

# **RECOMMENDED PROCEDURE REGARDING Department of Children and Families (DCF) School/ Center Site Visit / Meeting**

## **WHEN A DCF REPRESENTATIVE VISITS A SCHOOL TO INTERVIEW A CHILD:**

### **1. THE ADMINISTRATOR (OR THE GUIDANCE COUNSELOR AT THE DISCRETION OF THE PRINCIPAL) MUST CHECK CREDENTIAL**

- If there is any concern about the credential, call the DCF office
- If there is any concern regarding the visit, call the DCF office
- Always indicate that the school wishes to cooperate with DCF and Law Enforcement. However, as a private school, school policies and procedures must be followed.
- Keep in mind that a DCF Investigator is not a “law enforcement officer”. Reference is made to Chapter 39.301 of the Florida Statutes, and specifically, subsection 12. Unless accompanied by a sworn law enforcement officer, the DCF Investigator may not compel the school to release documents or allow students to be interviewed without parental consent or a Court Order.

### **2. IF THERE IS NO LAW ENFORCEMENT OFFICER PRESENT:**

- Explain to the DCF Investigator your understanding that DCF investigators are not a sworn law enforcement officer (reference F.S. 39.301 above)
- Explain that as a private school, a duty exists to the parents that outside contact with students is prohibited unless the parents consent, or unless a sworn law enforcement officer takes control of the investigation, or unless a valid Court Order has been entered authorizing the DCF Investigator.
- The School acts *in loco parentis* and must otherwise obtain consent of the parents before allowing the release of information or the interview of students.
- If the DCF Investigator consents to contacting parents about the interview or release of information, then ask the DCF Investigator to wait while you contact the parent. If consent is given, allow the interview or release of information. If not given, explain the parent has declined authority and the DCF Investigator must obtain a Court Order or involve a sworn law enforcement officer.
- In some instances, the DCF Investigator may believe the school is “interfering” with the investigation. Again, reference should be given to the DCF Investigator as to F.S. 39.301 and Diocesan Legal Counsel should be contacted.

3. IF A LAW ENFORCEMENT OFFICER ACCOMPANIES A DCF INVESTIGATOR:

- Explain the general policy of the School and its duty to parents (see above)
- Ask the sworn law enforcement officer if they are assuming control of the investigation:
  - i. If No, then explain that the School would like to cooperate, but cannot allow the release of information or students to be interviewed unless parent consent is obtained.
  - ii. If Yes, then document that the sworn law enforcement officer has taken control of the investigation and cooperate with what is requested.
- Upon the conclusion of the interview, inform the sworn law enforcement officer that you are obligated to inform the parents that their student has been contacted as part of this investigation.
  - i. If the sworn law enforcement officer directs that you not give notice to the parents, further documentation should be made in the file and the parents should not be contacted. If a parent becomes upset that they were not notified, you should explain that you were directed by the sworn law enforcement officer and were precluded from interfering with the investigation (i.e., obstructing justice).
  - ii. If the sworn law enforcement officer does not object to contacting the parents, then notice should be given to the parents after the interview has been concluded, suggesting that any questions from the parent be directed to the sworn law enforcement officer.
- If the sworn law enforcement officer assumes control of the investigation, request permission to remain in the room with the student being interviewed, but be mindful that the sworn law enforcement office has control of the investigation and has every right to preclude you from participation.

4. DOCUMENT VISIT

5. RETAIN DOCUMENTATION IN ADMINISTRATOR'S FILE OR GUIDANCE FILE

6. MAINTAIN STRICTEST LEVEL OF CONFIDENTIALITY