

TAKING A DEPENDENT CHILD INTO CUSTODY

A CHILD, ALLEGED TO BE DEPENDENT, MAY BE TAKEN INTO CUSTODY PURSUANT TO CHAPTER 39.401 OF FLORIDA STATUTES AND THE RULES OF THIS POLICY BY AN AUTHORIZED AGENT OF THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES OR BY A LAW ENFORCEMENT OFFICER, IF THE OFFICER OR AGENT HAS REASONABLE GROUNDS TO BELIEVE THAT THE CHLD HAS BEEN ABANDONED, ABUSED, OR NEGLECTED, IS SUFFERING FROM ILLNESS OR INJURY, OR IS IN AN IMMEDIATE DANGER FROM HIS/HER SURROUNDINGS AND THAT HIS/HER REMOVAL IS NECESSARY TO PROTECT THE CHILD.

AUTHORITY: F.S. 230.22 (1) (2)
Approved as Emergency Rule #ER82-1: 3/18/82
Policy Adopted: 4/15/82

Policy Amended: 5/2/00

RULES

1. If any authorized agent of the Florida Department of Children and Families or law enforcement appears on campus with a court order stating that they have the authority to take a particular child into custody, the court order should be a certified copy which should have an impression seal imprinted on the document with a statement by the Clerk of the Court certifying it to be a certified copy of the original. That document or a photocopy thereof should be placed in the student folder upon taking of the child into custody.
2. However, before any authorized agent of the Department of Children and Families or any law enforcement agency attempts to take a child into custody from a school, as authorized under Chapter 39.401 of the Florida Statutes, he/she will contact the School Board's Special Investigative Unit (S.I.U.). An S.I.U. investigator will be dispatched to the school to oversee the taking of the child into custody.
3. Before any dependent child is taken into custody, the S.I.U. investigator shall verify the affiliation of the person representing the agency desiring to take the child into custody.
4. Before a dependent child shall be released to an authorized agent of the Florida Department of Children and Families or a law enforcement officer without a court order, the following release form attached hereto and made a part hereof by reference, shall be executed by the agency representative and witnessed by the S.I.U. investigator, as well as a representative of the school from which the child is being taken into custody. The release form will be placed in the student folder and the incident will be recorded in the files of the Special Investigative Unit.
5. It shall be the responsibility of the governmental agency taking the dependent child into custody to make every effort to advise the parents of same.

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SUPPLEMENT #23

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
RELEASE FORM

The purpose of this release form is to provide documentation for a school's records when releasing a dependent child to the custody of an authorized agent of the Department of Children and Families or law enforcement officer pursuant to Florida Statutes 39.401 (1) (b) which states:

Taking a child alleged to be a dependent into custody

- (1) A child may be taken into custody:
- (2) By a law enforcement officer, or an authorized agent of the department, if the officer or agent has reasonable grounds to believe that the child had been abandoned, abused, or neglected, is suffering from illness or injury, or is in an immediate danger from his/her surroundings and that his/her removal is necessary to protect the child.

Prior to the time that any dependent student is authorized to be taken into custody, procedures as listed in Board Policy 1162 shall be followed.

AFFIRMATION OF AUTHORITY

I am taking _____ into
(Child's name) (Date of Birth)

protective custody pursuant to Chapter 39.401 of Florida Statutes. Upon removal of the aforementioned child from _____ the authorized agent of the Department of Children and Families or other law enforcement agency shall assume full responsibility for the child and for notifying the child's parent/guardian (after the child's removal from school).

Signature of Authorized Children & Families
Agent or Law Enforcement Officer

Date & Time of Day

Witnessed by:

Signature of School Official

Signature of Special Investigative Unit Investigator