



Published on *Sunshine State News* (<http://www.sunshinestatenews.com>)

Group Asks DCF to Revamp 'Transformation' of Child Safety

By: Margie Menzel News Service of Florida | Posted: August 9, 2013 3:55 AM



Interim DCF Secretary Esther JacoboHide

As the state's child welfare system rolls out what it calls a "transformation" to a new way of keeping children safe, an advocacy group says the changes could leave some kids dangerously defenseless.

The group, Florida's Children First, asked for a hearing held Thursday on a proposed rule that would change how the state Department of Children and Families conducts its child-protective investigations.

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"I think the biggest concern is that the proposal does not safeguard children who are not in present danger, but are in imminent danger," Robin Rosenberg, the group's deputy director, said after the meeting. "And that's those exact children that died recently."

The difference, in DCF's reckoning, is the difference between a threat that could materialize that moment -- or "present danger"-- and a threat that could materialize tomorrow -- or "imminent danger."

Rosenberg pointed to the case of 2-year-old Ezra Raphael, who was allegedly beaten to death by his mother's boyfriend. He was one of seven Florida children who have died since May 16 despite having earlier contact with DCF.

Ezra had been on the agency's radar because his mother, Cierrah Raphael, had left him with a Gainesville woman she scarcely knew. A former foster child in the Florida system herself, Cierrah Raphael had already lost custody of her older child.

"DCF comes there and finds (Ezra) right now is in a good place," Rosenberg said. "This lady's taking care of him. ... But if the child were returned to his mother, he would be in imminent danger. So they make a note in the file to call us if mom tries to come and pick up the child, and they close the investigation."

Cierrah Raphael came for Ezra in April, and he died in June. His former caregiver told WTVJ in Miami that she tried to keep the child. But the agency told her "there was nothing that they could do. ... They had closed the case," she said.

"The Department of Children and Families had one encounter with Ezra in February 2013. At that time, Ezra was in the care of a nonrelative caregiver in Alachua County," DCF said in a statement when he died. "The caregiver did not have legal guardianship or custody of the child. However, the child was determined to be safe."

And that's the problem, said Rosenberg, because under the rule DCF is now proposing, the agency wouldn't be required to develop a safety plan for Ezra.

"Under the new framework, present danger requires a safety plan or removal," she said. "Imminent danger does not require action, and that exposes children to risk of harm."

Florida's Children First also wants DCF to restore the so-called second party review, which is actually a third set of eyes on a case. Critics of the second party review say it's a waste of time, since it only reviews the same material. Rosenberg said if the current practice isn't achieving the intended results, it should be revised, not eliminated.

Rosenberg and Christina Spudeas, executive director of Florida's Children First, also said state law required DCF to have someone at Thursday's hearing to answer their questions, and that they submitted their comments in advance for that reason.

Department spokesman Whitney Ray said he appreciated their comments, but there is no deadline for a response to them.

"Today's public hearing was the first hearing on this important rule and was held to ensure we receive all comments in order to address them before changes to the rule are made," he said in an email. "We are conducting an exhaustive review of all comments submitted to us and raised during today's hearing, and as soon as that comprehensive review has

been completed, we will post the comments and responses on the DCF website and announce the posting."

Ray said some of the proposed changes are technical. Some "are to improve organizational flow, readability and clarity. Other proposed changes are designed to improve practice, to strengthen child protective investigations."


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