

## Chapter 25

## CLOSURE OF THE INVESTIGATION

25-1. Purpose. Closure of the investigation is dependent upon the investigator documenting that a complete and comprehensive investigation was conducted. Sufficient information must be detailed to provide the rationale for all critical decisions made, particularly the determination of findings and the overall determination of a safe or unsafe child. A supervisor must make a professional judgment that all necessary child and family interviews, collateral contacts, supervisory and/or professional consultations were adequately conducted, described and documented.

25-2. Procedures.

a. The decision point for determining if an investigation is appropriate for closure should not be compliance-based (i.e., based primarily on the procedures completed per se) but on whether the investigative activities provide sufficient information to fully assess the quality and thoroughness of the investigation.

b. There will be times when a final interview with the alleged maltreating caregiver and/or the child's parent is necessary to share results of the investigator's information gathering and analysis, clarify discrepancies or gaps in information, to re-assess the initial safety determination, or share the risk assessment score with the family in order to motivate the parents to become involved in intervention programs.

c. The investigator's completed FFA-Investigation should describe the collaborative efforts that helped inform the overall investigative process. The input and results from consultations with subject matter experts, multi-disciplinary staffing, safety planning conferences, legal staffing, and case transfer conferences should be clearly articulated to highlight the extent and scope of planning, teaming and critical thinking that supported the decisions made.

d. Reviewing the information in the FFA-Investigation in its totality should provide an individual with a clear but concise roadmap for how critical decisions throughout the investigation were made – from the point of the initial safety determination to matching appropriate interventions to meet the family's specific needs.

e. The investigator is responsible for ensuring the family knows the outcome of the investigation, including the family's risk assessment score.

25-3. "Duplicate" Case Closures.

a. The investigator will use the **"Duplicate Case"** closure only after a detailed comparison between reports and the clear-cut determination that an intake was previously investigated. In approving closure of the investigation as a duplicate, the supervisor must confirm that all five of the exclusionary criteria identified below were carefully considered by the investigator. The fact the same incident was previously investigated is not sufficient to qualify the investigation as a duplicate report in the absence of exploring all five considerations. In addition to the allegations referencing the same incident, the supervisor must determine the new report does not contain:

- (1) New information or evidence related to the incident previously investigated.
- (2) New alleged child victims.
- (3) New alleged maltreating caregivers responsible for the maltreatment.

(4) Additional subjects to be interviewed as collateral contacts.

(5) New allegations or additional incidents of the previously investigated maltreatment.

b. In order to determine with certainty the intake was previously investigated and is appropriate to be closed as a duplicate, the supervisor must ensure the investigator:

(1) Provides sufficient information to explain the basis for the determination.

(2) References the specific investigation number(s) when providing the rationale for the duplicate closure.

(3) Specifies whether the more recently opened investigation is a duplicate of a previously completed investigation or a duplicate of an active investigation commenced prior to the duplicate.

25-4. “Unable to Locate” Closures. Due to the advanced search technology available, the use of ‘Unable to Locate’ closures by child protective investigators should be very infrequent. The use of commercial locator services (e.g., Accurant, etc.), shared databases between agencies (e.g., Medicaid, Access, DOR, DHSMV, etc.), and partnering with law enforcement and other professionals by child protective investigators should almost always result in the family being located regardless of inaccurate or incomplete initial information on the home address or family demographics.

a. A critical aspect of ‘Unable to Locate’ is when an intake alleges serious harm to the child victim and the investigator has reason to believe the family is avoiding, if not outright fleeing, agency intervention. In these instances, per Rule [65C-29.013](#), F.A.C., the investigator will conduct the following activities.

(1) Request a CLS staffing to consider judicial intervention (e.g., shelter petition, “pickup” or “take into custody” orders, etc.) and the mandating of ongoing search efforts beyond the closure of the investigation (i.e., Unsafe child – open to case management-).

(2) Issue a “Statewide Alert” in FSFN.

(3) If a child has been ordered to be taken into protective custody, the investigator will:

(a) Refer the child to the Florida Department of Law Enforcement (FDLE), Missing Child Tracking System (MCTS).

(b) Transfer the case to the Regional Criminal Justice Coordinator for the purpose of ensuring continuing efforts to locate the child.

b. While rare, there will be instances when the child protective investigator has sufficient information to support probable cause and ongoing search efforts based upon reliable eyewitness testimony (e.g., reporter, other collateral sources, etc.) or other corroborative evidence (e.g., medical records, law enforcement report, video recordings, threatening telephone messages, etc.).

c. The following three conditions and procedures must be met prior to use of the “Unable to Locate” closure designation:

(1) The investigator has made numerous contacts to locate the family including visits to both the home address and/or other non-residential sites the family is known to frequent at various times of the day and night, including weekends.

(2) The investigator has personally conducted or used a commercial locator service to complete a diligent search for the family including, but not limited to:

- (a) School records;
- (b) Search and contact of known friends and relatives;
- (c) Financial institutions;
- (d) Credit checks;
- (e) Insurance information;
- (f) Employment;
- (g) Postal Services;
- (h) Public transportation;
- (i) Utilities and telephone companies;
- (j) College records;
- (k) Professional licenses and unions;
- (l) Medical records;
- (m) Military World Wide Locator Service; and,
- (n) Social media.

(3) Neither the intake alleges nor more current investigative activities support serious harm to a child, or indicate that the child may be in present or impending danger, and:

- (a) A Statewide Alert has been issued on the family.
- (b) Legal counsel concurs there is no probable cause for judicial intervention.

(c) The investigation and efforts to locate the child and family continue throughout the full 60 day timeframe allowed by statute.

25-5. "No Jurisdiction" Closures. There are five specific circumstances or conditions which warrant the use of a "No Jurisdiction" closure. "No Jurisdiction" closures are used when, during the course of the investigation, additional information comes to light that the department does not have statutory authority to conduct/complete the child protective investigation. While the Abuse Hotline initially had sufficient information to generate a report, and the investigator to subsequently commence the investigation, the following unique circumstances or conditions dictate the use of the respective "No Jurisdiction."

**a. Federal Property – used when the family resides AND the maltreatment incident occurred on federal property.** These situations are typically restricted to military personnel and their families living in base housing, Federal Department of Corrections staff living in domiciles on prison grounds, and Native American Indian families residing on tribal lands.

(1) In most instances, there will be a *Memorandum of Understanding* or other written agreement in place between the Department and the federal agency or Native American tribe granting

the Department jurisdiction to conduct the investigation on the federal property or tribal land. If there is no *Memorandum of Understanding* currently in place, then the investigator should seek permission from the highest ranking officer on premises (Military installations and federal prisons) to conduct the investigation.

(2) In the case of alleged maltreatment on tribal grounds, the investigator should contact his or her regional Indian Child Welfare Act (ICWA) Specialist to determine if there is a *Memorandum of Understanding* in place and how to proceed with the investigation if no formal agreement exists.

(3) If the maltreatment incident occurred off-site (i.e., not on the federal property or tribal lands), the Department retains jurisdiction to investigate the individual/family despite the fact the family resides on the federal property/tribal land. However, the investigator needs to follow local protocol for gaining access to the individual and family members for interviewing purposes. NOTE: In some areas, military housing may not be located on the military complex or base proper, but military oversight and protocol may be in effect creating what is essentially a concurrent jurisdictional status. The investigator should staff these situations with legal counsel to review and determine the extent of the department's jurisdictional status and required actions.

(4) Retaining jurisdiction for investigation of alleged abuse occurring on non-tribal lands for Native American children in no way precludes the investigator from having to follow all requirements of the Indian Child Welfare Act (ICWA) if the investigator determines an emergency shelter placement is necessary to ensure the child's safety. **The Department's jurisdiction to investigate does not negate a tribe's sovereign right to determine subsequent placement and dependency actions for the Native American child.**

(5) Refer to '*Reports and Services Involving American Indian Children*' (operating procedure CFOP [175-36](#), dated July 8, 2013) for more specific details and investigative procedures related to reports involving Native American children.

**b. Non-caregiver – used when the alleged maltreating caregiver does not meet the statutory definition of “Caregiver” or “Other person responsible for a child’s welfare.”** Since Florida Statute defines “caregiver” in great detail, the use of this type of closure should be minimal as the Abuse Hotline will likely refer the caller to the appropriate law enforcement agency for investigation. There are, however, a couple of jurisdictional aspects related to occupational/caregiver roles that the investigator may occasionally encounter:

(1) Adults involved in activities where children are short-term participants (i.e., sports coach not employed by a school such as a Little League coach/manager, karate instructor, dance instructor, etc.) are not considered “caregivers.” The fact that an adult may provide some supervision and direction to a child in a parent's absence does not automatically qualify the individual as a caregiver. To be identified as a “caregiver” the adult's primary purpose or role must expressly be to provide supervision and care for the child; not to teach, coach or instruct the child.

(2) Bus drivers employed directly by a school or child care center are to be considered in a caregiver role.

**c. Official Capacity – used when the alleged maltreating caregiver is a law enforcement officer, employee of a municipal or county detention facility, or employee of the Department of Corrections** and the alleged maltreatment involves a child encountered in the individual's line of work. The appropriate determination of “official capacity” in the following circumstances is dependent upon the entity employing or contracting the law enforcement officer, detention or corrections staff:

(1) Unless a law enforcement officer is employed in a program operated or contracted by the Department of Juvenile Justice, the investigator has no jurisdiction to investigate alleged

maltreatment involving the officer. Examples of acting in an official capacity for law enforcement include, but are not limited to, alleged acts of maltreatment occurring while an on-duty officer is detaining, arresting or transporting a juvenile.

(2) County or municipal detention facility or Department of Correction's staff employed at these identified sites would similarly be excluded from being in a caregiver role because the individual is working in an official capacity.

(3) The only time official capacity is relinquished or non-operative for law enforcement officers is when the individual is employed at a facility, service or program operated or contracted by the Department of Juvenile Justice (DJJ). This distinction is critical because a supervisor could be reviewing two reports involving law enforcement personnel essentially alleging the same maltreatment and in one instance the Department would retain jurisdiction because the officer was employed at a DJJ program site, and in the other instance the Department has no jurisdiction because the office was employed by the local city, county or municipality.

(4) No Jurisdiction – Official Capacity closures are never appropriate when law enforcement personnel are the alleged maltreating caregiver or subject of the report involving their immediate family in an In-Home investigation. The department does have jurisdiction to investigate in these circumstances.

**d. Victim Out of State – used when the alleged child victim has continuously been out of the state of Florida 30 days beyond the date of the intake and is not expected to return to Florida.** When an investigator obtains information that the alleged child victim is not expected to return to Florida before day 60 of the investigation, the supervisor may approve the use of this closure after the following actions have been completed:

(1) The investigator has contacted Child Protective Services in the other state and requested interviews be conducted with the alleged child victim, alleged perpetrator and any other available family or household members. Information obtained from out of state sources must be documented in FSFN within two business days.

(2) The investigator has requested a child well-being check from the appropriate law enforcement agency with jurisdiction if the other state's Child Protective Services did not agree to conduct courtesy interviews. Information or statements received from law enforcement as a result of the child well-being check or criminal investigation must be documented in FSFN within two business days.

(3) The investigator has requested a staffing with legal counsel for consideration of a 'Take Into Custody' order when there is sufficient information to determine that severe maltreatment has occurred (e.g., physical injury requiring medical treatment, sexual abuse, etc.) and there is an indication that the maltreating individual has ongoing access to the child victim (e.g., regularly visits child in other state, child spends school breaks or summer vacation with caregiver, etc.). In these instances, the severity of the alleged maltreatment and any information obtained from the other state's child protective services or law enforcement agency regarding further protective actions needed should guide the decision.

e. **Victim Over 18 – used when the alleged child victim turned 18 years of age prior to the Abuse Hotline Intake.** The Victim Over 18 closure may only be used when an investigator determines the alleged child victim was 18 *prior to the intake being screened in* by the Hotline. The department does have jurisdiction to investigate if a child turns 18 after the commencement but prior to completion of the investigation. The critical distinction as addressed below is what actions the department may take as a result of the 17 year-old turning eighteen during the course of the investigation.

(1) If the child victim reaches the age of majority during the investigation, the Department does have jurisdiction to investigate but the investigator can only provide the individual with referral information for family support services since dependency proceedings and case management services are no longer an option (i.e., the family or 18 year-old voluntarily agree to seek counseling on their own, etc.). **NOTE: When maltreatment has occurred and a 17 year-old subsequently turns eighteen AND meets the criteria for a vulnerable adult, the child protective investigator must contact the Abuse Hotline to initiate a concurrent Adult Protective Services investigation.**

(2) When an 18 year-old has been the victim of maltreatment, the investigator must assess whether any other children or siblings in the household are vulnerable to present or impending danger.

(3) Once a child victim turns 18 and there are either no other children in the home or no other child victims identified in the household, the investigator may only provide the victim with appropriate referral information on community programs and services.

#### 25-6. Patently Unfounded Closures.

a. Use of the **Patently Unfounded** closure is dependent upon a supervisor concurring with the investigator's determination that there is compelling, credible evidence which is in direct contrast to the alleged maltreatment AND enables the investigator to understand why the report was likely made in good faith by the reporter. Patently Unfounded closures are markedly different from both False Reports and reports closed with 'No Indicator' findings.

b. Compelling credible evidence means the investigator has obtained information or evidence contrary to the allegation, not just the absence of evidence to support maltreatment. The standard for credible evidence requires the investigator to fully explain why the allegation was made in good faith, but erroneously.

c. Patently Unfounded closures may not be used in child fatality investigations or in reports containing sexual abuse allegations or physical injury when the investigator observes marks, welts or bruising which could be indicative of maltreatment, regardless of the child's or parent's explanation for the accidental or non-inflicted cause of the injury.

d. Please refer to Chapter 29 of this operating procedure for more specific details and investigative procedures related to patently unfounded reports.

25-7. Closing with No Services. This closure designation represents investigations **closed with children determined to be safe** without services to the family or when the child protective investigator has only made **community referrals** on behalf of the family. For example:

a. All children in the household are safe and the risk of future maltreatment is low or moderate and the supervisor agrees with the investigator's determination that there are no ongoing issues in the family that warrant any community referrals.

b. All children in the household are safe and the risk of future maltreatment is low or moderate and the investigator has identified an unmet need in the family that can be addressed via a community

referral by the investigator (e.g., employment, transportation services, etc.). Investigators may make referrals to assist the family in accessing community resources at any point throughout the investigation.

c. All children in the household are safe and the risk of future maltreatment is high or very high and:

(1) A 2<sup>nd</sup> Tier consultation has been held to affirm the safety determination of "Safe."

(2) During the investigator's explanation of the risk assessment score to the parent or legal guardian, the caregiver informs the investigator that he or she does not want to speak to or meet with a prevention or family support program staff person despite the investigator's recommendation.

d. The investigator has an essential role in helping inform parents about the resources available in their local community. The investigator should fully explain what community resources are available to meet unmet needs or improve family resources. Although all services pertaining to this closure type are strictly voluntary, supervisors should require investigators to clearly document what information was provided to the family, what community referrals were initiated on the family's behalf, and the family's response to the investigator's recommendations.

25-8. Closing with Services. This closure designation represents investigations **closed with children determined to be safe** and the risk of future maltreatment is high or very high and the parents have agreed to voluntarily participate in prevention of family support programs to enhance protective factors or increase individual caregiver protective capacity. For example:

a. The investigator has determined that all children in the household are safe and the risk of future maltreatment is high or very high and the parents have agreed to voluntarily participate in family support services. **Prior to closing the investigation, the investigator must confirm with the family support services staff that the parent or legal guardian has been successfully engaged or at least has agreed to meet with prevention staff.** If the family support staff does not successfully engage the family, the family fails to make satisfactory progress in reducing risk, or the family quits the program prior to being successfully discharged, the investigator and his or her supervisor shall participate in a "close the loop" staffing with service provider personnel to review any additional information the provider has obtained related to the initial safety determination (i.e., safe).

b. Referrals to prevention and family support programs are very appropriate for ameliorating or reducing risk of maltreatment but are not intended to substitute for case management services for unsafe children. Investigations in which a child is assessed to be unsafe will be closed out with the 'Closing Open to Ongoing Case Management' closure described in paragraph 25-9 below.

c. Initiation of intensive, comprehensive treatment services (e.g., drug treatment, mental health counseling, etc.) should be arranged for by the case manager after the case transfer staffing unless the family requests referral assistance from the investigator because of an immediate crisis. **If the FFA-Investigation subsequently determines that children are safe, the investigator should use this category to indicate when an individual participated in treatment services.** If children are subsequently determined to be unsafe, this category is not appropriate and the investigator must use the 'Closing Open to Ongoing Case Management' closure code instead, despite the family's involvement in treatment services.

25-9. Closing Open to Ongoing Case Management. This closure option is only appropriate for investigations in which **a child is assessed to be unsafe and case management services are required** (judicial or non-judicial) to provide ongoing safety management and the initiation of case planning efforts to help the parent or legal guardian achieve the conditions for return and develop sufficient protective capacity.

a. Approval of this closure type is dependent upon the supervisor agreeing with the overall safety determination of unsafe. If the supervisor believes there is sufficient information to support this decision, safety planning and transfer to case management is required on the part of the investigator.

b. As part of reviewing the overall safety determination, the supervisor should validate the investigator's rationale and decision regarding the intrusiveness of the intervention: judicial vs. non-judicial.

c. Please refer to CFOP 170-7 (Develop and Manage Safety Plans), [Chapter 1](#), paragraph 1-7, "Judicial Actions Related to Child Safety" and to CFOP 170-1 (Florida's Child Welfare Practice Model), [Chapter 7](#), "Case Transfer" for more specific guidance.

