

# *oppaga* Status Report

December 1999

Report No. 99-20



## Child Protection Administrative Review Process Implemented; Data on Results Not Yet Available

### *at a glance*

The Department of Children and Families has implemented an administrative review process as required by the Kayla McKean Act. The department is using its supervisory review component of the protective investigation process to serve as the administrative review. However, it is too soon to determine if this process provides sufficient oversight. In addition, the department has worked with OPPAGA staff to develop a research and data collection design to analyze the effects of this process. This research design will use data from two information systems. However, one of these information systems will not be fully implemented until January 2000. OPPAGA will issue another report in January 2001 that will provide the Legislature with information on the outcomes of the administrative review process.

### Purpose \_\_\_\_\_

Chapter 99-168, Laws of Florida, directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to analyze and report information on all child protective investigation cases that were subject to a statutorily mandated administrative review by the Department of Children and Families. OPPAGA is to issue a preliminary report in January 2000 and a final report in January 2001. Our final analysis is to compare

- the characteristics of children that the Department takes into custody or files a court dependency petition for, versus children in cases where the department does not take these actions and reviews the decisions solely through administrative review, and
- whether the department receives subsequent reports of known or suspected abuse, neglect, or abandonment on these two groups of children.

## Background

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The Legislature, in Chapter 99-168, Laws of Florida, (the Kayla McKean Act), made substantive changes to Florida's laws governing child protective investigations. Florida has had a program to investigate allegations of child abuse and neglect for many years. The Department of Children and Families administers this program. However, despite the department's efforts, several children who had previously been the subject of child abuse investigations died as a result of subsequent abuse or neglect.<sup>1</sup> The Legislature enacted the Kayla McKean Act in order to make the child protection system more responsive to children who are at risk of child abuse or neglect. The law addresses gaps in the statutory framework of Florida's child protection system. It includes provisions relating to the central abuse hotline, child protective investigations, child protection teams, community-based agencies under contract with the department, and criminal penalties relating to the abuse of a child

### *Child protective investigation process*

The department's child protective investigation program operates by receiving, investigating, assessing, and processing reports of abuse, neglect, and abandonment of children. Chapter 39, F.S., requires that any person who knows or suspects that a child is being abused, neglected or abandoned report the information to the department's central abuse hotline.

The department's child protective investigation units located in offices throughout the state are responsible for investigating reports. Reports have to be investigated within 24 hours of receiving the report or immediately for cases in which a child is in imminent danger of further harm. In Fiscal Year 1998-99, the department investigated 127,926 reports and found that 75,531 children were abused and neglected during the same time period.

If an investigator finds that the alleged abuse or neglect did occur, a case plan is developed with the family. A case plan is a written, time-limited agreement negotiated between the department and the family. It specifies the responsibilities and actions of the department, the family, and other parties. The case plan is intended to ensure the health and safety of the child and resolve the problems that necessitated department intervention.

In cases where the safety of a child cannot be assured or high-risk factors are present, the department may need to initiate judicial intervention by removing the child from the home and/or filing a court petition for dependency.<sup>2</sup>

### *1999 statutory changes required administrative review*

Because of concerns that several children died who had previously been found to be victims of abuse, but who remained or were subsequently returned to their homes, the 1999 Legislature amended Ch. 39, F.S., to require the department to establish an administrative review process for its child

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<sup>1</sup> According to a senate staff analysis, of the 350 children who died as a result of abuse or neglect in Florida between 1993 and 1997, 31% had prior contact with the department's child protection system.

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<sup>2</sup> Chapter 39, F.S., authorizes the department to file a petition with the courts to declare a child dependent under certain circumstances. In this context, s. 39.01, F.S., defines "[a] child who is found to be dependent" as a child who has been abandoned, abused, or neglected or is at substantial risk of imminent abuse, abandonment, or neglect by the child's parents or legal custodians.

protective investigations. The department is to conduct an administrative review for all cases that the department decides to leave the children in their home and not take the children into custody or file a dependency petition with the court. At a minimum, the department is to conduct an administrative review when a family has not complied with its prior case plan or when there are prior abuse reports with findings.<sup>3, 4</sup> The intended purpose of this review is to help ensure that the decision to leave the children in their homes and not secure court involvement is justified and will not lead to harm or an unacceptable risk to the child.

## Current Status

### *Administrative review process has been implemented*

To meet this statutory requirement, the department is using the supervisory review component of its new Child Safety Assessment. The department began developing this new risk assessment tool in 1997 and implemented it statewide as a paper form in May 1999. The new risk assessment tool is used on all cases, not just those required in the legislation. The department chose to examine all cases in order to remedy weaknesses in supervisors' reviews of investigator decisions. Prior to May 1999, supervisors most often reviewed cases at closure rather than when investigators made decisions on whether to remove children or file a dependency court petition.

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<sup>3</sup> A prior report with findings means that the department found credible evidence of the presence of child abuse, neglect, or abandonment in a previous child abuse investigation.

<sup>4</sup> Case plan noncompliance cases are included in the population of cases with prior reports with findings. As a result, they are not presented separately in this analysis.

Under the new process, the protective investigator must assess the risk for each child in the family within 48 hours of contact. The supervisor then must review the appropriateness of the immediate safety actions recommended and the sufficiency of information collected by the protective investigator within 72 hours after the Child Safety Assessment is completed. If the supervisor determines that the investigator's recommendations concerning the child are not appropriate, the supervisor may require an alternative course of action including removing the child or filing a court dependency petition. The supervisor has 24 hours to provide comments to the protective investigator after completion of the supervisory review.

In addition, protective investigators are required to refer certain high-risk cases for a second-party review. Second party review occurs in all cases where the caregiver is responsible for death or serious injury of another child. A review is also to occur if two of three factors are present; the child is age four or younger or nonverbal, there are prior reports involving any of the subjects of the report, or there is a current report involving an actual serious or severe injury.

### *Automated child safety assessment*

To provide OPPAGA the information for the analysis required by Chapter 99-162, Laws of Florida, the department has committed to using its new automated version of the Child Safety Assessment as well as data from its existing Florida Abuse Hotline Information System (FAHIS). The department began implementing the new automated Child Safety Assessment information system on a pilot basis in at least one protective investigation unit in each of five districts in March 1999. The department expanded the pilot system to include at least one protective investigation

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unit in each of its 15 districts by November 1999. The department plans to implement the system statewide in January 2000 in all protective investigation units.

The department's new automated system captures key information needed to comply with the act such as whether there are prior abuse reports with findings and whether the child has been removed from the home. The system also captures other information needed for the analysis including characteristics of the child, safety factors, and type(s) of maltreatment. When fully implemented, this system should provide the information needed for the analysis required by Chapter 99-162, F.S.

The data in the new automated information system is incomplete for useful analysis because the system has not been fully implemented. Between July 1 and November 16, 1999, there were 370 closed cases with prior reports in the automated Child Safety Assessment system, which represents less than 1% of all protective investigations that occurred in the state during the same time period. In addition, approximately two-thirds (63%) of all of these cases were from one district. Furthermore, 10 of the districts did not begin using the automated system until November 1999. The limited number of cases currently in the system is not representative of the statewide protective

investigation caseload and does not provide meaningful conclusions about the effects of the supervisory review process.

OPPAGA will use the system, if implemented statewide as planned, in our final assessment of the results of the supervisory review of child protective investigations, which will be released in January 2001.

OPPAGA provides objective, independent, professional analyses of state policies and services to assist the Florida Legislature in decision making, to ensure government accountability, and to recommend the best use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475).

***The Florida Monitor:*** <http://www.oppaga.state.fl.us/>

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