

CF OPERATING PROCEDURE
NO. 170-4

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, September 1, 2020

Child Welfare

CHILD MALTREATMENT INDEX

1. Purpose. The purpose of the Child Maltreatment Index (Index) is to guide consistent and accurate decision-making by both the Florida Abuse Hotline (Hotline) counselors and field investigation staff. The standards include a definition of each specific maltreatment, factors to consider in the assessment of each maltreatment, frequently correlated maltreatments, excluding factors and the specific documentation needed to verify a maltreatment.
2. Scope. The Index applies to all reports received at the Hotline and all child protective investigations conducted under Chapter 39, Florida Statutes (F.S.).
3. Definitions. For the purposes of this operating procedure, the following definitions shall apply:
 - a. Abandonment. A situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this definition, "establish or maintain a substantial and positive relationship" includes, but is not limited to: frequent and regular contact with the child through frequent and regular visitation; frequent and regular communication to or with the child; and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. The term does not include a surrendered newborn infant as described in s. [383.50](#), F.S., a "child in need of services" as defined in s. [984.03\(9\)](#), F.S., or a "family in need of services" as defined in s. [984.03\(25\)](#), F.S. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment. (Section [39.01\(1\)](#), F.S., and Section [39.01\(35\)\(e\)](#), F.S.)
 - b. Abuse. Any willful act or threatened act that results in any physical, mental or sexual abuse, injury or harm that causes or is likely to cause a child's physical, mental or emotional health to be significantly impaired. 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. (Section [39.01\(2\)](#), F.S.)
 - c. Allegation. A statement by a reporter to the Hotline that a specific harm or threatened harm to a child has occurred or is suspected to occur. (Rule [65C-30.001\(5\)](#), Florida Administrative Code (F.A.C.))
 - d. Harm (Section [39.01\(35\)](#), F.S.). When a person:
 - (1) Inflicts, or allows to be inflicted, upon the child physical, mental or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental or emotional injury to a child: the age of the child; any prior history of injuries to the

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child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted.

(a) Such injury includes, but is not limited to, willful acts that produce the following specific injuries:

1. Sprains, dislocations, or cartilage damage.
2. Bone or skull fractures.
3. Brain or spinal cord damage.
4. Intracranial hemorrhage or injury to other internal organs.
5. Asphyxiation, suffocation or drowning.
6. Injury resulting from the use of a deadly weapon.
7. Burns or scalding.
8. Cuts, lacerations, punctures or bites.
9. Permanent or temporary disfigurement.
10. Permanent or temporary loss or impairment of a body part or

function.

(b) As used in paragraph 3d(1)(a) above, the term “willful” refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.

(2) Purposely gives a child poison, alcohol, drugs or other substances that substantially affect the child’s behavior, motor coordination or judgment, or that result in sickness or internal injury. For the purposes of this definition, the term “drugs” means prescription drugs not prescribed for the child or not administered as prescribed, and controlled substances as outlined in Schedule I or Schedule II of s. [893.03](#), F.S.

(3) Leaving a child without adult supervision or in an arrangement not appropriate for the child’s age or mental or physical condition, so that the child is unable to care for the child’s own needs or another’s basic needs, or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

(4) Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in s. [39.01\(35\)\(a\)4](#), F.S., or emotional injury. The significance of any injury must be evaluated in light of the following factors: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the multiplicity of the injury; and the type of trauma inflicted. Corporal discipline may be considered excessive or abusive when it results in any of the following or other similar injuries:

- (a) Sprains, dislocations, or cartilage damage.
- (b) Bone or skull fractures.
- (c) Brain or spinal cord damage.
- (d) Intracranial hemorrhage or injury to other internal organs.

- (e) Asphyxiation, suffocation, or drowning.
- (f) Injury resulting from the use of a deadly weapon.
- (g) Burns or scalding.
- (h) Cuts, lacerations, punctures or bites.
- (i) Permanent or temporary disfigurement.
- (j) Permanent or temporary loss or impairment of a body part or function.
- (k) Significant bruises or welts.

(5) Commits or allows to be committed sexual battery, as defined in s. [794.011](#), F.S., or lewd or lascivious acts, as defined in Chapter [800](#), F.S., against the child.

(6) Allows, encourages or forces the sexual exploitation of a child, which includes allowing, encouraging or forcing a child to:

- (a) Solicit for or engage in prostitution; or,
- (b) Engage in a sexual performance, as defined by s. [827.071](#), F.S.; or,
- (c) Exploits a child or allows a child to be exploited, as provided in s. [450.151](#), F.S.

(7) Abandons the child. Within the context of the definition of “harm,” the term “abandoned the child” or “abandonment of the child” means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child’s care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this definition, “establish or maintain a substantial and positive relationship” includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. The term “abandoned” does not include a surrendered newborn infant as described in s. [383.50](#), F.S., a “child in need of services” as defined in s. [984.03\(9\)](#), F.S., or a “family in need of services” as defined in s. [984.03\(25\)](#), F.S. The incarceration, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child’s welfare may support a finding of abandonment.

(8) Neglects the child. Within the context of the definition of “harm,” the term “neglects the child” means that the parent or other person responsible for the child’s welfare fails to supply the child with adequate food, clothing, shelter or health care, although financially able to do so or although offered financial or other means to do so. However, a parent or legal custodian who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child may not be considered abusive or neglectful for that reason alone, but such an exception does not:

- (a) Eliminate the requirement that such a case be reported to the Department;
- (b) Prevent the Department from investigating such a case; or,

(c) Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in s. [39.01\(64\)](#), F.S., or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(9) Exposes a child to a controlled substance or alcohol. As used in this definition, the term “controlled substance” means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. [893.03](#), F.S. Exposure to a controlled substance or alcohol is established by:

(a) A test, administered at birth, which indicated that the child’s blood, urine or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant; or,

(b) Evidence of extensive, abusive and chronic use of a controlled substance or alcohol by a parent to the extent that the parent’s ability to provide supervision and care for the child has been or is likely to be severely compromised.

(10) Uses mechanical devices, unreasonable restraints or extended periods of isolation to control a child.

(11) Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.

(12) Negligently fails to protect a child in his or her care from inflicted physical, mental or sexual injury caused by the acts of another.

(13) Has allowed a child’s sibling to die as a result of abuse, abandonment or neglect.

(14) Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian or caregiver was fleeing from a situation involving domestic violence.

e. Maltreatment. Behavior that is harmful and destructive to a child’s cognitive, social, emotional or physical development. (Rule [65C-30.001\(72\)](#), F.A.C.) For the purposes of this Index, “maltreatment” is the harm that occurred as the result of the maltreating behavior. There are 27 maltreatments that align with the statutory definitions of abuse, neglect and abandonment.

f. Neglect. When 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. (Section [39.01\(47\)](#), F.S., and Section [39.01\(50\)](#), F.S.)

(1) Neglect of a child includes acts or omissions.

(2) 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.

(3) A parent or legal custodian 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 parent or legal custodian; however,

such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician or other qualified health care provider; or;

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

g. Finding. The determination of whether there is a preponderance of credible evidence supporting the reported harm or threat of harm for each alleged maltreatment. (Rule [65C-30.001\(51\)](#), F.A.C.)

h. Reasonable Person. A hypothetical person used as a legal standard, especially to determine whether someone acted with negligence; specifically, a person who exercises the degree of attention, knowledge, intelligence and judgment that society requires of its members for the protection of their own and of others' interests. The reasonable person acts sensibly, does things without serious delay, and takes proper but not excessive precautions.

4. Objective. The Child Maltreatment Index incorporates the mandates of state law, administrative code rules and operating procedures applicable to reports of child abuse, abandonment or neglect.

5. Utilization. The Index is a tool to be used by both Hotline counselors and child protective investigators to guide consistent and accurate decision-making.

a. The maltreatment assignment and findings should be based upon the definitions contained in the Index and related to the information obtained by the Hotline counselor and child protective investigator.

(1) Hotline Counselors. The Index supports standard definitions and descriptions of specific types of harm to use in determining whether the reported information meets the criteria for acceptance of an investigation or special conditions report.

(2) Child Protective Investigators (CPI). The Index supports standard definitions and descriptions of specific types of harm to use in determining whether the reported information meets the criteria for verifying child maltreatment.

b. The utilization of the Index enables staff to make informed decisions about the most crucial steps in the investigation process to guide consistent and accurate decision-making related to the determination of findings, which are:

(1) Assessing whether injury or harm exists;

(2) Assessing the nature and severity of reported harm; and,

(3) Determining if the necessary documentation and evidence are present to support all maltreatment findings.

6. Findings.

a. Based upon the Index, the findings are derived from the information obtained during the investigation. Types of documentation that support making an accurate finding are noted in each of the specific maltreatments.

b. Upon completion of the investigation, investigators will reach a determination regarding each of the alleged maltreatments. This determination will be based upon whether information gathered from interviews, records reviews, and observations during the investigation and assessment constitute credible evidence of child abuse, abandonment or neglect by a parent, a legal custodian or, in the absence of the parent or legal custodian, the caregiver.

(1) The findings for each maltreatment type are entered into Florida Safe Families Network (FSFN) as follows:

(a) "Verified" is used when a preponderance of the credible evidence results in a determination the specific harm or threat of harm was the result of abuse, abandonment or neglect.

(b) "Not Substantiated" is used when there is credible evidence which does not meet the standard of being a preponderance to support that the specific harm was the result of abuse, abandonment or neglect.

(c) "No Indicators" is used when there is no credible evidence to support that the specific harm was the result of abuse, abandonment or neglect.

(2) "Preponderance" means the greater weight of the evidence is more likely than not to have occurred.

(3) "Credible Evidence" means evidence that is worthy of belief; trustworthy evidence.

c. Applying the same criteria to qualify as an allegation at Intake, investigators must also add additional maltreatments in the same household of focus that are assessed during the course of an investigation. There should be no call to the Hotline to add maltreatments to an existing Intake under investigation, except for an allegation of "Death." (Rule [65C-29.002](#), F.A.C.)

d. Although the Hotline uses the maltreatment "Threatened Harm" only for narrowly defined situations, investigators may add this maltreatment to any investigation when they are unable to document existing harm specific to any maltreatment type, but the information gathered and documentation reviewed yields a preponderance of evidence that the child is at real, significant and plausible threat of harm.

7. Maltreatments. There are 27 separate maltreatment types that can be assigned to an abuse or neglect report. Each report of abuse, abandonment or neglect must contain at least one of the following maltreatment types. There is no limit to the number of maltreatment types that may be included in a report.

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| Abandonment | Internal Injuries |
| Asphyxiation | Intimate Partner Violence Threatens Child |
| Bizarre Punishment | Medical Neglect |
| Bone Fracture | Mental Injury |
| Burns | Physical Injury |
| Death | Sexual Abuse: Sexual Battery |
| Environmental Hazards | Sexual Abuse: Sexual Exploitation |
| Failure to Protect | Sexual Abuse: Sexual Molestation |

| | |
|--|---------------------------------------|
| Failure to Thrive/Malnutrition/Dehydration | Substance-Exposed Newborn |
| Household Violence Threatens Child | Substance Misuse |
| Human Trafficking – CSEC | Substance Misuse – Alcohol |
| Human Trafficking – Labor | Substance Misuse – Illicit Drugs |
| Inadequate Supervision | Substance Misuse – Prescription Drugs |
| | Threatened Harm |

8. Special Conditions Referrals: No Alleged Maltreatment Identified at Intake. There are certain special conditions reported to the Hotline that do not meet the criteria for an investigation but require a response by the Department, the investigating sheriff's office or community-based care (CBC) child welfare professional to assess the need for ameliorative services. The four categories of these reports are defined below. Instructions on the processing of these report types are included in this Index.

a. Caregiver(s) Unavailable. Situations in which the parent(s), legal guardian(s) or caregiver(s) has been incarcerated, hospitalized or has died, and immediate plans must be made for the child(ren)'s care. This referral type also includes situations in which children are unable or unwilling to provide information about their parent(s), legal guardian(s) or caregiver(s). (Section [39.201\(1\)\(a\)](#), F.S.)

b. Child on Child Sexual Abuse. Situations of juvenile sexual abuse or inappropriate sexual behavior between two children.

(1) "Juvenile Sexual Abuse" means any sexual behavior by a child (17 years and under) that occurs without consent, without equality, or as a result of coercion. For the purpose of this paragraph, the following definitions apply:

(a) "Coercion" means the exploitation of authority or the use of bribes, threats of force, or intimidation to gain cooperation or compliance.

(b) "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

(c) "Consent" means an agreement, including all of the following:

1. Understanding what is proposed based on age, maturity, developmental level, functioning and experience.
2. Knowledge of societal standards for what is being proposed.
3. Awareness of potential consequences and alternatives.
4. Assumption that agreement or disagreement will be accepted equally.
5. Voluntary decision.
6. Mental competence.

(2) Juvenile sexual behavior ranges from noncontact sexual behavior, such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs, to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexual and sexually aggressive acts. (Section [39.01\(7\)](#), F.S., and Rule [65C-29.007](#), F.A.C.)

c. Foster Care Referral. Situations that involve possible licensing violations or regulatory infractions for children in emergency shelter or out of home placements, and concerns related to placement disruptions, case plan or safety plan violations for children under the supervision of the department, and community-based care lead agencies or their subcontracted case management providers. They do not contain allegations of abuse, neglect or abandonment. This also applies to individuals over the age of 18 who are placed in the home through extended foster care. (Rule [65C-29.006](#), F.A.C.)

d. Parent Needs Assistance. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment or neglect may be accepted by the Hotline for response to ameliorate a potential future risk of harm to a child. (Section [39.201\(2\)\(a\)](#), F.S.)

BY DIRECTION OF THE SECRETARY:

PATRICIA MEDLOCK
Assistant Secretary for
Child Welfare

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

Revised the definition of Foster Care Referral in paragraph 8(c), and within Special Conditions, Foster Care Referrals on page A-62 to include placement disruptions, and case plan or safety plan violations that do not contain allegations of maltreatment; revised the definition of Human Trafficking – Labor on pages A-26 – A-28, to highlight that force, fraud, or coercion do not need to be present or demonstrated for child labor to be identified as a maltreatment; revised definition for the use of Threatened Harm on page A-57 when a Child Protective Investigator calls in a report on the child of an employee found responsible for abuse, abandonment, or neglect in an institutional setting.