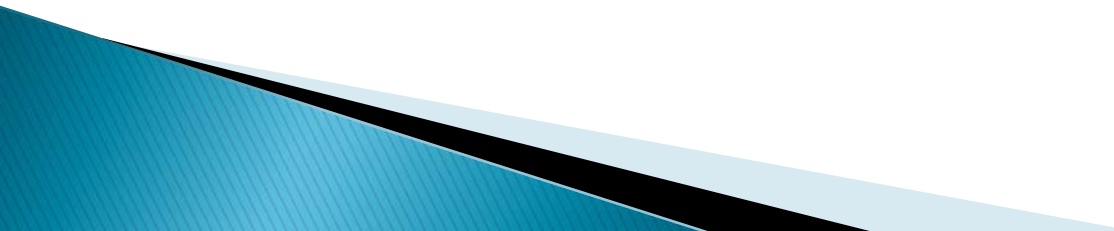


Intersection of Adult and Child Protective Investigations

Law and a Case Study

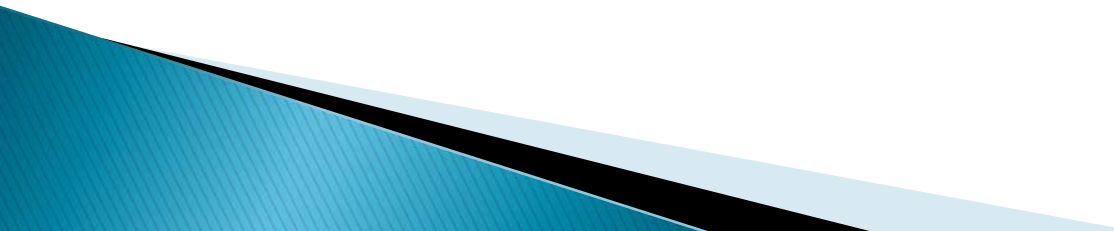
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 - ▶ Emphasis in Adult Protective Services
 - ▶ Prior appeals for Children's Legal Services
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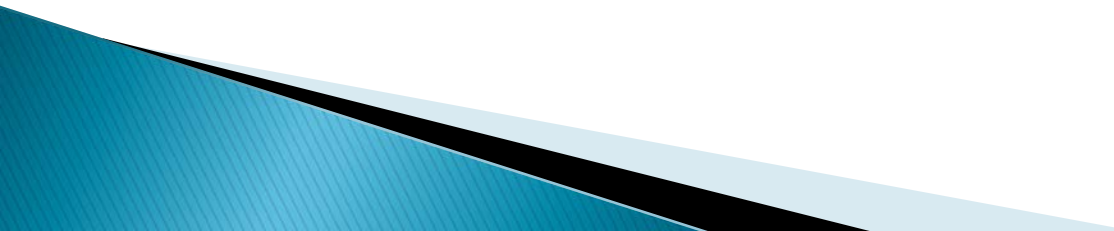
Disclaimer

- ▶ This presentation is not legal advice.
- ▶ This material is not the official position of the State of Florida or the Florida Department of Children & Families.
- ▶ This lecture is based on my own experience and research.

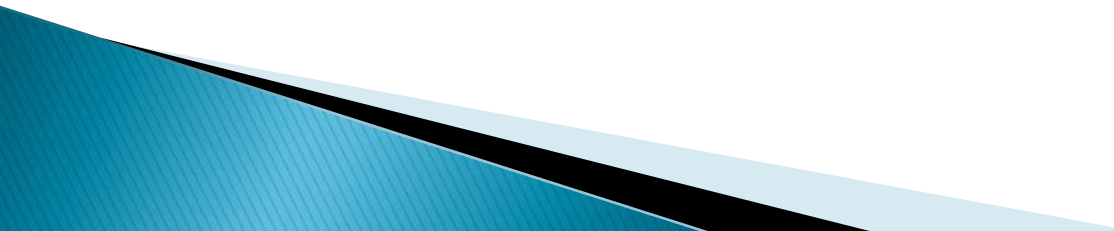
Adult Protective Investigations

- ▶ Adult Protective Services Act
 - ▶ Chapter 415, Florida Statutes is 23 pages
 - ▶ Legislative intent
 - detection and correction
 - abuse, neglect, and exploitation (ANE)
 - protective services for all vulnerable adults in need
 - fewest possible restrictions on personal liberty and the exercise of constitutional rights
 - encourage the constructive involvement of families
 - ▶ Protective Investigations is 2 pages
- 

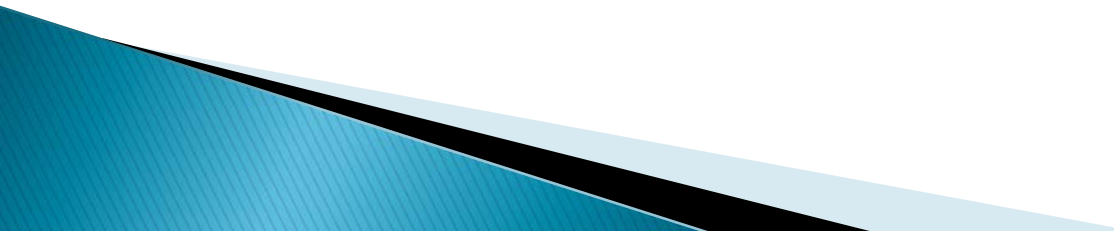
Child Protective Investigations

- ▶ Proceedings Relating to Children
 - ▶ Chapter 39, Florida Statutes
 - ▶ 16 purposes to provide for child care, safety, and protection
 - ▶ Legislative intent is prevention of child Abuse, Abandonment & Neglect (AAN)
 - ▶ Act is 160 pages
 - ▶ Part III, Protective Investigations is 20 pages
- 

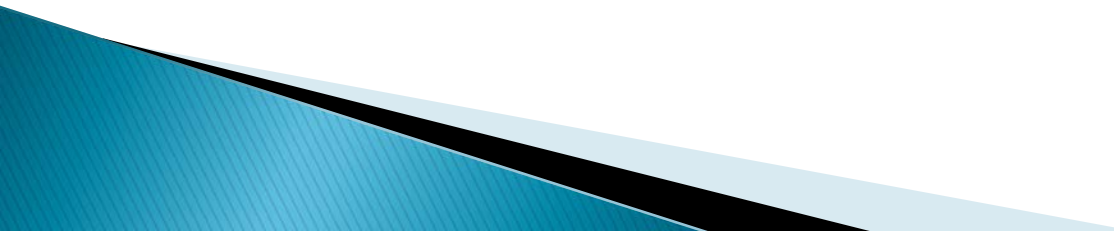
Differences

- ▶ Adults have rights: “Every natural person has the right to be let alone and free from governmental intrusion into the person’s private life...” Art. I, Sec. 23, Fla. Const.
 - ▶ Children have no legal rights, so law for removal of disabilities of nonage (emancipation). Sec. 743.015, Fla. Stat.
 - ▶ Parents have rights, so termination of *parental* rights (TPR), Chapter 39, Part X.
- 

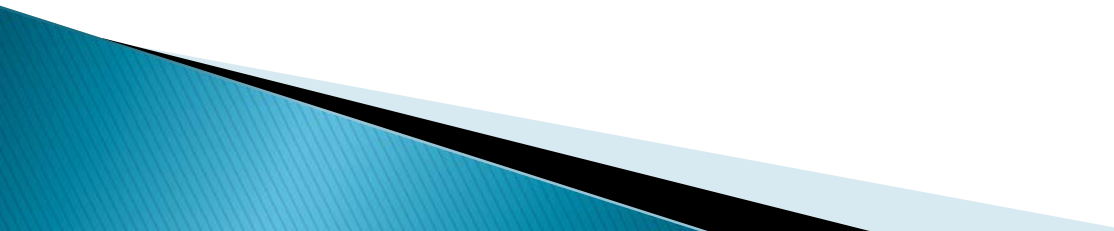
Sharing Information

- ▶ Issue: information sharing between Adult & Child Protective Investigations staff.
 - ▶ Should we do it?
 - ▶ YES.
 - ▶ It is in the victims' interests.
 - ▶ May we share information?
 - ▶ YES.
 - ▶ It is lawful. *See*, sec. 39.202(2)(a)2. & 415.107(3)(a), Fla. Stat.
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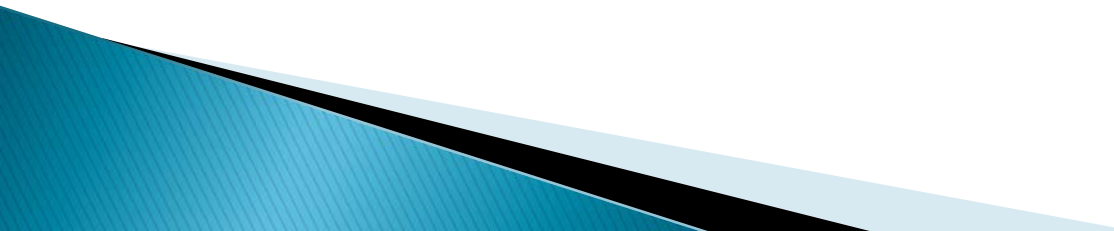
Case Study

- ▶ July 2014
 - ▶ Adult & Child abuse reports
 - ▶ Normally 5 people in home: 1 woman, 2 boys & 2 men
 - ▶ Mom, twin sons age 12, son age 18 & brother age 52
 - ▶ Plus, at time of report, mom's friend & her 2 children (boy age 2 & girl age 5)
- 

Home Details

- ▶ 2 bedroom
 - ▶ Single wide
 - ▶ Trailer
 - ▶ 2 men sleep in one bedroom
 - ▶ 2 boys share a bedroom
 - ▶ Woman (Mom) sleeps on a bed in the living room
 - ▶ Unknown where friend & her 2 kids were sleeping
- 

Situation

- ▶ Conditions Hazardous
 - ▶ Law enforcement officers present
 - ▶ Friend became upset & tried to hang herself with a wire cord
 - ▶ Later search revealed drug paraphernalia, including 2 meth pipes
- 

What the Deputy Wrote

8 people living inside. I observed a couch with a blanket and a blue futon mattress, which indicated someone was sleeping there. As I was walking through the hallway to the bathroom, I noticed clothing was piled up next to the washer and dryers and roaches crawling everywhere. I walked into the bathroom and noticed feces in the toilet. There was kitchen tupperware and dish soap located in the tub, which contained water. I took pictures of the inside and put them on a C.D to turn it into evidence.

On the outside of the trailer, I observed trash to be on the side and behind the trailer. There was house hold trash bags thrown into a big pile containing other house hold debris. I observed standing water, and other trash items in the backyard. I took pictures of the side and backyard and put those on a C.D and turn into evidence.

What the CPI & API Saw

- ▶ Before Pictures follow.
- ▶ Ready?

Living Room



Mom's Bed



Foot of Bed

Used Diaper



Behind Sofa

Used Pad



Kitchen



Refrigerator



Trash



Trash and Roaches



Storage



Storage and Roaches



Feces in the Cabinet



Bedroom



Urine Soaked Mattress



Urine Soaked Clothes and Roaches



Bathtub



Under Bathroom Sink

Used Pad



Laundry Roaches



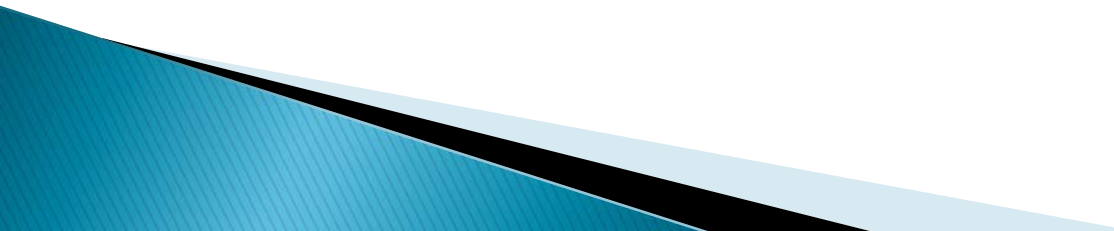
Exterior



Exterior Trash Piles



What's Really Happening

- ▶ Mom is basically OK
 - ▶ She does well with her family
 - ▶ She gets overwhelmed with other people in the situation
 - ▶ Social Security for the 2 men pay the bills, approximately \$700 monthly each
 - ▶ Plus a lot of food stamps
 - ▶ Money frequently is a core issue in an APS case
- 

The Clean-Up

- ▶ After Pictures next
- ▶ Ready?

Refrigerator After Cleaning



Living Room Repairs



Clearing a Bedroom



Storage without Roaches



One Month Later



Sweepings



Bedroom



Bedroom



Bathroom



Bedroom



Clean Commode



Living Room



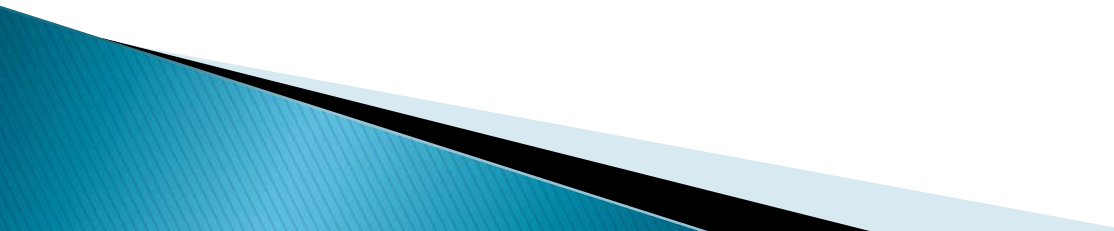
Couch



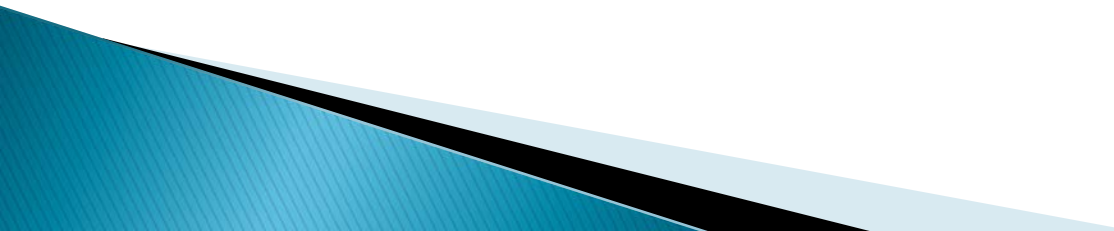
Outside Broom



What DCF Did

- ▶ DCF staff did not shelter the children.
 - ▶ A family centered practice referral was made to get pest control from a non-DCF resource.
 - ▶ The family cleaned & repaired the home.
 - ▶ DCF API & lawyer filed Emergency Adult Protective Services petitions on the 2 men.
 - ▶ Those cases concluded once the place was clean.
- 

Discussion

- ▶ Could Department personnel have handled this situation differently?
 - ▶ Should staff have done something else?
 - ▶ What would you have done?
- 

Questions

- ▶ Any questions?