

CF OPERATING PROCEDURE
NO. 175-10

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, August 25, 2014

Family Safety

CHILD FATALITY INVESTIGATIVE RESPONSE

1. Purpose. This operating procedure provides uniform procedures for the investigation of child fatalities due to suspected maltreatment by a caregiver either at the time of the initial intake alleging death due to abuse or neglect or during the course of an active child protective investigation.
2. Scope. This operating procedure applies to the Hotline and all Department and Sheriff child protective investigators (CPI) and supervisors responsible for child protective investigations and regional and state level management responsible for the oversight of child fatality investigations.
3. Authority.
 - a. Section 39.01, Florida Statutes (F.S.), Definitions.
 - b. Section 39.022, F.S., Public disclosure of reported child deaths.
 - c. Section 39.301, F.S., Initiation of protective investigations.
 - d. Section 39.303, F.S., Child protection teams; services; eligible cases.
 - e. Section 39.306, F.S., Child protective investigations; working agreements with local law enforcement.
 - f. CFOP 175-28, Child Maltreatment Index. If there is a discrepancy between the requirements of CFOP 175-28 and this operating procedure, then the requirements of this operating procedure shall supersede the requirements of CFOP 175-28.
 - g. CFOP 175-21, Investigative Response. If there is a discrepancy between the requirements of CFOP 175-21 and this operating procedure, then the requirements of this operating procedure shall supersede the requirements of CFOP 175-21.
 - h. CFOP 215-7, Child Fatality Incident Reporting Notification Requirements.
4. Definitions.
 - a. "Allegation" is a statement to the Florida Abuse Hotline ("Hotline") by a reporting party that a specific harm or threatened harm to a child has occurred or is suspected to have occurred.
 - b. "Caregiver" means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in s. 39.01(47), F.S.
 - c. "Child Maltreatment Index" means the guidelines included in Children and Families Operating Procedure 175-28 that are used by Hotline counselors and CPIs in determining investigative

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DISTRIBUTION: X: OSEC; OSGC; OSFAH; ASGO; Regional Managing Directors; Region/Circuit Child Protective Investigators and Supervisors; Regional Child Fatality Prevention Specialist.

assessments. The Index includes a description of the evidence required to reach a finding for each of the specific maltreatments.

d. "Department" means the Department of Children and Families, unless otherwise specified.

e. "Finding" means the outcome of an investigation that is based upon the Child Maltreatment Index (CFOP 175-28) that relates to the evidence found during an investigation.

f. "Florida Safe Families Network (FSFN)" means the Department's statewide automated child welfare information system which is the primary record for each protective investigation.

g. "Maltreatment" means a specific type of harm defined in CFOP 175-28.

h. "Neglect" as defined in s. 39.01(44), F.S., means a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child 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. 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 such person. A caregiver legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent caregiver.

i. "Other person responsible for a child's welfare" includes the child's legal guardian or foster parent; an employee of any school, public or private child day care center, residential home, institution, facility, or agency; a law enforcement officer employed in any facility, service, or program for children that is operated or contracted by the Department of Juvenile Justice; 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 the following persons when they are acting in an official capacity: law enforcement officers, except as otherwise provided in this subsection; employees of municipal or county detention facilities; or employees of the Department of Corrections.

j. "Second Tier Consultation" means a consultative process in which additional direction, guidance and feedback related to an open child protective investigation is received from a manager or any other professional or the solicitation of subject matter expertise or participation in teaming activities with individuals external to the investigative unit.

5. Notification to Law Enforcement. The CPI shall forward allegations of known or suspected criminal conduct to the municipal or county law enforcement agency of the municipality or county in which the alleged child fatality has occurred (s. 39.301(2)(b)2, F.S.). The CPI must coordinate with the designated law enforcement agency to determine conjoint investigative activities, e.g., the need to conduct interviews in common or separately.

6. Consultation with the Child Protection Team (CPT). When one or more children have been pronounced dead on arrival at a hospital or other health care facility, or have been injured and later died, as a result of suspected abuse, abandonment, or neglect, and a sibling or other child remains in the home where the suspected abuse, abandonment, or neglect occurred, the CPI must consult with the Child Protection Team for additional assessment and follow-up support services for these children.

7. Notification to the Department Managers. The Hotline Director or designee shall provide notification of a child fatality via email within two (2) hours and provide information required pursuant to CFOP 215-7 to the following parties: Deputy Secretary, Director of Operations, Assistant Secretary for Child Welfare; Director of Operations, Director of Child Welfare Operations; geographically applicable

Regional Managing Director, Regional Family and Community Services Director or designee; Statewide Child Fatality Prevention Specialist, and the Statewide specialist for the Incident Reporting and Analysis System (IRAS).

8. Notification to the Regional Child Fatality Prevention Specialist. The Statewide Child Fatality Prevention Specialist will provide notification to the applicable Regional Child Fatality Prevention Specialist. The Regional Child Fatality Prevention Specialist is the single point of contact for child fatality incident reporting in the Department's Incident Reporting and Analysis System (IRAS). Within 72 hours of notification from the Hotline, the Specialist will create the IRAS entry regarding the child fatality following the procedures set forth in CFOP 215-7.

a. Information must be summarized and not taken directly from FSFN so that the public and media are able to gain insight into child fatalities without releasing information that is confidential pursuant to section 39.202, F.S.

b. In order to comply with federal Statewide Automated Child Welfare Information System guidelines, all investigations must be documented in a single source: FSFN. The incident report is a summary of what is known at the time of the completion of the report. Therefore, updates or additional information must be documented in FSFN.

c. The CPI must notify the Regional Child Fatality Prevention Specialist of all child fatality review staffings and Multidisciplinary Team Staffings scheduled during the course of the investigation.

9. Reports to the Medical Examiner. Section 39.201(3), F.S., provides: "Any person required to report or investigate cases of suspected child abuse or neglect that has reasonable cause to suspect that a child died as a result of child abuse or neglect shall report his suspicion to the appropriate medical examiner. The medical examiner will report his findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner shall not be subject to the confidentiality requirements provided for in Section 39.202."

10. Public Disclosure of Child Fatalities. The CPI must ensure the regional Child Fatality Prevention Specialist has all information needed for public disclosure. Public disclosure will provide the basic facts of all deaths of children from birth through 18 years of age which occur in this state and which are reported to the department's central abuse hotline. Disclosure must include (section 39.2022(2)(a-f), F.S.):

a. The date of the child's death.

b. Any allegations of the cause of death or the preliminary cause of death, and the verified cause of death, if known.

c. The county where the child resided.

d. The name of the community-based care lead agency, case management agency, or out-of-home licensing agency involved with the child, family, or licensed caregiver, if applicable.

e. Whether the child has been the subject of any prior verified reports to the department's central abuse hotline.

f. Whether the child was younger than 5 years of age at the time of his or her death.

11. Second Tier Consultation. A second tier consultation is mandatory and must follow the requirements in Florida Administrative Code, 65C-29.

12. Review of Investigative Findings. Prior to closure of an investigation the findings must be discussed and agreed upon with the Regional Child Fatality Prevention Specialist. If agreement cannot be achieved, the investigation must be elevated to the State Child Fatality Specialist and the Regional Family and Community Services Director or designee. The Regional Family and Community Services Director or designee will make the final decision regarding findings and investigative closure.

13. Investigative Time Period. The CPI may extend the standard 60 day closure timeframe required by s. 39.301(16)(a-b), F.S. when a medical examiner report has not been received or upon a request by law enforcement during an active criminal investigation. The name of the law enforcement agent requesting the extension should be documented in a FSFN case note.

a. The CPI supervisor shall notify the Family and Community Services Director or designee when an investigation will not be closed within 60 days of receipt. The Family and Community Services Director will review the circumstances for extending the statutorily required 60 day closure date and approve the extension as appropriate.

b. If the investigation remains open pending receipt of the medical examiner report, the Family and Community Services Director or designee will contact the medical examiner in an effort to obtain a verbal notification of the cause and manner of death.

c. If the hard copy of the medical examiner findings are not received within 90 days of receipt of the child fatality investigation, the Family and Community Services Director or designee will determine, in consultation with law enforcement, the medical examiner and the local Child Protection Team Medical Director, as applicable, whether the final report from the medical examiner is necessary in order to determine if the child's death is Verified due to abuse, neglect or abandonment.

14. Child Fatality during an Open Investigation.

a. When a child dies during the course of an active investigation and it is due to a new incident of alleged abuse or neglect, the CPI will notify the Hotline to request that a new report is generated.

b. Given that the death of a child during an open investigation can traumatize a CPI, the CPI supervisor should, through consultation with the CPI, assess the need for administrative leave. The CPI can take up to 2 days of Administrative Leave with Pay. The Secretary or authorized representative may approve additional administrative leave not to exceed 20 days. The CPIS should discuss with the CPI the services available through the Employee Assistance Program. The servicing human resource office should be contacted to assist with placing the employee on administrative leave in accordance with rules and policies.

15. Responsibilities of Regional Managing Directors.

a. Notify the Deputy Secretary using the procedures outlined in CFOP 215-7, Child Fatality Notification Requirements.

b. Establish an environment that provides emotional support for child protection staff and supervisors who have been directly involved in a case in which a child has died. The trauma associated with a child's death may inhibit their ability to cope with the tragedy and perform their duties.

c. Provide periodic in-service training to ensure that all staff involved in child fatality investigations understand the procedures and are informed of referral sources to assist with trauma.

16. Law Enforcement Interagency Agreements. Each Region and Sheriff's office conducting child protective investigations shall develop procedures with local law enforcement agencies for the purpose

of carrying out joint investigations involving the death of a child due to alleged abuse, neglect, or abandonment. These procedures shall:

- a. Be included in the working agreements between the Department and local law enforcement required in section 39.306, F.S.; and,
- b. Ensure criminal investigations and child protective investigations are commenced concurrently, whenever possible.

17. Child Death Maltreatment. A death maltreatment cannot be a “stand-alone” maltreatment and must be used in conjunction with the underlying maltreatment(s) which caused or contributed to the death.

- a. The CPI must determine that the cause of death was the result of abuse as defined in section 39.01(2), F.S., or neglect as defined in section 39.01(44), F.S.
- b. The child’s death must have occurred in Florida for the maltreatment of “Death” to be added to a report.

18. Drug Screening. To accurately assess the correlation between substance misuse and child maltreatment, the alleged maltreating caregiver will be asked to voluntarily submit to a drug screen on all child deaths related to inadequate supervision, unsafe sleep, and drowning. This does not preclude the CPI asking the alleged maltreating caregiver to voluntarily submit to a drug screen during other investigations when substance misuse is suspected and may be a contributing cause to a child’s death. Exceptions to this requirement will be made when law enforcement has already obtained the drug screen.

19. Supervisor Pre-Commencement Responsibilities. The supervisor must evaluate the circumstances of the report prior to case assignment to ensure the CPI assigned has the requisite skills and experience needed. To the extent possible, intentional case assignment to the most experienced, senior CPI or the use of paired/team assignments (i.e., assigning two CPIs) should be considered in a child fatality case. A pre-commencement face-to-face or telephonic supervisory consultation between the supervisor or designee and the CPI is mandatory for all intakes involving a suspected child fatality.

20. Completion of a Family Functioning Assessment. The CPI must complete a family functioning assessment in all child fatality investigations, including those with no siblings or other children in the home. In addition to determining the safety of siblings and other children in the home, information regarding the extent of and circumstances surrounding the maltreatment, child functioning, adult functioning, general parenting and discipline and behavior management involving the deceased child may play a very important role in any subsequent investigation and assessment if the maltreating caregiver(s) again become a parent or other person responsible for a child’s welfare in the future.

21. Safety Planning. The CPI must complete a present danger assessment to determine child safety for all siblings and other children in the home. If present danger is identified and the child is not taken into custody, the CPI shall create and implement a safety plan before leaving the home or the location where there is present danger. If impending danger is identified as a result of the family functioning assessment, the CPI shall create and implement a safety plan as soon as necessary to protect the safety of the child. The CPI may modify the safety plan upon the identification of additional impending danger(s).

22. Supporting Documentation. The CPI must obtain copies of additional information necessary to determine whether the child fatality was due to child maltreatment, including:

- a. Child Protection Team reports.
- b. Medical records for the child prior to the incident that led to the death.
- c. Preliminary, supplemental, and final law enforcement reports pertaining to the child's death, including 911 dispatch tapes.
- d. Documentation or photographic evidence of injuries related to the death.
- e. Photographic evidence of the physical environment related to the death.
- f. Information obtained from Emergency Medical Services or other first responders.
- g. Drug screen results.
- h. Court documents.
- i. The medical examiner's final autopsy report.

23. Establishing the Maltreatment Finding. The CPI must use the evidentiary standards established in CFOP 175-28, Child Maltreatment Index, when determining findings for the child death and any associated maltreatments. These standards include definitions, assessment factors, excluding factors, other maltreatments possibly correlated with the primary maltreatment identified and the type of documentation needed to support the determination of a maltreatment finding for each of the specific maltreatments.

(Signed original copy on file)

MIKE CARROLL
Interim Secretary