

7-12-02

Suzanne H

STATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

AT  
02 OCT -4 AM 10:40  
FILED  
ADMINISTRATIVE  
HEARINGS

KIMBERLY STRANGE-BENNETT,

Petitioner,

Case No. 02-1224

SFH-CWS

Rendition No. DCF-02-255 FO

vs.

DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES

Respondent.

FILED

OCT 02 2002

DCF Department Clerk

**FINAL ORDER**

THIS CAUSE is before me as the result of a Recommended Order (RO) that was issued by the Administrative Law Judge (ALJ) assigned by the Division of Administrative Hearings, to hear this case. Both parties filed Proposed Recommended Orders. Transcript of the hearing was not filed. Neither party filed exceptions to the Recommended Order.

I accept, adopt and incorporate herein the findings of fact in the ALJ's RO. The Department relied upon a verified Florida Protective Services System (FPSS) Report in denying the Petitioner's application for a family day care home license. This is allowed by Section 39.202(2)(a)4., Florida Statutes.

In reviewing the FPSS Report, one child, SYB, had bruises on one of her legs. From reading the report, the extent of the bruising cannot be determined. Her brother, SJB, also had bruising to his right leg. However, again, from reading the report, the extent of bruising cannot be determined. SJB claims his stepmother, the Petitioner, whipped him with an extension cord, and that this

caused his leg to bleed. And although the report indicates there were bruises on SJB's leg, it does not indicate that there was any scarring.

The oldest sibling, IMB, claimed to have had no knowledge of incidents with his brother and sister, and that both SYB and SJB wanted to live with their natural mother.

The Petitioner admits that, on one occasion, she used an extension cord to spank one of her stepchildren. It is never appropriate to use an extension cord to spank a child of any age. However, the Petitioner claims now to understand this and it appears from the evidence, and from the FPSS report itself, that the Petitioner will not present a danger to children if granted this license. As noted in the report, corporal punishment in the Petitioner's home was not the normal means of discipline. Instead, the children were disciplined by lose of privileges and being placed on restriction. The report also indicates that the "family appears to be bonded and struggling to provide a good home for all the children and to teach them values."

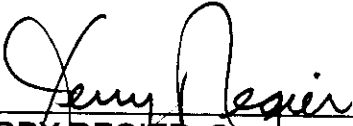
It is also notable that, as a result of this report, the Petitioner accepted voluntary services from the HIP Program to learn alternative means of disciplining a teenage child. Since no evidence was offered to show any of the Petitioner's children or stepchildren was adjudicated dependent, it may be inferred that voluntary services were successfully completed. Further, the report indicates that the children were active in school, the family was active in their church and the Petitioner was attending college. Since the time of this report in 1996, the Petitioner has successfully completed her course of study by becoming

a Licensed Practical Nurse. Finally, there were no priors, and there have been no subsequent FPSS reports on the Petitioner.

In reviewing the Recommended Order, it is of concern that SJB was incarcerated at the time of this hearing and that SJB's child was living with the Petitioner. As such, SJB may be disqualified from being a member of the household of a family day care home. The Petitioner must understand that, if SJB is disqualified, he may not reside in the home, since it will result in the license being revoked. The district shall monitor this matter of compliance.

I accept, adopt and incorporate herein, the conclusions of law in the ALJ's RO. And the undersigned being otherwise duly advised, the Petitioner's application for a family day care home license is **GRANTED**.

**DONE** and **ORDERED** on this 27<sup>th</sup> day of September, 2002 in Tallahassee, Leon County, Florida.

  
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**JERRY REGIER, Secretary**  
**Department of Children and Family Services**

Copies of this Final Order are being provided to:

SUZANNE F. HOOD  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Ralph J. McMurphy  
Assistant District Legal Counsel  
Department of Children and  
Family Services  
1601 West Gulf Atlantic Hwy.  
Wildwood, FL 34785

Jeanie Kittel  
Acting District Program Manager  
Department of Children and  
Family Services  
1601 West Gulf Atlantic Hwy.  
Wildwood, FL 34785

Kimberly Strange-Bennett  
Post Office Box 58  
Orange Lake, FL 32681

**NOTICE OF RIGHT TO APPEAL**

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeal in Tallahassee, Florida, OR with the District Court of Appeal in the district where the party resides. The Notices must be filed within thirty (30) days of the rendition of this final order.<sup>1</sup>

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing FINAL ORDER has been sent by U.S. Mail or hand delivery to each of the persons named above on this 2<sup>d</sup> day of September, 2002.

October

Paul Flounlacker

PAUL FLOUNLACKER, Acting Agency Clerk  
Department of Children and Family Services  
1317 Winewood Blvd. Bldg. 2 Room 204  
Tallahassee, FL 32399-0700

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<sup>1</sup>The date of the "rendition" of this Final Order is the date that is stamped on its first page. The Notices of Appeal must be received on or before the thirtieth day after that date.