

## Chapter 13

## ASSESSING PRESENT DANGER

13-1. Purpose. The assessment of present danger has two aspects for the child protective investigator. The first aspect involves the completion of a standardized instrument, a single point in time documentation of what was observed (or information obtained) as a result of the investigator's first face to face contact with the alleged child victim(s) and caregiver(s), if available. The determination, justification, and documentation of any safety interventions taken or not taken during that initial contact with the family represents a fixed, singular decision point. In the second, broader aspect the assessment of present danger by the child protective investigator is an active, ongoing mental process which should be occurring every time the investigator visits a home, not just on the initial visit. Assessment in this sense is a fluid, dynamic process with the recognition and appreciation that present danger may occur with any child in the home, and at any point in time.

13-2. Present Danger Threats.

a. The investigator will identify which specific danger threat is occurring. It is absolutely critical that investigators use the full definitions and descriptions provided in CFOP 170-1, Chapter 2, Core Safety Constructs, Present Danger. Present danger may be indicated when the investigator or case manager encounters examples such as the following, which is not intended to provide a complete list:

- (1) Parent does not know how child was seriously injured.
- (2) Explanation for how child was injured changes over time.
- (3) Family is intentionally avoiding contact with investigator or case manager and the intake alleges serious harm to the child or the documented injuries to the child are significant.
- (4) Parent/caregiver is hiding child with relative or family friend and refuses to disclose location and the intake alleges serious harm to the child or the documented injuries to the child are significant.
- (5) Parent/caregiver is not maintaining child's medical regimen or meeting treatment needs despite the seriousness of the injury/illness.
- (6) Parent/caregiver has not called 9-1-1 to seek emergency medical response.
- (7) Child shows serious emotional symptoms requiring intervention and/or lacks behavioral control and/or exhibits self-destructive behavior that the parent/caregiver is unwilling or unable to manage.
  - (a) Child is self-injurious.
  - (b) Child is setting fires.
  - (c) Child is sexually acting out.
  - (d) Child is addicted to drugs or alcohol.
- (8) Child is being sexually abused and maltreating caregiver has on-going access to child.
- (9) Parent/caregiver is demonstrating psychotic, delusional or physically assaultive/threatening behaviors.

(10) Parent/caregiver is brandishing a weapon.

(11) Domestic violence dynamics are active in the household.

(12) Child is unsupervised in a dangerous environment or condition.

(13) A lack of basic, essential food, clothing, or shelter is resulting in the child needing medical care or attention.

(14) Child needs to be hospitalized for non-organic failure to thrive.

(15) Parent/caregiver makes statements about the family's situation being hopeless.

(16) Child describes extreme mood swings in parent, drug or alcohol use that exacerbates the parent's volatility and frustration with child.

(17) Child expresses significant fear of being left with parent/caregiver or going home from school.

(18) Child describes being subjected to confinement or bizarre forms of punishment.

b. The investigator will identify the specific present danger threat and qualify that it is immediate, significant, and observable as defined in CFOP 170-1, [Chapter 2](#), Core Safety Constructs, Present Danger. The danger threats and qualifiers apply to the family condition, child condition, individual behavior or action, or family circumstances which endanger, or threaten to endanger, the child. It should be noted that the location of the alleged perpetrator outside the immediate presence of the child victim (e.g., maltreater arrested, child in hospital, etc.) does not negate the present danger threat. In present danger, the dangerous situation is:

(1) In the process of occurring which means it is happening right in the presence of the investigator or case manager (e.g., *an infant is left unattended in a parked car*), or,

(2) It might have just happened (e.g., *a child presents at an emergency room with a serious unexplained injury*), or,

(3) It happens "all the time" (e.g., *young children were left alone last night and are likely to be left home alone again tonight*).

c. When present danger is not immediately apparent, special consideration needs to be given to the following:

(1) If what is alleged could be true, does it equate to present danger (e.g., *serious unexplained injuries or sexual abuse allegations*)?

(2) Is any child in the home vulnerable to the identified threat (i.e., a threat only exists in tandem with a vulnerable child)?

(3) Does the investigator or case manager need to respond to the threat immediately?

d. While section [790.335](#), F.S., prohibits the department and providers from keeping lists or records of firearms and/or their owners, it is always appropriate and necessary for a child protective

investigator to inquire about, assess, and document any potential danger from a firearm in the home, when:

(1) The intake report contains information specifically describing the potential for harm or danger related to a firearm in the home (e.g., the alleged maltreater is threatening the child or other household members with a weapon, or a young child has access to an unsecured, loaded firearm outside the immediate presence of an adult, etc.).

(2) The investigator personally observes a firearm while in the home. If there is no trigger lock on the weapon and a minor in the home could readily gain access to the firearm without the owner's permission, the investigator must confirm with the caregiver that the weapon is unloaded.

e. Aside from potential danger threats related to firearms, an investigator is also responsible for obtaining the signature of prospective relative/non-relative caregivers acknowledging the individual understands Florida law related to safe gun ownership as part of a home study prior to placing a child in the home. The investigator must have the caregiver sign and date the "Acknowledgement of Compliance with Firearms Safety Requirements" (form [CF-FSP 5343](#), available in DCF Forms) as part of approving the home study.

f. When present danger is identified, **the investigator must implement a present danger plan to ensure the child(ren) safety prior to leaving the child(ren) in the home.** The safety plan will include conditions requiring either an additional adult to come into the home to assist with managing the danger threat or certain individuals leaving the home to control the threat of danger to the child.

13-3. Present Danger Assessment. While the assessment and identification of present danger is a process that occurs in real time in the field during on-site visits with the family, and to the extent possible after telephonic consultation with a supervisor, the information providing justification for safety interventions taken must be clearly and concisely documented using the following standards.

a. The present danger assessment shall be documented using the Present Danger Assessment functionality in FSFN within 48 hours of the assessment of present danger.

b. When a new report or additional report is received, the Child Protective Investigator will complete a Present Danger Assessment in FSFN. Supplemental reports must be reviewed to determine whether the new information represents a significant change in family circumstances to warrant additional investigative or assessment activities.

c. During the course of a case, a present danger assessment should be completed by the child welfare professional whenever present danger is encountered using the Present Danger Assessment in FSFN.

d. In investigations involving intimate partner violence where present danger has been identified, two separate safety plans will be initiated – a Confidential Child Safety Plan and a Perpetrator Focused Child Safety Plan – to control for the present danger that was identified due to the family condition involving intimate partner violence. Additional guidance on determining the appropriate safety actions to take, structuring of the plan, implementation of plan elements, and monitoring of the plan refer to:

(1) "Develop Present Danger Safety Plan," CFOP 170-7, Chapter 2.

(2) "Safety Plan Involving Release of Child with Non-Maltreating Parent," CFOP 170-7, Chapter 5.

(3) "Safety Plans in Domestic Violence Cases," CFOP 170-7, Chapter 4.

(4) "Approval of Informal Providers in Safety Plans," CFOP 170-7, Chapter 7.

13-4. "Initial" Supervisor Consultation.

a. An 'Initial' supervisor consultation to review the investigator's assessment of present danger is required within 5 calendar days from the point when the intake was received by the Hotline. During the consultation, the supervisor should evaluate whether or not the investigator has clearly articulated and documented the following considerations:

(1) Can the investigator clearly describe the home, child, caregiver(s), and condition(s) that he/she believes currently protect or endanger the child?

(2) If a danger threat is identified, does the danger seem active, reasonable, and vivid? Does the investigator describe family conditions that rise to the level of present danger but the present danger is not identified?

(3) Does the investigator feel compelled to take action immediately to ensure the protection of the child and, if so, what is the basis?

b. If during the initial consultation the investigator discusses relevant information not documented in the Present Danger Assessment, and this information does not change the assessment determination, the supervisor shall:

(1) Document concise elements of this information in the consultation note.

(2) Reopen the Present Danger Assessment and direct the investigator to add all relevant information used to initially determine present danger. The supervisor will review the amended Present Danger Assessment to ensure all required information is clearly articulated and documented.

c. If during the initial consultation the investigator fails to recognize the documented information meets the criteria for a danger threat or presents additional information that supports the presence of a danger threat not previously identified by the investigator, the supervisor shall:

(1) Direct the investigator to return to the home to complete a new Present Danger Assessment.

(2) Direct the investigator to implement a Present Danger Safety Plan, as appropriate.

d. When present danger is identified during a second or subsequent visit to the home by the investigator after the 'Initial' supervisor consultation has been conducted, a 'Follow-up' supervisor consultation shall be conducted to review the investigator's assessment of present danger (considerations in {paragraphs 13-4a(1)-(3) above}.

e. Supervisors are required to review Present Danger Safety Plan within 24 hours of the investigator developing the plan. In investigations involving intimate partner violence in which present danger is identified, supervisors shall ensure that two separate safety plans have been initiated – a Confidential Child Safety Plan and a Perpetrator Child Safety Plan.

f. Supervisors are required to request a 2<sup>nd</sup> Tier Consultation to review the appropriateness of all In-Home Present Danger Safety Plans.

13-5. Documentation. Initial assessment of present danger occurs at the onset of the investigation. Present danger is re-assessed when an Additional Report is received or when a Supplemental Report

contains information suggests significant changes in family circumstances. Present Danger Assessments are not completed for Duplicate reports.

a. The investigator will complete and document the Present Danger Assessment using FSFN functionality before the initial consultation with his or her supervisor within the following timeframes and parameters:

(1) As soon as possible after present danger is identified and the Present Danger Safety Plan is developed.

(2) Within two business days when present danger is not identified.

b. The supervisor will document the consultation around present danger in FSFN using the supervisor consultation page hyperlink in the investigation module within two business days. The supervisor will concisely summarize the following.

(1) The participant(s) in the consultation.

(2) Feedback provided.

(3) Guidance to the investigator.

(4) Follow-up expectations.

(5) If the investigator has clearly described and documented the considerations in paragraph 13-4a(1-3), then the supervisor does not need to provide further documentation that each item was discussed.

c. If the Present Danger Assessment and Present Danger Safety Plan (if applicable) are not entered prior to the initial supervisor consultation, a follow-up consultation will be scheduled by the supervisor to discuss documentation of the Present Danger Assessment and Present Danger Safety Plan.