



Policy: Predisposition Study

ChildNet Number: CN 007.020

Original Approved Date: June 25, 2003

Policy Revised Date(s): September 18, 2008; October 27, 2009, March 8, 2017

Policy Sunset Date:

COA Standard(s): none

Statement of Policy:

The ChildNet policy outlines the process for completing and filing the predisposition study (PDS), pursuant to F.S. 39.521. It applies to all ChildNet staff when there is not a BSO CPIS protective investigator assigned to the case the Child Advocate/Dependency Case Manager (DCM) will have to prepare the (PDS). The (PDS) encompasses all cases in which a dependency petition has been filed and a finding of dependency made by the court, and cases where the parent(s) or custodian(s) have stipulated to the preparation of the PDS prior to an adjudication of dependency.

Board Chair's Signature: _____

Date: _____

3/24/17



Procedure: Predisposition Study

ChildNet Number: CN 007.020

Original Approved Date: June 25, 2003

Procedure Revised Date(s): September 18, 2008; October 27, 2009, August 22, 2014

Procedure Sunset Date:

COA Standard(s): none

Definitions (If any):

Statement of Procedure:

A. Time Frames

1. No less than ten (10) working days before the dispositional hearing, Children's Legal Services (CLS) unit of the Office of the Attorney General (OAG) shall receive a copy of the PDS from the Protective Investigator or Child Advocate/Dependency Case Manager (CA/DCM) unless waived by the Court.
2. Children's Legal Services will review and sign the PDS and mail a copy to all parties. In lieu of mailing, the protective investigator or child advocate/DCM may arrange for hand delivery of the PDS at least 72 hours in advance of the hearing.
3. The Child Welfare Legal Services attorney must certify that a true copy of the PDS was furnished to all parties and file the original PDS with the court no later than 72 hours prior to the disposition hearing.
4. The PDS may not be made before the adjudication of dependency unless the parents or custodians of the child consent. In the event the court waives the PDS and proceeds to disposition, the PDS must be completed within 10 days and forwarded to the on-going services unit.
5. F.S. 39.521(1)(a) provides for a judicial determination that a pre-disposition report need not be filed at the time of disposition if all the required information is already contained in court records.

B. Content

1. The PDS is the most comprehensive social assessment of a child and family that is contained in a single document. It provides not only social information to assist the court in making a finding, but also documents information for federal funding maximization. The process begins with the initial contact between the ChildNet staff and the family. The PDS must address all requirements specified in F.S. 39.521



2. The PDS must be factual and non-prejudicial. It should be based on observation and contain concrete descriptions.
 3. The staff preparing the PDS should include specific acts or omissions of the parent or guardian which caused opinions to be formed, rather than just the opinions. Observations of the family members should be stated in behavioral terms.
 4. The safety of the child, reduction of risk, and sensitivity to the family's social and cultural environment must be the primary considerations of the staff completing the PDS.
- C. PDS Format - The PDS must include all areas specified and be in the format provided as appendix A to this procedure.

President's Signature:

Date:

03-24-17



APPENDIX A

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY,
FLORIDA

IN THE INTEREST OF:

CASE #: _____ CJD

MINOR CHILD(ren): _____

PREDISPOSITION STUDY

_____, Child Protective Investigator, for the Broward County Sheriff's Office, Child Protective Investigations Section, of ChildNet Child Advocate files this Predisposition Study, with the following documented information required by Fl. Stat. 39.521(2):

I. FL. STAT. 39.521(2)

A. The capacity and disposition of the parents to provide the child with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs:

1. Parents' level of education, the amount and sources of all income within the family and the present employment status of each employable family member, the type of work they perform or are capable of performing, and the stability of their employment record;
2. Social Security Administration activity, if any (including the reason, i.e., deceased parent, disabled adult, disabled child or SSI recipient);
3. Aid to Families with Dependent Children (AFDC) and food stamps, if any;
4. If a court has ordered that child support be paid, include a statement as to the status of compliance with the court's order.

B. The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

1. A brief description of the home and the composition of the household (description of the neighborhood, the length of time the child has lived in the residence, the stability of the environment and the desirability of maintaining continuity as well as the permanence of the family of the existing or proposed custodial home; a summary statement of the residential changes during the life of the child);
2. Any areas of concern to the investigator (such as spoiled food, dirty laundry, exposed electrical wiring, drug paraphernalia, empty liquor containers, and other specific observations);
3. Disciplinary practices (amount of parental supervision and the use of authority in the home as well as the method of discipline used and its effectiveness);
4. Preparation of meals, selection of food and furnishings, description of money management in relation to family income, utilization of available health services, punctuality in keeping appointments and whether the person carried out expected tasks;



5. A complete assessment of the family as a unit (personal relationships, emotional climate, love, affection and other emotional ties existing between the parent and child, documenting the statements, actions and interactions of the child, parents, and other family members concerning these subjects, how the child related to other children in the home);
6. Alleged or verified chronological history of marriages, divorces and separations; reasons for termination; children by previous marriages and their whereabouts, the length of the present marriage and its stability if known, the attitude of the spouses toward the marriage's past, present and future; if the parents' marriage has not remained intact, indicate the child's age when separation occurred, with whom the child has lived since then, and the amount of contact between the child and the non-custodial parent).

C. The mental and physical health of the parents and child.

1. PHYSICAL HEALTH.

Any significant health problems, disabilities, or limitations, including allergies, which require on-going medical attention, medications currently prescribed to the child and/or parents and the diagnosis for which the medication is prescribed.

2. MENTAL HEALTH/SUBSTANCE ABUSE.

Any mental health or substance abuse treatment received by the child or parents and any significant problems which require an evaluation or on-going attention. If two or more of the following indicators for any of the following subsections are present, an evaluation should be recommended:

- a. **Alcohol and other drug abuse** - Examples of indicators for children include use of alcohol or other drugs at the time of referral; parents expressing a concern about child's consumption of alcohol or other drugs; past history of alcohol or other drug offenses or related offenses; presence of excessive alcohol or other drug use at home; any school referrals related to alcohol or other drugs; child's self-reported use; prior intervention or treatment or treatment for alcohol or other drug use; alcohol or other drug urinalysis;

Examples of indicators for adults would be: use of alcohol or other drugs at the time of referral; child's expressed concern about the parent's use; past history of alcohol or drug offenses or related offenses; presence of excessive alcohol or other drug use at home; unstable employment history; collateral contact (neighbors, teachers, etc.) reports.

- b. **Mental health** - Examples of indicators for the child would be: previous contact or treatment by mental health professionals; previous hospitalization for mental health problem; previous self-inflicted injury; prescribed psycho tropic medication; marked deterioration in school performance, or social and family relationships; experiencing major life stressors (recent death, divorce, family discord, change in living environment); evidence of sexual or physical abuse; attempted suicide or suicidal gestures;

Examples of indicators for adults would be: previous contact or treatment by mental health professionals; previous hospitalization for mental health problem; previous self-inflicted injury; prescribed psycho tropic medication; marked deterioration in social and family relationships; experiencing major life stressors (recent death, divorce, family discord, change in living environment); evidence of sexual or physical abuse; attempted suicide or suicidal gestures.

D. The home, school and community record of the child *(This section **must not** include foster care addresses or schools for foster care children)*



1. Home, school or daycare, and community activities of the child; school activities, attendance, and behavior should be discussed with appropriate school personnel who know the child; if the child is employed, a description of the work history should be provided; if the child is not of school age, that should be stated;
2. Description of the family's involvement in the neighborhood, church, and significant interests and activities.

E. The reasonable preference of the child, if the child is of sufficient intelligence, understanding, and experience to express a preference.

If child is not of an age to provide a preference, statement to that effect should be included.

F. Evidence of domestic violence or child abuse.

1. Police reports, 911 calls, restraining orders (including the voluntary dissolution of a RO by an alleged victim) and criminal charges resulting from domestic violence incidents in the home;
2. Consideration should be given to the dynamics of domestic violence with a sensitivity to the needs of an alleged victim who may not be in a position to understand or address the issues and threat to the children.

G. An assessment defining the dangers and risks of returning the child home, including a description of the changes in and resolutions to the initial risks.

This section addresses the initial risks and resolution, if any.

H. A description of what risks are still present and what resources are available and will be provided for the protection and safety of the child.

This section addresses the risks still present, if any.

I. A description of the benefits of returning the child home.

This section addresses benefits, if any, of returning the child home.

J. A description of any unresolved issues.

Family court issues, paternity not established, diligent search on going for missing parent(s).

K. A Florida Abuse Hotline Information System (FAHIS) history and criminal records check for all caregivers, family members, and individuals residing within the household from which the child was removed (see attached FAHIS reports). (Use the following format).

1. FAHIS HISTORY (starting with most recent)

- a. **FPSS REPORT NO. _____, DATE/ MALTREATMENT/ DISPOSITION (for each report); (Attached FAHIS reports SHOULD NOT INCLUDE REPORTER INFORMATION)**

A chronological listing of all past reports involving the child, all caretakers, family members and individuals residing within the household, and including any previous supervision or placement.

- b. **CHILD'S STATEMENT:** An account of the problem as stated by the child. If the child is unable to provide input due to age, disability, or unwillingness to speak, this should be stated;



- c. **PARENTS' STATEMENT:** An account of the problem as stated by the parents, custodian or other person responsible for the child's welfare. If the whereabouts of the parent(s) is unknown, discuss the status of the diligent search;

**2. CRIMINAL HISTORY AND DISPOSITION
DEPARTMENT/ DISPOSITION**

Summarize criminal histories (do not attach copies);

List the law enforcement departments that were contacted and the outcome of each contact. If the parents have lived in the county for less than 5 years, then contact should be made with law enforcement in the area of last residence (attach police reports).

L. The report and recommendations of the Child Protection Team of the Department of Health or, if no report exists, a statement reflecting that no report has been made.

1. If a report has been made, a copy can only be attached if the court has issued an order permitting you to release it to the parties. Otherwise, CPT reports are confidential;
2. If there has not been a CPT assessment, there must be a statement to that effect in the PDS;
3. Summarize the findings and recommendations of CPT.

M. All opinions and recommendations from other professionals or agencies that provide evaluative, social, reunification or other services to the parent and child.

Record the other agencies or programs with whom the child or family are involved; examples: KIDS In Distress reports (can be listed here with date of report and attached);

1. Whether there has been a multi-disciplinary case staffing and, if so, the results;
2. If written reports are not yet available, summarize any verbal reports received.

N. A listing of appropriate and available preventive and reunification services for the parent and child to prevent the removal of the child from the home or to reunify the child with the parents after removal, including the availability of family preservation services. The explanation shall include a discussion of:

1. **Whether the services were provided;**
2. **If the services were provided, what the outcome was;**
Efforts by the Department to prevent out-of-home placement of the child, or to reunify the family if the child has been removed (example: Family Builders, ICCP, VPS; parents' refusal to accept services or failure to comply);
3. **If the services were not provided, why they were not provided;**
4. **If the services are currently being provided and if they need to continue.**
Description of current supervision and placement.

O. A listing of other prevention and reunification services that were available but determined to be inappropriate and why.

Inappropriateness of other prevention and reunification services that were available.

P. Whether dependency mediation was provided and result.



- Q. If the child was removed from the home and there is a parent who may be considered for custody, a recommendation as to whether placement of the child with that parent would be detrimental to the child.**
1. If the recommendation is to remove the child from his or her home, and there is a non-custodial parent, that parent must be given priority for placement unless the placement would be detrimental to the child; a recommendation as to whether placement with that parent would be detrimental to the child and if not placed with that parent, *the reason(s) for not placing the child*;
 2. Each parent's ability and willingness to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent, and the ability of the parent who is gaining custody to protect the child by maintaining any court-ordered restriction on such contact.
- R. If the child has been removed from the home and will be remaining with a relative or other adult approved by the court, a positive home study has been conducted and is attached hereto. The home study considers the following information:**
1. **An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child.**
 2. **Records checks through FAHIS and local and state criminal and juvenile records through the Department of Law Enforcement on all household members 12 years of age or older and other persons made known to the department who are frequent visitors to the home.**
 3. **An assessment of the physical environment of the home.**
 4. **A determination of the financial security of the proposed legal custodians.**
 5. **A determination of suitable child care arrangements if the proposed legal custodians are employed outside the home.**
 6. **Documentation of counseling and information provided to the proposed legal custodians regarding the dependency process and possible outcomes.**
 7. **Documentation that information regarding support services available in the community has been provided to the proposed legal custodians.**
- S. If the child is removed from the home, the Department requests the Court make a determination that child support shall be made in accordance with state law.**
1. Whether the parents have been assessed child support and, if so, whether that support has been paid;
 2. Applicable to DCF placements and relative/non-relative placements.
- T. If placement of the child is with anyone other than the child's parent is being considered, when placement with the parent should be reconsidered.**
- U. Any other relevant information and material evidence, including any oral or written reports.**



II. EVALUATION/RECOMMENDATIONS/CASE PLAN

This section is the protective investigator's evaluation of the data contained in the PDS. The CPI should coordinate and solicit input from the ESI worker prior to making recommendations.

If a guardian ad litem has been appointed, this should be noted. If there are conflicting recommendations from other programs or agencies, these should also be noted, with an explanation of why the department has taken the position it has.

A. The minor child :

1. To be adjudicated dependent;
2. To be placed in the temporary physical and legal custody of _____.

B. The mother, _____, shall:

1. Tasks
2. Visitation

C. The father, _____, shall:

1. Tasks
2. Visitation

Any particular terms or conditions of supervision or items to be included in the case plan should also be listed in this section. Care must be taken, however, to ensure that any specific recommendations establishing expectations for or requirements of the child and parents are realistic and appropriate. Under no circumstances are court-ordered conditions to be requested which are punitive, threatening or which are so rigid or all-inclusive that the child or parent is set up for failure and possibly, contempt of court charges.

Date

Child Protective Investigator/Child Advocate

Date

Child Protective Investigator Supervisor/
Child Advocate Supervisor

Respectfully Submitted,
Bill McCollum
Attorney General

By: _____
Assistant Attorney General

Fla. Bar. No.: _____
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