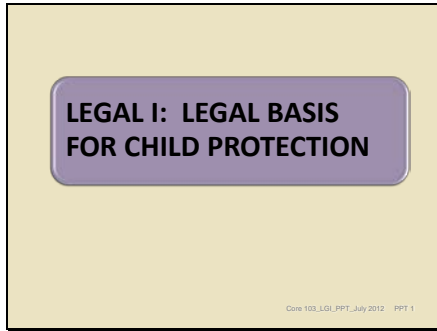
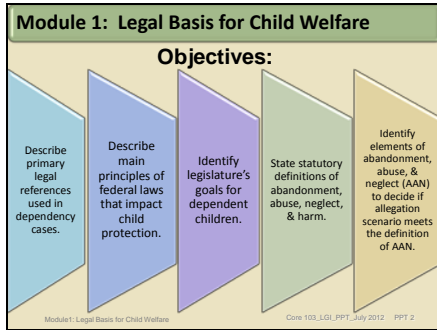


Legal 1: Legal Basis for Child Protection Power Point Slides

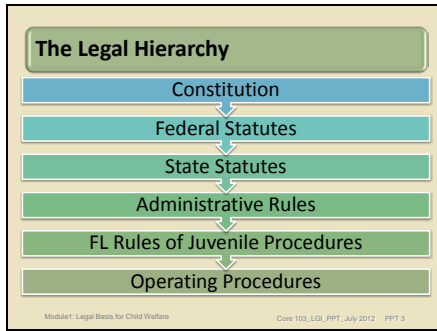
Slide 1



Slide 2



Slide 3



Slide 4

Reading the Statutes

Chapter Number/Title: **39**

Sections: **39.001**

Subsections: **39.001(7)**

Paragraphs: **39.001(7)(c)**

Subparagraphs: **39.001(7)(c)4**

Sub, subparagraphs: **39.001(7)(c)4.a.**

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Florida Administrative Codes

<p>65C-28: Guidelines: how to carry out the Florida statutes that pertain to children living in out- of-home care</p>	<p>65C-29: Guidelines: how to carry out statutory requirements for the Abuse Hotline and Protective Investigation functions</p>	<p>65C-30: Describes services, interventions, geographic & case conduct expectations specific to the child protection system</p> <div data-bbox="643 961 789 1045" style="border: 1px solid black; padding: 5px;"> <p>Explains the scope of responsibilities attached to various positions at critical stages throughout the case</p> </div>
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Reading the F.A.C.

Chapter Number/Title: **65C-30**

Sections: **65C-30.007**

Subsections: **65C-30.007(10)**

Paragraphs: **65C-30.007(10)(g)**

Subparagraphs: **65C-30.007(10)(g)3**

Sub, subparagraphs: **65C-30.007(10)(g)3.a.**

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Federal Laws


Adoption Assistance and Child Welfare Act of 1980	P.L. 96-272
Adoption and Safe Families Act	P.L. 105-89
Multi Ethnic Placement Act/ Inter Ethnic Adoption Provision	P.L. 103-382 P.L. 104-188
Interstate Compact on the Placement of Children	P.L. 109-239
Indian Child Welfare Act	P.L. 95-608
Immigrant Children	P.L. 104-93 P.L. 104-208

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Adoption Assistance and Child Welfare Act of 1980


 Case plan permanency goals must be reviewed, revised & updated every 6 months at a minimum.


 Focus: "Foster Care Drift":
Move children toward permanency goal as quickly as possible.


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Adoption and Safe Families Act

 Preserve & reunify families

 Timely placements

 Finalize permanent placement within 12 months

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Adoption & Safe Families Act of 1997

NOT intended to:

- unnecessarily disrupt families
- inappropriately intrude into family life
- prescribe particular parenting method(s)

Allows for reasonable methods of parental discipline.

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**Module 2
Introduction to Evidence**

O B J E C T I V E S

- Define evidence in child protection cases.
- Identify examples of the four types of evidence.
- Describe evidence collection and documentation.
- Explain the standard of proof required by the evidence in judicial dependency cases.

Module 2: Introduction to Evidence Core 103_LGI_PPT_July 2012_PPT 11

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Gathering Evidence

- Make & document observations of home & household members.
- Evaluate interactions among family members.
- Assess if alleged victims & other children are in proper stages of development.
- Evaluate prior histories (abuse and criminal).

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Gathering Evidence

Conduct victim, caregiver & perpetrator interviews.

Take photographs when necessary.

Consider input from relevant collateral contacts.

Decide if maltreatment is occurring.

Involve other stakeholders as needed to complete thorough investigation & provide services.

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Types of Evidence

Direct Evidence	• Eyewitness account of an event
Circumstantial Evidence	• Judge may deduce a certain fact from other proven facts
Demonstrative Evidence	• Things or objects
Expert Testimony	• Presented by someone with relevant, specialized knowledge/experience

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Collecting Evidence

Document all observable information accurately.

Work effectively with law enforcement.

Evidence connected to criminal investigation must be secured by law enforcement.

If drugs or weapons are present - notify LE immediately (if LE is not already present).

Never place personal safety at risk.

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Photographs

39.304(1)(a)

You may take (or arrange to have taken) photographs of any visible trauma on a child.

CPT must photograph any visible areas of trauma to a child during examination.

Copies of all photographs become part of the case file.

Exception: Photographs of sexual abuse trauma are only kept in the CPT file.

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Photographs

Law Enforcement is responsible for taking photographs when completing a criminal investigation, & then, only when appropriate.

Handle all photographs according to agency protocol.

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Documentation

Note & photograph any injury you observe.

Note any inconsistencies or circumstances surrounding the maltreatment.

Out of court statements by a child under age 11 describing a child maltreatment act is admissible evidence as a hearsay exception.

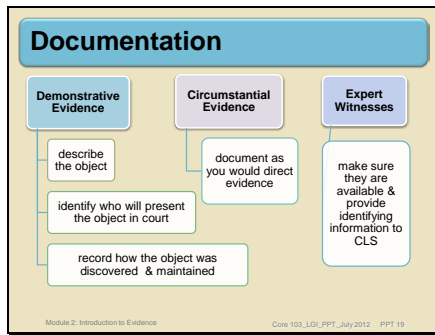
Direct evidence

written description of the witnessed event

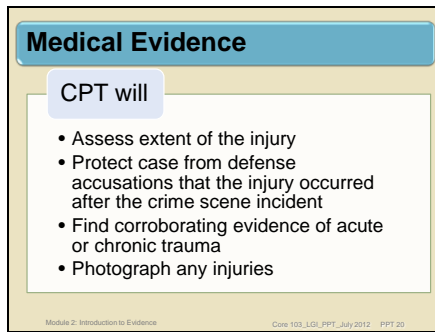
name, address, physical description & any other contact information about the witness

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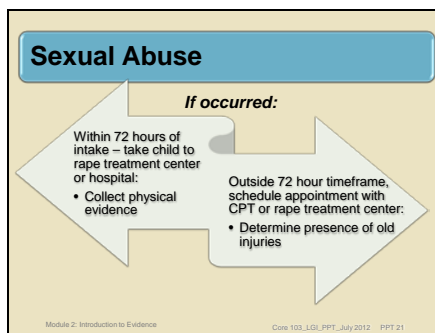
Slide 19



Slide 20



Slide 21



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**Evidence Required at Shelter Hearing
– 39.402(8)(e)-(f)**

Copies of: available LE/medical/other professional reports; abuse hotline intakes (excluding reporter information), any current or previous case plan

Information on any of the parents/caregivers' adjudication(s) of delinquency

Past/current injunctions for domestic violence protection

All child's residences during the prior 12 months

Module 2: Introduction to Evidence Core 103, LGL, PPT, July 2012 PPT 22

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Standards of Proof

Probable Cause

Preponderance of the Evidence

Clear & Convincing Evidence

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Summary

Evidence collected & documented at case onset is used during entire life of case.

Provide all evidence to CLS.

Judge uses full, formal "rules of evidence" at hearings (except shelter hearings).

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**Module 3:
Exposure to Liability**

Objectives

- Describe how you can avoid exposure to liability claims.
- Recognize the legal consequences for falsifying records.

Module 3: Exposure to Liability Core 103_LGI_PPT_July 2012 PPT 25

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Liability is...

- an obligation imposed by law
- responsibility for an act or failure to act
- the state of being legally obliged & responsible

Module 3: Exposure to Liability Core 103_LGI_PPT_July 2012 PPT 26

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Falsification:

Misrepresentation, falsification or omission of any fact (verbal or written) on such records as, but not limited to:

- Case notes
- Court documents/reports
- Other forms
- Time sheets
- Mileage reports

Module 3: Exposure to Liability Core 103_LGI_PPT_July 2012 PPT 27

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**Module 4:
Confidentiality and Case Records**

Objectives	Identify who has access to dependency case records.	Identify records that may be shared with children.
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Module 4: Confidentiality and Case Records Core 103_LGI_PPT_July 2012 PPT 28

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Releasing Information on Missing Children

Name & date of birth
Physical description (at a minimum): height, weight, hair color, eye color, gender, & any identifying physical characteristics
Photograph
<i>In concurrence with law enforcement, any additional information likely to help locate the child or promote their safety/well-being</i>

Module 4: Confidentiality and Case Records Core 103_LGI_PPT_July 2012 PPT 29

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FSFN Access

Only for legitimate business purposes
Do not access FSFN for the following reasons:
Persons/Cases in the new or about which you are curious
Persons/Cases involving you or family members
Persons/Cases of friends, neighbors or acquaintances
Any other Person/Case for which there is no legitimate business reason for you to access

Module 4: Confidentiality and Case Records Core 103_LGI_PPT_July 2012 PPT 30

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Sharing Records with Children

- Must receive approval from attorney prior to release
- s.39.202, F.S. and s. 39.0132(3): Gives child the right to inspect court records *Exception: Adoption records*
- s.63.162, F.S.: Governs access to adoption records
- Consider child's age and maturity level
- Know your agency/unit protocol
- Never simply hand over records to the child

Module 4: Confidentiality and Case Records Core 103 - JGL/PPT/July 2013 - PPT 31
