

See also FS 39.302

FAC 65C-29.004

## Chapter 28

### INVESTIGATIVE RESPONSE TO INSTITUTIONAL INTAKES

28-1. Purpose. This chapter provides requirements for the Child Protective Investigator's (CPI) response to institutional intakes.

a. Institutional investigations involve maltreatment in an institutional setting or facility that is perpetrated by an employee of the institution or facility who is responsible for the child's care. Institutional investigations may also include allegations of an employee or agent of the department, or any other entity or person covered by s. [39.01\(37\) or \(54\)](#), F.S., acting in an official capacity.

(1) Institutional settings include, but are not limited to, licensed foster homes, group homes, Department of Juvenile Justice (DJJ) facilities, public and private schools, and licensed daycare settings.

(2) Although the CPI has lead responsibility when an intake involves alleged abuse, neglect, or abandonment, full coordination with the licensing agency or governing entity responsible is required.

b. Any intake involving a child in licensed care must be handled with sensitivity to the impact on the child, foster parent, and other children placed in the home. In addition, any new intake involving a child under department supervision will be handled pursuant to CFOP 170-1, [Chapter 11](#).

NOTE: CFOP [170-11](#) provides requirements for the responsibilities of licensing agencies when a report involves a child in licensed foster care.

28-2. Legal Authority.

- a. Sections [39.01](#) and [39.302](#), F.S.
- b. Section [409.175\(3\)\(b\)](#), F.S.
- c. Rules [65C-28.004](#) and [28.017](#), F.A.C.
- d. Rules [65C-29.004](#) and [29.006](#), F.A.C.
- e. Rules [65C-30.005](#), [30.007](#), [30.011](#), and [30.015](#), F.A.C.
- f. Rule [65C-45.017](#), F.A.C.

28-3. Training. CPI and CPI Supervisors who are designated to investigate institutional abuse, abandonment, and neglect shall participate in specialized training in order to afford greater safeguards for the physical health, mental health, and welfare of children in care pursuant to s. [39.302\(6\)](#), F.S.

28-4. Notifications. Upon receipt of an institutional report, the CPI must notify the appropriate state attorney, law enforcement agency, and licensing agency of the alleged institutional child abuse, abandonment, or neglect in accordance with s. [39.302\(1\)](#), F.S.

28-5. Responding to Reports of Abuse, Neglect, or Abandonment by a Foster Parent – CPI Responsibilities.

a. Assignment. To the extent possible, specialized units shall be assigned all investigations involving a foster parent. In certain areas of the state, such as rural areas, where developing a

specialized unit is not feasible, consideration should be given to assigning reports involving a foster parent to an experienced, certified CPI.

b. Notifications and Pre-Commencement Activities. When there is a report of alleged abuse, neglect, or abandonment by a foster parent:

(1) The CPI will immediately notify the following that an intake has been received involving a licensed foster parent:

(a) Regional Managing Director (RMD) or his/her designee;

(b) The assigned Children's Legal Services (CLS) attorney for each child identified in the investigation;

(c) The regional licensing authority or designee; and,

(d) The case manager assigned for each child identified in the investigation.

(2) A Pre-Commencement consultation with the CPI Supervisor, at minimum, is required on foster home investigations alleging sexual abuse. All efforts will be made to include relevant parties in this pre-staffing, or at a minimum collect all immediately available information from relevant parties, such as licensing specialist; case managers; assigned CLS attorney; behavioral health professional(s) involved with child, in an effort to collect all available information up front to inform the investigative activities.

(3) The regional licensing authority will notify the Community-Based Care Lead Agency (CBC) or supervising agency responsible for licensure when a new report is received on a licensed foster home within one business day.

(4) The CPI is the lead professional responsible for the determination of safety and maltreatment findings.

(a) The CPI is responsible to coordinate all investigative activities with other agencies involved in the collaboration of interviews with the foster parent(s).

(b) The CPI will complete an "Institutional" investigation per requirements within this chapter.

(c) The CPI must request and analyze background checks per CFOP 170-1, [Chapter 6](#), paragraph 6-10.

(5) The CPI will request a joint response with law enforcement when the following conditions apply:

(a) There is a concern for the safety of an employee, household member, or other person; or,

(b) If any criminal activity is suspected or becomes known or the statutory requirement to have law enforcement presence is met, such as in cases of physical abuse, sexual abuse, or egregious neglect. In such cases, the state attorney must also be notified pursuant to s. [39.302\(1\)](#), F.S.

c. Licensing Records Review. The licensing agency will assign a licensing specialist to review the provider record. Whenever possible, the licensing specialist should complete the records review

and communicate the information learned to the CPI before the interviews occur, during the pre-commencement staffing. Information to review should include, but not be limited to:

- (1) FSFN Chronological Notes;
- (2) Licensing Packet;
- (3) All previous abuse reports or foster care referrals; and,
- (4) Any licensing reviews (including exit interviews, case manager reviews of the foster parents, and community input forms).

d. Commencement Activities. The CPI will commence the investigation in accordance with response times required in CFOP 170-5, [Chapter 3](#). The Licensing Specialist, child's Case Manager, or other designee may be present for interviews, dependent on each specific case circumstance. This will be determined during the pre-commencement staffing.

(1) The initial visit with the alleged child victim will be unannounced in accordance with s. [39.301\(13\)](#), F.S. All members of the team must abide by this provision. If other staff are not available to participate in the first interviews, the CPI will proceed to conduct interviews.

(2) When the CPI makes initial contact with the foster parent, he/she will:

(a) Provide the "Child Protective Investigations Involving Foster Parents Information Sheet" (Attachment 1 to this chapter).

(b) Explain the investigative process to the foster parent(s).

(c) Inform the foster parent that he/she may contact the CPI or his/her supervisor at any time with questions or concerns.

(3) The CPI will complete information collection through interviews, a review of any prior information in FSFN, and relevant collateral contacts. The CPI will be responsible for interviewing all children residing in the home, the foster parent(s), any other household members, and each case manager assigned to a child in the home.

(4) The CPI will follow procedures in CFOP 170-5, [Chapter 9](#), to obtain an evaluation or consultation from the Child Protection Team, when required.

(5) The CPI, in consultation with CLS, will notify the alleged child victim's parent(s)/legal guardian if their rights remain intact. The notification will include all pertinent information not subject to confidentiality exceptions.

(6) In all cases alleging sexual abuse in a foster home, the CPI will consult with the CPI Supervisor regarding any immediate safety actions necessary. The CPI, in consultation with the CPI Supervisor, Program Administrator, CLS, and case management will consider the need to place the children under department supervision in respite care, pending the outcome of the investigation, as well as address placement needs of the foster parents' own children.

(7) In all cases alleging sexual abuse in a foster home, at minimum, the Regional Family Safety Program Office will place a "hold" on the foster home license until a decision is made by the Multidisciplinary Team, in conjunction with the Regional Family Safety Program Office, to release this hold. In the case of other maltreatments, the decision to place a hold on the license will be determined on a case-by-case basis.

(8) When there is a concern for the safety of a child, if abuse is verified and/or if any criminal activity is suspected or becomes known, the CPI will work with law enforcement to identify any other potential victims, including children who have previously lived in the foster home.

(a) The CPI, in conjunction with the CBC placement team and licensing specialist, will obtain placement history of the foster home through review of placement records and FSFN, and review the placement history with the CPI Supervisor, Program Administrator and law enforcement, to determine the need to interview children who previously resided in the home. Follow-up with other children who previously resided in the home and their caregivers will be handled on a case-by-case basis, in consultation with CLS and the aforementioned parties, to determine the best, trauma informed approach.

(b) Subsequent interviews with children who previously resided in the home will be coordinated in a manner that is in the best interest of the child and will be conducted using trauma informed practices in order to ensure the safety of the child(ren), further substantiate the findings and/or criminal activity, and to ensure the child(ren) are provided with the necessary services.

(c) If law enforcement determines no further interviews will be conducted by the local jurisdiction, DCF will be responsible for conducting the interviews and for following up with law enforcement if additional victims are identified.

(d) In cases of verified sexual abuse, caregivers of any other potential child victim(s) will be contacted in consultation with CLS and notified in order to assess for concerning behaviors indicative of sexual abuse victimization or the need for any additional services.

(9) If child safety is not an issue, but the CPI or foster parent is concerned about a child remaining in the foster home, the CPI must collaborate with the foster parent(s), CBC, and the supervising case management agency to determine whether the child's stability in the home can be safety maintained. The re-location of a child in response to a report about a foster parent must be determined on a case-by-case basis.

(10) CLS must be consulted prior to any placement moves for children under department supervision.

(11) The CPI and the licensing specialist will collaborate in the sharing of information with the foster parent(s) throughout the course of the investigation. This does not prevent the supervising agency from providing supportive communications that are outside the scope of the investigation, so long as the information does not impact the investigation or criminal case.

(12) The CPI will complete the Institutional Assessment at critical junctures during the investigation:

(a) The CPI will initiate the Institutional Assessment within 48 hours of seeing the child victim(s).

(b) The CPI will update the Institutional Assessment upon preparation for investigative closure, no later than 60 days from the intake date.

e. Initial Seven-Day Staffing. An initial staffing must be convened within seven calendar days of commencement of the Institutional Investigation. The CPI and licensing specialist will collaborate to determine who shall attend the staffing based on the allegations and information obtained. The staffing should include all relevant parties who have information that is pertinent to the investigation, foster home, or children placed in the foster home including, but not limited to:

- (1) CPI;
- (2) The case manager(s) assigned to the child(ren) residing the home;
- (3) The licensing specialist;
- (4) DCF regional licensing representative;
- (5) A representative from the CBC;
- (6) A representative from the supervising agency responsible for licensing the foster home;
- (7) The CLS attorney(s) assigned to the children residing in the home;
- (8) The RMD or designee;
- (9) A mental health specialist (i.e., provider working with the child is preferred; or a representative from the Substance Abuse and Mental Health program office within DCF);
- (10) Law Enforcement;
- (11) State Attorney's Office; and,
- (12) Child Protection Team.

f. Closure Activities. Regardless of findings, prior to closure, the CPI will coordinate a team staffing with all relevant parties included in the initial seven-day staffing. This team will review, at a minimum, findings of the investigation, status of the criminal investigation, licensing status of the foster home, and identify further follow up action items required (i.e., if there are new reports called in to address additional victims identified, licensing action follow up, etc.).

(1) Following the team staffing, the CPI and licensing specialist will coordinate a meeting to discuss the findings with the foster parent(s) either in person or by conference call. If there have been verified findings of abuse, neglect, or abandonment, the CPI will notify the foster parents of their right to request a department review of the findings per requirements in CFOP 170-16, [Chapter 1](#).

(2) At investigation closure, or no later than five calendar days from investigation closure, the CPI, in consultation with CLS, will notify the child's parents, if rights remain intact, of the investigation closure and findings.

g. FSFN Documentation. The CPI shall ensure all investigative activities are documented in FSFN as follows:

(1) Any child, caregiver, collateral interviews, and information obtained from professional sources such as the licensing specialist and case management will be recorded in the child's FSFN record in Case Notes-Investigation within two business days.

(2) The seven-day and the closure staffing(s) and any additional staffings will be documented in the FSFN Meetings Module-Multi Disciplinary Staffing within two business days.

(3) For an investigation involving a foster parent, the CPI will launch and document an Institutional Investigation on the FSFN Child Investigation page and ensure all relevant information is complete and documented within the Institutional Child Safety Assessment.

h. FSFN Resources. The following FSFN resources are located on the Center for Child Welfare's FSFN "How Do I Guide" page:

- (1) FSFN User Guide for [Child Investigations](#).
- (2) FSFN "How Do I...Guide" for [Child Investigations](#).



## Child Protective Investigations Involving Foster Parents Information Sheet

**What is the goal of Florida’s Child Protection System?** The goal of Florida’s Child Protection system is to ensure that children are safe from abuse and neglect while doing everything we can to keep families together.

**How do I know the person at my door is really a Child Protective Investigator?** The Child Protective Investigator (CPI) should present proper identification before entering your home. You may verify that the person is employed as a CPI by calling the CPI’s local office or the statewide Florida Abuse Hotline toll-free number at 1-800-96-ABUSE (1-800-962-2873). The CPI and CPI Supervisor’s name and phone numbers are provided below. You are encouraged to contact the CPI or CPI Supervisor with any questions/concerns you may have during the investigation.

**What is a Child Protective Investigation and how am I involved as a Foster Parent?** An investigation results when someone has reported a concern to the Florida Abuse Hotline Command Center claiming a child under your supervision has been abused or neglected. The incident resulting in the allegations of abuse or neglect may have occurred while the child was in the care of a biological parent, other caregiver, or while in your care. When such an allegation is received, state law requires that it be investigated by a CPI who will explain what the allegations are and your involvement in the investigation.

When allegations are reported against you or an adult member of your home, the CPI will advise you of the allegations and address them with you as state law requires. The CPI will talk to you and other individuals who may be associated with the child. You can help the CPI by being truthful and by providing information that is necessary to determine whether a concern exists that affects the safety and well-being of the child in your care.

**Note, state law specifically directs visits and interviews with the child, family, and caregivers to be unannounced whenever possible, which may result in your child being interviewed without you being present. The law also requires you to notify the CPI within two business days if you move or if your child’s location or living arrangement changes.** You may video or audio tape your interview with the CPI, using your own equipment, if it is immediately available. An attorney may represent you at any point during the investigation. Even if you choose to delay your interview with the CPI in order to be represented by an attorney, the investigation will continue.

**What are the possible results of the investigation?** When the allegations are not alleged against you or any adult member of your home, your involvement may be limited.

If allegations are alleged against you or an adult member of your home, it is possible that the investigation will reveal that there is no indication of child abuse or neglect and the investigation will be closed with no further action. The child protective investigation is required to be completed within 60 days, except for investigations involving a child death, missing child, and/or when law enforcement has an open criminal investigation. Investigations may be staffed by the CPI with licensing staff, case managers, law enforcement, Guardian ad Litem, Children’s Legal Services, and any other parties with pertinent information relating to the investigation. The recommendations of the staffing will be forwarded to the supervising agency’s licensing staff which may result in a corrective action plan, or suspension or revocation of your foster parent license. If the CPI determines that it is in the best interest of the child’s safety and well-being, the child may be removed from your care.

**If you have any questions, you may contact the CPI or CPI Supervisor as indicated below.**

Child Protective Investigator: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

CPI Supervisor: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Office Address: \_\_\_\_\_

Intake Number: \_\_\_\_\_

**Florida State Foster/Adoptive Parent Association, Inc. Support Team (F.A.S.T.) is available to provide support to a foster parent when an allegation has been or might be brought against him or her. You may contact F.A.S.T. at 1-800-327-8119 or [fast@floridafapa.org](mailto:fast@floridafapa.org).**