CHAPTER 65C-9 ALIEN CHILDREN

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65C-9.001 Purpose.
This rule is intended to resolve any question as to the administrative application of existing policies, procedures, rules and statutes relating to both the investigation of allegations of abuse, neglect and abandonment when the alleged victim is an undocumented alien child, and proceedings undertaken thereto pursuant to Chapters 39, 40, 409 and 415, F.S., apply to all children in Florida without regard to alienage or immigration status except where alienage or immigration status is explicitly referred to as a statutory condition of coverage or eligibility.

Specific Authority 59.012, 400.026(8), 415.514 FS. Law Implemented 59.001(1), 400.145, 415.501, 415.5016, 415.502 FS. History-New 6-12-95, Formerly 104M-47.001.

65C-9.002 Definitions.
(1) Undocumented Alien Child is defined as an unmarried person under the age of 18 who is not a citizen or national of the United States, and who is not in possession of valid Immigration and Naturalization Services (INS) issued documents authorizing the juvenile to be in the United States.

(2) PIUCOL ("Person residing in the United States under color of law") is defined as a person who is known to INS and whose forced departure from the United States is not imminent.

(3) SAVE ("Systematic Alien Verification for Entitlements Unit") is a subdivision of the INS District Offices that verifies the validity of purported INS documents for purposes of entitlement.

(4) Special Immigrant Juvenile Visa is an immigrant visa available to a person who has been declared dependent by a juvenile court, who was deemed eligible for long term foster care, and for whom it has been determined that it would not be in her best interest to return to her or her parents' previous country of nationality or country of last habitual residence.

(5) INS Custody is defined as physical presence in an INS facility.

(6) Immigration Proceedings are defined as either exclusion or deportation proceedings before the Executive Office for Immigration Review.

(7) Special Interest Order is defined as an order from the Circuit Court establishing that the child has met the requirements for a special juvenile immigrant visa.

Specific Authority 59.012, 400.026(8), 415.514 FS. Law Implemented 59.001(1), 400.145, 415.501, 415.5016, 415.502 FS. History-New 6-12-95, Formerly 104M-47.002.

65C-9.003 Procedure for Handling Alien Children Alleged to Be Abused, Neglected or Abandoned.
(1) All calls received by the statewide Department of Children and Family Services Abuse hotline ("Hotline") will be screened without regard to the immigration status of the alleged victim or the family or household of the victim, pursuant to the procedures established in Chapter 65C-10, F.A.C. A child's immigration status will be determined through SAVE only, concurrent with the ongoing investigation into allegations of abuse, abandonment or neglect, and only in an effort to promote the child's best interests which includes ascertaining, in good faith, a child's eligibility for public benefits or need for a special immigrant juvenile visa. No such status check or other contact shall be made for the purpose of seeking the child's or the family's detainee by INS or the initiation or resumption of deportation or exclusion proceedings against the child or the child's family, irrespective of the outcome of the dependency proceeding. No Department of Children and Family Services staff member may attempt to place any alien child in INS custody. The immigration status of a child shall have no bearing on either the care or service rendered by Department of Children and Family Services to a child or on judicial proceedings undertaken by Department of Children and Family Services on behalf of the child. In the event an abuse report is determined to be unfounded, Department of Children and Family Services shall not thereafter communicate with the INS concerning the child or the child's family.

(2) Any immediate and life-threatening emergency, no call will be accepted by the Hotline for alleged abuse, abandonment, or neglect of an undocumented alien child who is documented to be in INS custody. Such callers will be referred to the appropriate officials within the United States Department of Justice to investigate and to take appropriate remedial steps if any are necessary. Such referrals shall, however, be promptly documented by the Hotline. All other calls of alleged abuse, abandonment or neglect will be taken by the Hotline and investigated by Department of Children and Family Services, regardless of a child's immigration status.

(3) Department of Children and Family Services Protective Investigators will respond to the scene to determine the safety of the child, without regard to immigration status, and stabilize the situation, pursuant to Chapter 65C-10, F.A.C.

(4) Department of Children and Family Services shall not place in a dependency petition reference to a child's alienage or immigration status, or to the INS unless such reference is in good faith material to the grounds for the petition's allegation of abuse, neglect or abandonment.