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CFOP: 175-86
Procedure Name: Dependency Court Intervention in Cases of Abuse or Neglect by Non-Custodial Parents
Procedure Number: OP-1086
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Effective Date: 07/01/08

Applicable to: All CBCB Staff and Contract Providers

SUBJECT: Dependency Court Intervention in cases of Abuse or Neglect by Non-custodial Parents

PURPOSE: To establish the measures which shall be taken to ensure child safety when there is reason to believe a child has been abused or neglected while in the care of a non-custodial parent. These measures are intended to provide CBC of Brevard staff or designees with direction on how to assist the non-offending, custodial parent's efforts to protect the child from further harm.

PROCEDURE:

References

(to be added as applicable)

Definitions

"Designee "is a person, contractual provider or other agency or entity named by CBC of Brevard to perform duties assigned by CBC of Brevard.

Custody Disputes

Allegations of abuse and neglect must meet statutory definitions before the department has authority to institute a protective investigation. Among the many varying types of calls received and investigated, some are ultimately determined to be solely child custody disputes, not abuse or neglect. When it has been determined that it is solely a child custody dispute, the matter must be referred back to the court where divorce/custody decisions were originally made.

Custodial/Non-Custodial Parental Abuse/Neglect

When a protective investigation determines that a custodial or a non-custodial parent has abused or neglected their child, the department staff or designee must take whatever actions are necessary to ensure the child's immediate and long-term safety. The same protective measures must be taken to safeguard the child regardless of which parent is responsible for the abuse and/or neglect; there is no distinction between the noncustodial or custodial parent if either has endangered the child while responsible for the child's care. The investigator's role is consistent: receive and investigate reports alleging abuse by a caregiver. In all cases, once it has been

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determined that abuse and/or neglect has occurred, department staff or designees must take the necessary steps to resolve the crisis and protect the child.

- a. Custodial Parent Can Ensure Safety In situations where the non-custodial parent is found to be responsible for the abuse or neglect, staff must evaluate the custodial parent's ability to take appropriate measures that will prevent any further occurrences of abuse or neglect. Before intervention services are terminated, it is imperative that the protective investigator follow up to ensure that the custodial parent's actions have been effective to ensure the child's current and future safety.
- b. Custodial Parent Cannot or May Not Ensure Safety If it is determined that the custodial parent has not, cannot or may not take all necessary actions to protect the child, department staff or designees must take the following actions:
 - (1) Gather and review all documentation available that involves previous court orders, visitation arrangements, domestic violence orders, stipulations and all other official documents in order to gain insight into the current circumstances. The final review of these documents must be with the child welfare legal service attorney together with whom a plan of action must be developed.
 - (2) Through the Child Legal Services attorney, petition the dependency court, provide the details of the investigation and make recommendations that will ensure immediate child safety by requesting the court take immediate action to supersede existing orders, require supervised visitation, and take other appropriate action which will effectively communicate the facts to all other courts having concurrent jurisdiction over the subject child and family. The department must be prepared to request expedited hearings on the matter and to effectively present the department's position at any expedited hearings so ordered.
 - (3) Provide additional services as necessary to the non-custodial and the custodial parent as appropriate to ensure mitigation of risks and immediate and long-term child safety.

Responsibility

It is the department's responsibility, and all those acting for the department, to ensure child safety without regard to the parent(s) marital status or the existence of prior, or contemporaneous, dissolution custody/visitation orders.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



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