
PROCEDURE

Series:	Operating Procedures	COA: CFOP: 15-12
Procedure Name:	Filing of Petition for Release of Abuse Records to the Public	
Procedure Number:	OP-1089	
Reviewed Date:	2/28/12, 3/2/16, 4/1/19	
Revision #/Date:	(2)2/5/09	
Effective Date:	09/30/04	
Applicable to:	All BFP Family of Agencies (BFP FOA) Staff, Contract Providers, and Child Legal Services	

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
CFOP: 15-12
BFP Policies/Procedures: GOV203, OP1122, OP1144

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 BFP to perform duties assigned by the department and/or BFP.
- 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)(b), F.S.

1. Requirements

- a. In the event of the death of a child in out of home care, the BFP Chief Executive Officer, Vice President of Operations, Senior Executive of Programs or designee, DCF Regional Managing Director, DCF Contract Manager and the Secretary of DCF are to be immediately notified as provided in BFP OP1144.

- 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 reporter information) shall be released to any person requesting such records. See subsection.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, BFP will inform the Secretary and General Counsel. Unless the Secretary or General Counsel directs that a petition should not be filed, BFP shall file a petition for release of the BFP 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 Regional Managing Director.

2. Circuit Procedures

- a. Immediately upon receiving a request for records, the Case Management Agency Care Center Director or designee 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 Regional Managing Director, designated Circuit Child Welfare Leadership and BFP Senior Executive of Programs, BFP Chief Legal Counsel and Dependency Case Management staff as needed and the Central Region General Counsel, in conjunction with the Children's Legal Services (CLS) managing attorney. The review shall serve as an inventory process to determine DCF/BFP'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 Leadership and BFP Senior Executive of Programs or other authorized department or BFP 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 by BFP.
- e. A request will be made to the Central Region General Counsel or CLS to 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 by BFP.
- f. The Regional Managing Director, BFP 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 Regional Managing Director and BFP Chief Executive Officer shall consult with the Central Region General Counsel with 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 Central Region General Counsel with 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 Regional Managing Director shall consult with the Central Region General Counsel to determine whether to file a petition to release the records. Documentation of any such consultations shall be retained by BFP.



- i. The Central Region General Counsel and/or the BFP Chief Legal Office is/are responsible for determining if any information is to be redacted from the documents.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

A handwritten signature in blue ink that reads "Philip J. Scarpelli".

PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: 2/14/2020