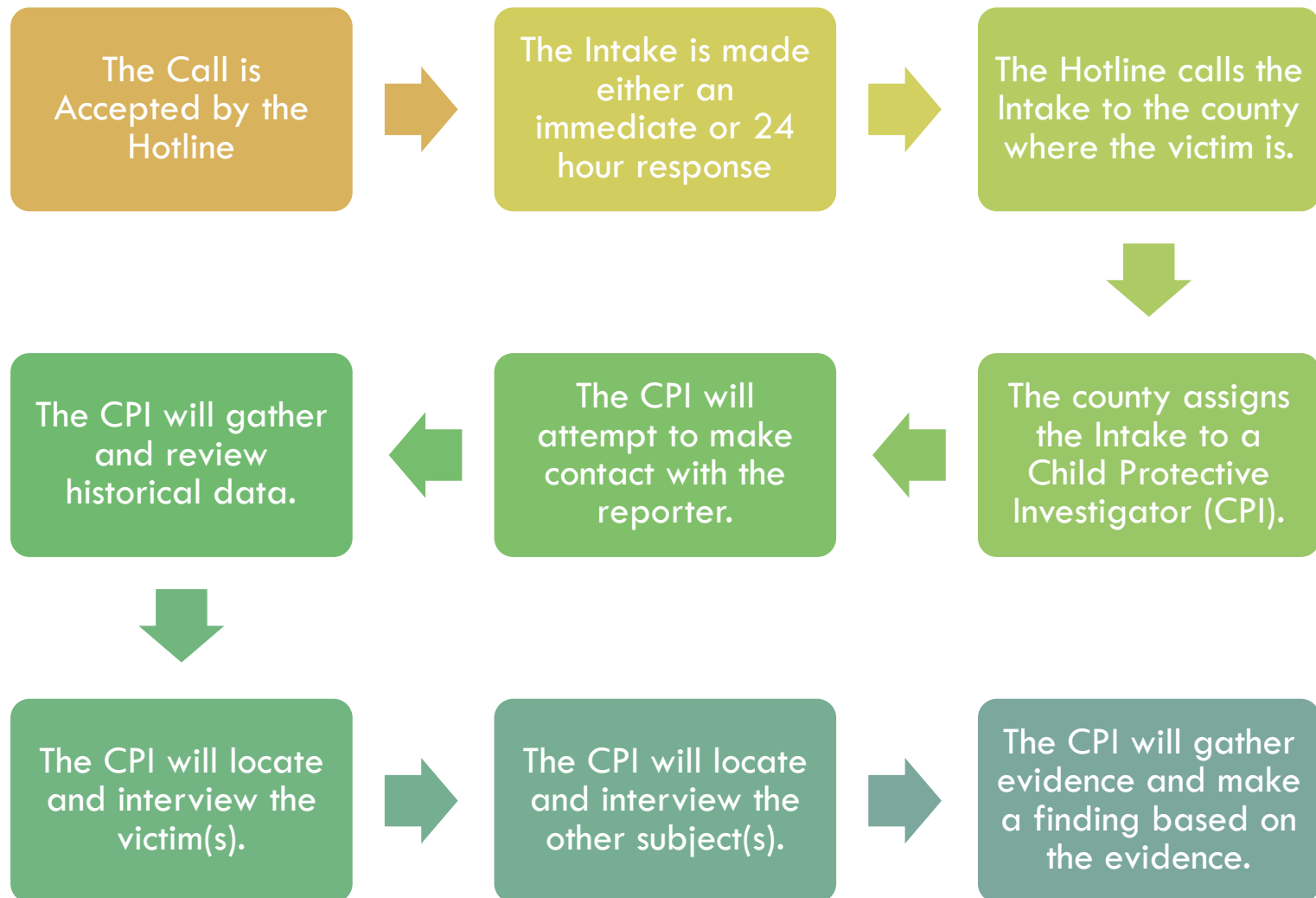
Department of Children and Families

- Child Protective Investigations
- Adult Protective Investigations

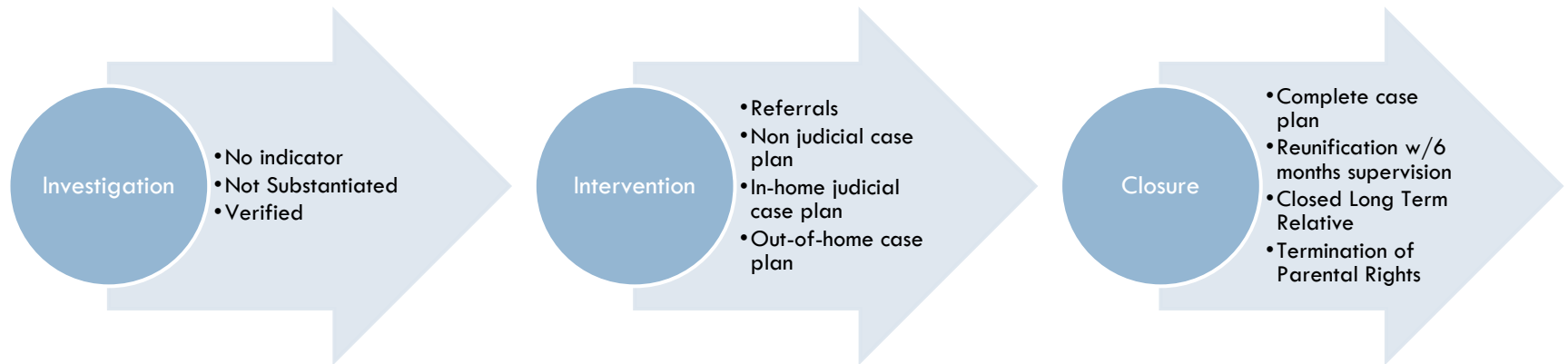
Lead Agency

- Prevention/Diversion
- Protective Supervision
- Foster Care
- Adoption
- Independent Living
- Recruiting of Foster Parents and Foster Homes

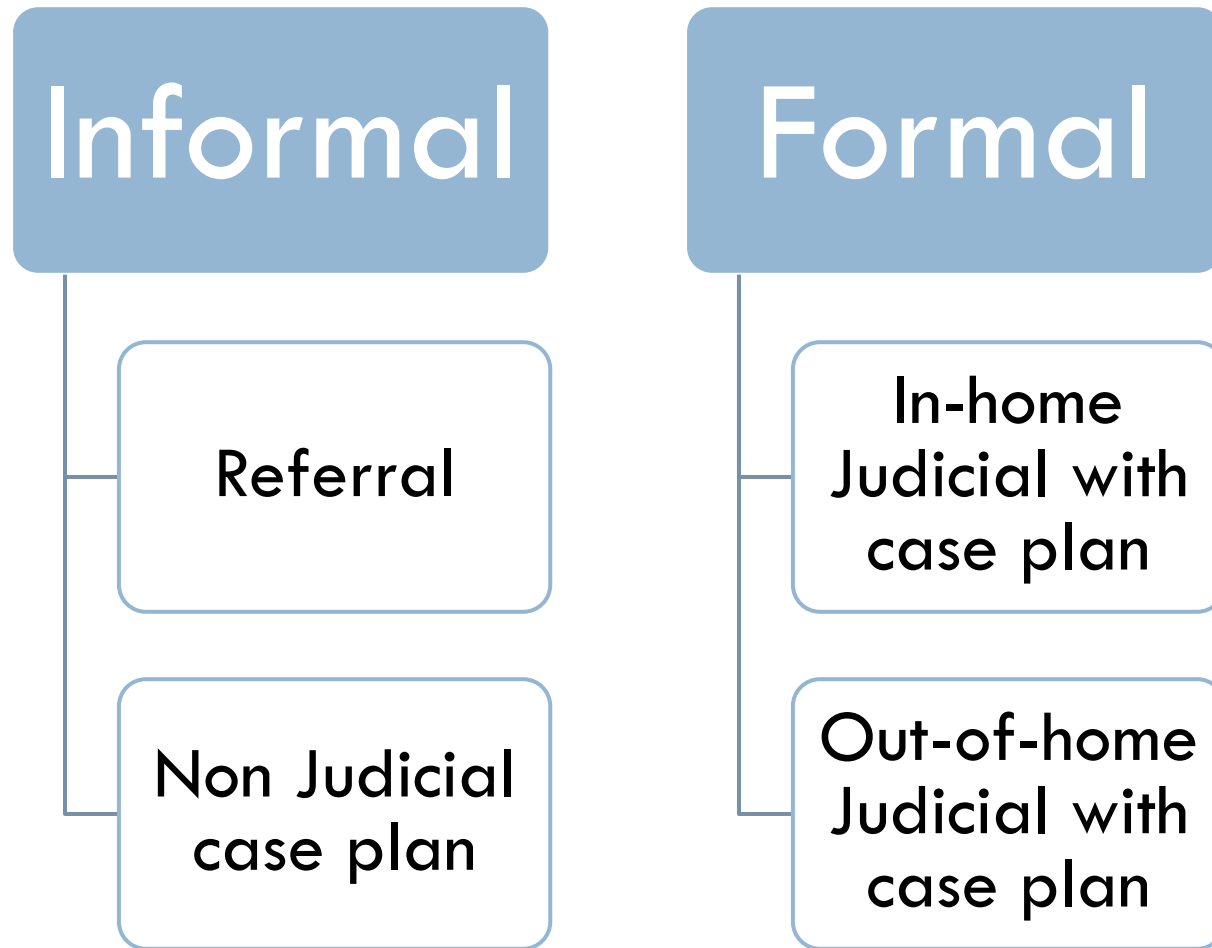
What Happens After the Call is Made?



What are possible outcomes



Interventions



Investigative Steps – the Time Frames

39.301

- Commencement (immediate or 24 hour)
- Reporter Contact (39.201(1)(b) within 24 hours
- Initial contact with victim(s) within 24hours
- Referral to CPT within 24 hours of victim contact
- Initial Child Safety Assessment within 48 hours
- Initial Supervisory review within 72 hours
- Second Party within 72 hours
- 45 day Disposition
- Supervisory Review
- Closure within 60 days

Judicial Interventions & Legal Standards

- Shelter – Probable Cause (DCF or LE)
 - ▣ Imminent Risk/Reasonable Efforts
 - ▣ Material violation of court order of placement
 - ▣ No caregiver available
- Dependency Petition – Preponderance of Evidence
- Termination of Parental Rights – Clear and Convincing

Shelter

- 39.395 Any person in charge of a hospital or similar institution, or any physician or licensed health care professional treating a child may detain that child without the consent of the parents, caregiver, or legal custodian, whether or not additional medical treatment is required, if the circumstances are such, or if the condition of the child is such that returning the child to the care or custody of the parents, caregiver, or legal custodian presents an imminent danger to the child's life or physical or mental health.

Shelter – Time Frames

- Shelter hearing within 24 hours
- Well child check within 72 hours
- Transfer case to services (Lead Agency) within 72 hours
- Initial visit with parents within 72 hours
- Petition alleging dependency filed within 21 days after shelter hearing
- Arraignment hearing within 28 days after shelter

Investigations – The Process

- Reporter contact
- FTF with all victim(s) and children
- FTF with all household members
- Inspection of the home
- FDLE, NCIC, LLE, FSFN, DOC, Sex Offender checks
- Relevant collateral contacts
- Child Protection team reports
- Law enforcement reports

Investigation – The Process

- Contact with subject experts – (Schools, Medical, Therapist)
- Collect records as needed
- Multidisciplinary staffing as needed
 - ▣ Diversion
 - ▣ Case Transfer
 - ▣ Child Protection Team
 - ▣ State Attorney

What are the Child Protection Teams?

- “Child protection teams are independent, community based programs”
- “Provide expertise in evaluating alleged maltreatments of child abuse and neglect”



Who Does CPT Serve?

- Department of Children and Families (Civil Investigations)
- Law Enforcement (Criminal Investigation)



CPT Services

Abuse Report Reviews (Medical & clinical)

Medical Exams

- ▣ Telemedicine locations, clinics, hospital visits, nursing assessments

Interviews

Forensic

Specialized

Staffings

Social (Psychosocial) Assessments

Expert Testimony

Medical Record Reviews / Consults

Psychological Evaluations

Trainings

Mandatory CPT

- Injuries to the head, bruises to the neck or head, burns or fractures on a child of any age.
- Bruises anywhere on a child 5 years or younger
- Any report of sexual abuse
- STD in prepubescent child
- Reported malnutrition or failure to thrive
- Reported medical neglect
- If a sibling has died as a result of possible abuse or neglect
- Serious emotional issues in a child who has possibly been the victim of abuse or neglect