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MEMORANDUM

To: District School Superintendents
District/Region Administrators, Department of Children and Families

From: Jim Warford
K-12 Chancellor
Department of Education

Beth Englander
Director, Child Welfare and Community Based Care
Department of Children and Families

Date: September 5, 2003

Subject: **LEGISLATIVE CHANGES IN PROCEEDINGS RELATING TO CHILD ABUSE PREVENTION TRAINING, INVESTIGATION AND CASE MANAGEMENT - COMMITTEE SUBSTITUTE FOR SENATE BILL 1442 AND COMMITTEE SUBSTITUTE FOR SENATE BILL 1454**

The 2003 Legislature passed two bills with implications for school districts and Department of Children and Families (DCF) staff and its contractors involved with child abuse prevention training, protective investigation, and case management services. Staff from the Department of Education and the Department of Children and Families are collaborating to provide technical assistance and address related issues.

JIM WARFORD
K - 12 Chancellor

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Committee Substitute for Senate Bill 1442 amended Section 39.201, Florida Statutes (Mandatory reports of child abuse, abandonment or neglect.--), to clarify that **any person** who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare **must report such knowledge or suspicion to the DCF central abuse hotline**. The bill also clarifies that reporters in certain occupation categories, including a schoolteacher or other school official or personnel, must provide their name to the hotline staff. This bill does not impose added responsibility on school officials or personnel as reporters; however, it clarifies that all persons who have reason to suspect child abuse, neglect, or abandonment are required by law to report it and to provide their names to hotline staff. The names of such reporters are entered into the record of the report and are held confidential.

Existing law related to penalties establishes that a person who is required to report known or suspected child abuse, abandonment, or neglect who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor of the first degree (Section 39.205, Florida Statutes).

If the report is of known or suspected child abuse, abandonment, or neglect by someone other than a parent, legal guardian, or caregiver (including reports of suspected abuse or neglect by a school district employee), the central abuse hotline staff will immediately electronically transfer the call to the appropriate county sheriff's office. In order to protect the rights of the child and the child's parents or other persons responsible for the child's welfare, all records held by DCF concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline, shall not be disclosed except as specifically authorized by law. Access to such records, excluding the name of the reporter, can only be released to specific persons, officials, and agencies.

Committee Substitute for Senate Bill 1454 amended Section 39.202, Florida Statutes (Confidentiality of reports and records in cases of child abuse or neglect.--), to provide that information contained in a specific client record may be released to the principal of a public school, private school, or charter school in which the student is enrolled. The principal determines what information contained in the records is necessary for a school employee to effectively provide a student with effective educational services and may release that relevant information to the employee.

Department of Education staff will continue working with Department of Children and Families staff to provide targeted guidance and technical assistance in the coming months. To assist you in implementing these changes, staff will provide under separate cover, a fact sheet regarding the reporting of suspected child abuse or neglect. Please direct questions regarding this memorandum to Department of Education staff listed above or to Dale East, Department of Children and Families, at (850) 410-2209.

SG:mjbf

cc: Dale East, Family Safety/Child Protection Policy, Department of Children and Families
John Cooper, Central Child Abuse Hotline, Department of Children and Families District/Regional Program Directors, Department of Children and Families
Student Services Directors
Guidance Supervisors
School Social Worker Supervisors
School Board Attorneys