Purpose of Review: To explore circumstances where the single allegation is “threatened harm,” but the investigation resulted in children being removed from their home. Since “threatened harm,” as the only documented maltreatment does not, at least on the surface, correlate with the stipulations for taking children into custody per statute, a special quality assurance review was conducted to delve into the relationship further.

Florida statute ss. 39.401 F.S., states a child can only be taken into custody “…if the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect or abandonment.”

It further stipulates a child may be removed if “…the parent or legal custodian has materially violated a condition of placement imposed by the court; or the child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.”

Approach/Methodology: A FSFN query found that from November 2007 to February 2009, approximately 16,000 child protective investigations were conducted in response to an allegation of threatened harm with no other child maltreatment included. Of those 16,000 investigations, 540 resulted in a child or sibling group being removed from their home.

From the master list of 540 investigations, a random sample was selected by identifying every 20th investigation until a set of 25 was reached. No other stratification was used.

Three pertinent questions were asked in each of the 25 investigations.

1. Why was the child removed?
2. Was the removal justified?
3. Should additional maltreatment be added

The reviews were conducted by two Family Safety Quality Assurance (FSQA) specialists during the week of May 4, 2009.

Findings

A matrix is attached that documents review of the individual investigations. In addition to the three questions noted above, the matrix also displays the intake number, the county, the age of the victim, and the number of prior reports. All of the investigations had at least one prior report on a member of the family.
Why was the child removed?

- Thirteen of the 25 sampled cases involved newborn babies in which there was a history of substance misuse, prior child death in the family or severe injury to a sibling, or prior termination of parental rights.
  - Eight of the 13 (62%) were removed due to the mother’s history and/or current substance misuse life-style. The remaining five were due to:
    - sibling died by abuse;
    - sibling was on life-support;
    - parent was incarcerated;
    - abandonment; and
    - inadequate supervision.
  - Twelve of the 13 newborn removals were clearly deemed justified; however, the one remaining was not quite as clear. This investigation was closed with “some indicator” findings of threatened harm based on an older sibling being on life support as a result of child cruelty in Georgia. The mother was out on bail living in Florida with her mother when she gave birth to the newborn. The investigator documented contact with the case manager in Georgia who stated her concerns were “because she has not been cleared of all of her pending charges.” The investigator did not expand on that nor did the investigator identify other risk factors. In the Recommended Disposition section of the Investigative Summary, the investigator wrote rationale for removal as, “this warranted service intervention due to the mandatory removal of the child [NS].

The reviewer contacted Family Safety policy specialists and was advised that there is no statewide “mandatory removal” policy; ergo the reason the reviewer was not assured the removal was justified.

- In 11 of the 13 (85%) newborn investigations, the threatened harm maltreatment was “Verified.” The other two were closed with “Some Indicator” findings.

- The reviewers agreed with all of the findings except for one. In this case, the mother gave birth while incarcerated. The report should have been taken as a Special Conditions instead of threatened harm that results in “Some Indicator” findings.

- The remaining 12 of the 25 sampled cases were broken down as follows:
  - Five removals were due to the parent’s arrest
  - Two removals were due to the parent being Baker Acted
Two removals were due to prior child sexual abuse by a family member

Two removals were due to abandonment

One removal was inappropriately coded for the investigation in that there were allegations of physical abuse by a day care provider (an institutional) and children were not removed from that day care. Rather, they were subsequently removed from their mother. It remains unclear why the institutional report was coded as threatened harm when the allegations were clearly related to physical abuse.

Reviewers agreed with the findings.

Was the removal justified?

- Removal was deemed justified in 22 of the 25 (88%) investigations reviewed.

- Two were questionable. One is described above, and the other involved a mother who did place her child at risk but from a reviewer’s perspective, intensive in-home services might well have kept the 3-year old child safe in her own home rather than placement in foster care.

- The remaining case did not involve removal as described in the bullet above regarding the institutional investigation.

Should additional maltreatments been added?

- In 18 of the 25 cases (72%), reviewers believed that additional maltreatments should have been added to better reflect abuse/neglect circumstances.
  
  - Ten of the 18 (56%) involved parental substance misuse, but the maltreatment was not added.

  - Five involved significant lack of parental supervision.

  - One involved a death of a child in the home due to abuse/neglect; instead of threatened harm, one should have been abandonment; and, one should have been reflected as an institutional report of abuse.

  - The remaining seven investigations were deemed appropriate for the single maltreatment of threatened harm as allegations were somewhat vague, but considered as a whole, needed to be investigated.

Source: Query by Data Unit
FSFN Intake Reports
GPerry
Summary and Recommendations

Although removal appeared justified in the vast majority of the files reviewed, it is highly significant that 72% of them involved much more than a threat of harm as to the reason for removal. Further exploration with the Florida Abuse Hotline might be called for to explore internal policy for taking reports that identify only one maltreatment of threatened harm when there is significant history provided by the reporter related to substance misuse, mental illness, prior abuse/neglect findings and the like.

During the review process, FSQA learned that over the past year several workgroups have convened to assess and improve the allegations matrix for accepting reports and reaching findings during the investigation. As of this writing, there is no final product to reference, but there has been a move toward consolidating abuse/neglect maltreatment categories. For instance, instead of lack of supervision-parent present (or sub-parts such as-not present), all lack of supervision related allegations are now grouped into one overall category.

FSQA asked for a progress update on the documents produced by the workgroups mentioned above (the Family Safety Maltreatment Findings Operating Procedure and the Allegations Matrix), and was advised that the documents remain in draft form.

It is therefore recommended that the Office of Family Safety and the Florida Abuse Hotline reconvene a workgroup to finalize the documents and hold discussion on the particular issue of accepting threatened harm reports as opposed to defining the specific allegations of abuse or neglect.

It was also noted during this review that investigators did not add any maltreatments to the threatened harm report themselves. It is therefore recommended that the Office of Family Safety explore why this is so, and if this is a training issue that should be addressed.

Furthermore, in 10 of the 25 investigations reviewed that all (except one) involved a removal, investigators documented “No” in the “Placement Outside of the Home is Required” data field, and “No” for the “Judicial Action Required” data field even though the victims were removed and sheltered. It is recommended that the Office of Family Safety explore this issue as completing fields in FSFN is extremely important and is evidently being completed inconsistently.