



Series: Operating Procedures COA: RPM 7, 8
CFOP: 175-26

Procedure Name: Releasing Abuse and Neglect Records or Information

Procedure Number: OP-1015.12

Revision #/Date: (1) 08/05/08

Effective Date: 09/30/04

Applicable to: All CBCB Staff and Contract Providers

SUBJECT: Releasing Abuse and Neglect Records or Information

PURPOSE: To outline the procedure for releasing abuse and neglect records and/or confidential information pertaining to an abuse, neglect, abandonment, or exploitation report to the public. In addition, CBCB and its contract providers will adhere to the same procedure in releasing information about critical incident reports that involve serious injury or death of a client and possible law enforcement action against the CBCB or provider agencies.

PROCEDURE

References:

Florida Statutes: Chapter 39

CFOP: 15-4

CBCB Policies/Procedures: GOV202, GOV203, OP1026, OP1089

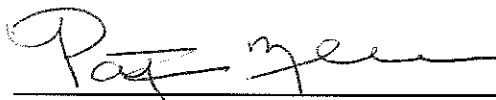
Filing the Petition

1. A petition to release information can be filed when the Secretary or Circuit Administrator determines that the public interest in the information can be served while maintaining the privacy rights and best interests of the children or adults who are the focus of the investigation. The Secretary and Circuit Administrator must also consider the interest of the child's siblings and the privacy rights of others identified in the report.
2. At the request of the CBCB Chief Executive Officer, with approval from the Secretary and Circuit Administrator, the District Legal Counsel will:
 - a. Assemble a complete copy of all records pertaining to the injury or death of the child or adult victim;
 - b. Draft the necessary petition and prepare the summary described below;
 - c. File the petition and notify appropriate parties (the child, parents, GAL and any person named as an alleged perpetrator in the report) of any hearing.
 - d. At or before the time of filing petition, Circuit 18 Legal Counsel must make good faith effort to schedule a hearing within 24 hours. If a hearing can be set, notice to the parties shall be by any reasonable means most likely to assure actual notice.

Summary Information Releasing Information

1. CBCB and the Department must comply with the court order by either releasing the information or by not releasing it as ordered by the court. If the court has not granted or denied the petition after the passage of 24 hours, excluding Saturdays, Sundays and legal holidays, the CBCB Chief Executive Officer with the approval of the Circuit 18 Legal Counsel may release to the public the summary information prepared by Circuit 18 Legal Counsel.
2. Summary information to be released must be limited to confirmation of factual information that does not violate the privacy rights of the victim or the victim's family. The summary report may include;
 - a. A confirmation that an investigation has been conducted concerning the alleged victim, including date of the report, a brief description of the alleged abuse, neglect, abandonment or exploitation, date and findings of the on-site investigation, and confirmation as to whether previous reports have been made.
 - b. The dates and brief description of other procedural activities undertaken during the investigation.
 - c. The date of each judicial proceeding, including shelter, adjudicatory and dispositional hearings, department and guardian ad litem recommendations as to custody and services, and the rulings of the court.
 - d. The summary information release in accordance with information described above shall be in narrative form, and shall not include the name or other identifying information with respect to any person identified in any investigation.
 - e. The summary shall not attach any investigation record documents.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



DR. PATRICIA NELLIUS-GUTHRIE
Chief Executive Officer
CBC of Brevard, Inc.

APPROVAL DATE: 3/11/09