

Series: Operating Procedures **COA:** CFOP: 175-89
Procedure Name: Filing of Petition for Release of Abuse Records to the Public
Procedure Number: OP-1089
Revision #/Date: (2)2/5/09
Effective Date: 9/30/04

Applicable to: All CBCB Staff, Contract Providers, and Child Legal Services

SUBJECT: Filing of Petition for Release of Abuse Records to the Public

PURPOSE: To describe the requirements for the release of records of the Department of Children and Families and its designees involving death and/or serious bodily injury to a child. This procedure also describes the requirements under which all records generated, as a result of an abuse investigation not involving death or serious bodily injury shall be released.

PROCEDURE:

References

Florida Statutes Subsections 39.202 and 119.07
CBCB Policies/Procedures: GOV203, OP1122, OP1140

Definitions

- a. "Abuse records" means all records held by the department concerning reports of child abuse, neglect or abandonment, including reports made to the central abuse hotline and all records generated as a result of such reports. See subsection 39.202(1), F.S.
- b. "Designee" means a person, contractual provider or other agency or entity named by the department and/or CBC of Brevard to perform duties assigned by the department and/or CBC of Brevard.
- c. "Serious bodily injury" means an injury to a child that consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. See subsection 316.1933(1), F.S.

1. Requirements

- a. In the event of the death of a child in the custody of CBC of Brevard, the CBC of Brevard Chief Executive Officer, Chief Operations Officer, Chief Compliance Officer, DCF Circuit

Administrator, DCF Contract Manager and the Secretary of DCF are to be immediately notified as provided in CBCB OP1140.

- b. In the event of the death of a child determined to be a result of abuse, abandonment, or neglect, the records, with the exception of information identifying the reporter, shall be released to any person requesting such records. s.39.202 (2)(o), F.S.
- c. Where a request has been made by the news media to release records following serious bodily injury to a child, the circuit will so inform the Secretary and General Counsel. Unless the Secretary or General Counsel directs that a petition not be filed, CBC of Brevard shall file a petition for release of the CBC of Brevard records within 48 hours excluding Saturdays, Sundays and legal holidays, from the date of the request. In the absence of a media request, filing of the petition is at the discretion of the Chief Executive Officer and/or Circuit Administrator.

2. Circuit Procedures

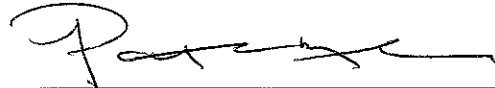
- a. Immediately upon receiving a request for records, the Circuit 18 Child Welfare and CBC program manager shall secure all existing files, open or closed, which have been generated concerning the child, sibling, parents and/or other caretaker.
- b. Within 24 hours of receipt of the request, the circuit shall conduct a review of the records in its possession and determine whether there are pending investigations.
- c. The review shall involve the participation of the Circuit Administrator, Circuit Child Welfare and CBC Program Manager, Operations Manager, Public Information Officer and the Circuit 18 Legal Counsel, in conjunction with the department child welfare-managing attorney. The review shall serve as an inventory process to determine if DCF/CBC of Brevard's past and present involvement and to provide a preliminary review of the decisions made by DCF on previous investigations.
- d. The Circuit Child Welfare and CBC Program Manager or other authorized department representative shall notice law enforcement once a decision has been reached to petition for release of the records. Documentation of such notice shall be retained in the case file.
- e. The Circuit 18 Legal Counsel or the Child Welfare attorney shall notice the State Attorney's Office of the decision to file a petition seeking court authorization to release the records. Documentation of such notice shall be retained in the case file.
- f. The Circuit Administrator, CBC of Brevard Chief Executive Officer or designee shall contact the Secretary and General Counsel for the Department of Children and Families to advise them when a petition to open the records is filed. Documentation detailing the outcome of such discussions shall be retained in the case file.
- g. In cases involving the death of a child, the Circuit Administrator and CBC of Brevard Chief Executive Officer shall consult with the Circuit 18 Legal Counsel in regard to release of the records. Documentation of any such consultations shall be retained in the case files.
- h. In cases involving serious bodily injury to a child, the Chief Executive Officer shall consult with the Circuit 18 Legal Counsel in regard to the preparation of all pleadings necessary for the release of the records when a media request for the records has been made. In the event no media request for the records is made, the Chief Executive Officer and /or Circuit

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Administrator shall consult with the Circuit 18 Legal Counsel to determine whether to file a petition to release the records. Documentation of any such consultations shall be retained in the case file.

- i. The Circuit 18 Legal Counsel is responsible for determining if any information is to be redacted from the documents.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



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

APPROVAL DATE: _____

3/5/09