

## Chapter 4

## SAFETY PLANS WHEN THERE IS INTIMATE PARTNER VIOLENCE

4-1. Purpose. This chapter provides guidance on creating Safety Plans in cases involving intimate partner violence, defined in CFOP 170-4, Maltreatment Index. The child welfare professional must create two Safety Plans per s. [39.301\(9\)\(a\)6a](#), F.S. The purpose of two plans is to ensure that the perpetrator does not have access to information about safety actions that must remain confidential.

NOTE: A survivor may be receiving help from a Certified Domestic Violence Center or support from a domestic violence advocate. All conversations a survivor has with a domestic violence advocate are privileged and confidential per s. [90.5036\(2\)](#), F.S., unless the survivor has signed an authorization for release of information. A Safety Plan that a survivor develops with a domestic violence advocate is different from a confidential Child Safety Plan. Such planning is outside the scope and responsibilities of the child welfare professional.

4-2. Child Safety Planning with Confidential Safety Actions.

a. The child welfare professional will:

(1) Obtain consultation from a domestic violence advocate, if available.

(2) Develop safety actions to achieve safety during child visitation. Actions must include the child's transport to and from visits.

(3) Create safety actions that are the responsibility of persons other than the parent/legal guardian or child.

(4) Develop the Safety Plan with the survivor first, whenever possible.

b. The child welfare professional will work with the survivor to:

(1) Develop safety actions for child safety during the time that the child is with the survivor.

(2) Identify which safety actions must remain confidential from the perpetrator.

(3) Discuss safety concerns prior to developing safety actions with the perpetrator.

(4) Discuss any safety concerns regarding proposed safety service providers before including them in the plan.

(5) Identify safety service providers who can be depended on to maintain confidentiality of identified actions from the perpetrator.

(6) Discuss the safety actions developed with the perpetrator. Determine if the survivor has concerns that must be addressed. This discussion must occur without the perpetrator present.

c. The child welfare professional must make reasonable efforts to locate the perpetrator. The child welfare professional will work with the perpetrator to:

(1) Develop safety actions to achieve child safety during the time that the child is with the perpetrator, provided there is no court order that prevents contact with the child.

(2) Develop safety actions necessary to protect the child from other perpetrator dynamics, such as the withholding of financial support and inappropriate communications.

d. When a perpetrator refuses to participate in the development of a Safety Plan, the child welfare professional must create more intrusive safety action measures.

e. The child welfare professional will create a copy of the “Safety Plan for Survivor Only” in FSN. This plan includes both the confidential safety actions and the safety actions associated with the perpetrator.

(1) The FSN-generated copy of the survivor’s Safety Plan will contain the following statement at the top: “This safety plan contains highly sensitive information and may only be released to the survivor of intimate partner violence and under no circumstances can be released to the perpetrator of intimate partner violence.”

(2) The child welfare professional will determine which safety management providers will be asked to sign the plan.

(3) Under no circumstances should the child welfare professional ask the perpetrator to sign the “Safety Plan for Survivor Only.”

(4) After signatures are obtained, the survivor must be provided with a copy of the plan if the survivor feels that it is safe to keep this document in her/his possession.

(5) The child welfare professional must not share any information in the plan with the intimate partner violence perpetrator.

f. The child welfare professional will provide the perpetrator with a copy of the “Child Safety Plan” that includes only those safety actions that are not confidential. The child welfare professional will obtain signatures from the perpetrator and safety management providers.

g. When law enforcement has had recent contact with the perpetrator or is conducting a current criminal investigation, the investigator will provide a copy of the “Child Safety Plan” and the Chapter 39 Injunction (if applicable) to law enforcement.

h. The investigator will work with criminal justice partners to communicate the perpetrator’s no contact order provisions and pre-trial release conditions and will report any violations to law enforcement and probation/parole as appropriate.

#### 4-3. Injunctions.

a. To protect the non-offending parent/legal guardian and their children from further perpetrator-focused victim blaming and potentially, often lethal, acts of violence, child welfare professionals can seek issuance of an injunction under s. [39.504](#), F.S. An injunction is a valuable safety action that child welfare professionals should routinely consider to help provide protection for the survivor and children in cases involving intimate partner violence. However, as there is no guarantee that a perpetrator will adhere to the terms of an injunction, an injunction should never be the sole or primary safety action in a plan.

b. When the perpetrator of intimate partner violence is not the parent or legal custodian of the child and the perpetrator can be located, the investigator must seek issuance of an injunction authorized by s. [39.504](#), F.S., to implement a Safety Plan with the perpetrator and impose any other conditions to protect the child. The investigator may also seek issuance of an injunction when the perpetrator is the parent/legal guardian or legal custodian of the child.

- c. A child welfare professional may also seek issuance an injunction under s. [39.504](#), F.S., for reasons other than to implement a Safety Plan.
- d. When the child welfare professional is unable to locate the perpetrator after completing a diligent search, he/she should complete an Affidavit of Diligent Search and provide the affidavit to CLS.
- e. CLS will file the Affidavit of Diligent Search for the perpetrator if the Department filed a petition for injunction for reasons other than to implement a Safety Plan.
- f. The child welfare professional responsible for the Safety Plan will work proactively with law enforcement to support Safety Plan development and provisions including actions to hold the perpetrator accountable for adhering to requirements in an injunction.
- g. The primary child welfare professional will document actions to monitor an injunction in the Child Safety Plan.
- h. The survivor of intimate partner violence may seek an injunction in accordance with s. [741.30\(1\)\(a\)](#), F.S.; however, a child welfare professional must never require a survivor to file an injunction.

4-4. Supervisor Consultation. Supervisors must provide follow-up consultations for present danger plans as outlined in Chapter 2 of this operating procedure and impending danger plans as outlined in Chapter 3 of this operating procedure. The focus of consultation in cases involving intimate partner violence should be on understanding the perpetrator's behavior(s) and the extent to which they are predictable or able to be controlled by the presence of a safety management provider.

a. Through case consultation, the supervisor is able to assess the ability of the child welfare professional to describe the following:

- (1) The perpetrator's pattern of coercive control including threatening to harm family pets.
- (2) Actions taken by the perpetrator to harm the child.
- (3) The full spectrum of the survivor's efforts to promote the safety and well-being of the child and actions by the perpetrator that have interfered with the survivor's efforts.
- (4) The adverse impact of the perpetrator's behavior on the child.
- (5) The role of substance abuse, mental health, culture and other socio-economic factors.

b. Through case consultation, the supervisor must confirm that the child welfare professional has:

- (1) Attempted to consult with the local domestic violence advocate.
- (2) Engaged the survivor and perpetrator separately to develop safety actions.
- (3) Collaborated with the survivor to identify actions that must not be shared with the perpetrator.
- (4) Assessed the appropriateness of each informal safety service provider.

(5) Included actions to monitor compliance with any injunction pursuant to s. [39.504](#), F.S.

(6) If the survivor is filing an injunction pursuant to s. [741.28](#), F.S., it was based solely on the survivor's decision. It is not listed as a safety action.

c. Through case consultation, the supervisor will determine that:

(1) The safety management actions are the least intrusive and most appropriate.

(2) It is clear how the Safety Plans will control and manage impending danger.

(3) The safety management actions for visits are appropriate.

#### 4-5. FSFN Documentation.

a. The child welfare professional will enter all Child Safety Plan information on the FSFN Safety Plan Page.

b. The child welfare professional will use the check box provided "Do Not Share with Perpetrator of Domestic Violence" to identify each safety action that must be kept confidential.

c. The child welfare professional will print copies of the "Safety Plan" and "Safety Plan for Survivor Only" to obtain signatures.

d. After signatures are obtained, the child welfare professional will attach both plans to the FSFN Safety Plan page.

e. As other persons involved in the case may have security levels that allow them access to the file cabinet, the child welfare professional will remind other team members that the information in the Safety Plan for Survivor Only, by law, is to remain confidential from the perpetrator.