

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SPB 7072

INTRODUCER: For consideration by the Children, Families, and Elder Affairs Committee

SUBJECT: Child Abuse and Child Welfare Services

DATE: March 10, 2014

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sanford	Hendon		Pre-meeting

I. Summary:

SPB 7072 makes numerous changes to better protect children from abuse and neglect. The bill seeks to improve the quality of child abuse investigations conducted by the Department of Children and Families (DCF or the department) and certain sheriff's offices.¹ The bill accomplishes this by increasing child welfare expertise in the department, improving child abuse investigator qualifications, and creating a consortium of public and private schools of social work to advise the state on child welfare policy.

The bill establishes an Assistant Secretary for Child Welfare to ensure that the agency has a single point person for the quality of child protection and child welfare services. The bill improves the qualifications for child protective investigators and their supervisors by requiring 80 percent of the persons newly employed for these positions hold college degrees in social work. Persons hired with such a degree are exempt from current requirements that such workers earn a professional certification from a professional credentialing agency. To allow the current workforce to meet these improved requirements if so desired, the bill exempts the employee from paying tuition and fees for a state university social work program. The bill also recreates a loan reimbursement program to assist in recruitment and retention of child protective investigators and supervisors.

The bill also creates a criminal offense for abandoning a child and provides definitions and penalties for that offense. The bill creates a consortium of the state's public and private university social work programs. The consortium is defined as the Florida Institute for Child Welfare and will conduct research and policy analysis to advise the state, as well as improve both the education and training of child protection and child welfare workers.

The bill will a fiscal impact. The effective date is July 1, 2014.

¹ As authorized under s. 39.3065, F.S., and the General Appropriations Act, sheriffs in Broward, Hillsborough, Manatee, Pasco, Pinellas and Seminole counties investigate child abuse and neglect reported to the abuse hotline rather than the department.

II. Present Situation:

Child Abuse, Neglect, and Death

Child abuse or neglect, or child maltreatment, has been identified as a serious social issue in the United States since its founding. Although the first organized effort to protect children was not until 1875, the year that the New York Society for the Prevention of Cruelty to Children was incorporated, churches, orphanages, and civic groups had attempted to assist children who had been injured or neglected from colonial days.²

Most recent studies show that the most common child maltreatment is neglect, accounting for about 78 percent of the cases. Other common maltreatments are physical abuse (approximately 17 percent of cases) and sexual abuse (approximately 9 percent of cases). Victims less than one year old have the highest rate of victimization. Many factors are associated with child maltreatment, including poverty, substance abuse, domestic violence, and mental illness.³ The presence of an adult male unrelated to the child in the household has also been identified as a major risk factor for child maltreatment.

Child maltreatment is one of the nation's most serious problems⁴. In Federal Fiscal Year 2011, the most recent year for which national data is available,⁵ an estimated 3.4 million reports of abuse were received by child protection agencies.⁶ After investigation, the number of unduplicated child victims nationally was estimated to be 681,000. Florida reported 208,437 calls to the child abuse hotline, of which 55,770 resulted in substantiated allegations of abuse.⁷

In addition to the human cost of child abuse and neglect, there is a significant fiscal impact to the state. The department has posited a conservative estimate of \$72,709 annually per child to provide child welfare, hospitalization, special education and juvenile justice services to care for an abused or neglected child.⁸ Just the cost of child and adult protective investigations in Florida (of which the great majority are child investigations) was reported to be \$312,493,471 in FY 2012-13.

The most serious result of child maltreatment is the death of the child. Nationally 1, 545 child fatalities as the result of child abuse or neglect were identified.⁹ Florida reported 133 child fatalities resulting from child abuse or neglect.¹⁰ In cases where a child died from abuse or neglect, in some instances the family was not previously known to the department, and in others the child was previously known. When the family was previously or currently known to the

² Myers, John E.B., *Child Protection in America: Past, Present, and Future*, Oxford University Press, 2006, at 26.

³ *Id.*, pp. 134-156.

⁴ US. Department of Health and Human Services, *Child Maltreatment 2011*, p. 1.

⁵ All data in this paragraph are for FFY 2011 so that all are comparable.

⁶ *Id.* at vii. The report adds that the rate of referrals have remained fairly constant for at least five years.

⁷ *Id.* at 11, 29.

⁸ Department of Children and Families, *2013 Annual Report*, p. 27.

⁹ U.S. Department of Health and Human Services, *ibid.* at 63.

¹⁰ *Id.* at 63.

department, understanding the reasons that the previous or current intervention was not effective in avoiding the death is of critical importance.

Child Protection and Child Welfare Services in Florida

Florida's system for providing services to children alleged to have been abused, neglected, or abandoned is complex, involving the department itself, 6 sheriff's offices, the Office of the Attorney General, one state attorney office, the Department of Health, 17 community-based care providers (lead agencies), and innumerable subcontractors to lead agencies.

A child protective investigation begins with a report by any person to the Florida Abuse Hotline. The state is required to maintain a 24/hour, 7/day capacity for receiving reports of maltreatments. The reports are sent out to child protective investigators (CPIs) across the state to investigate.

The CPI receiving the report is most commonly a DCF employee, but in six counties the local sheriff performs the investigative function. The DCF child protective services are delivered through 6 regional offices, using 1,300 investigators and 300 supervisors. The sheriff's offices employ 387 CPIs and 70 supervisors.

Court hearings are required whenever a child is removed from his or her home. The attorneys in these cases are either department employees or employees of the Attorney General's Office under contract to DCF or, in one case, a state attorney office.

The department is required to seek permanency for children as quickly as possible, with a goal of 12 months from removal from the child's home. Permanency may consist of:

- Reunification with a parent;
- Permanent guardianship with a relative or nonrelative;
- Permanent placement with a relative or nonrelative; and
- Adoption

Finally, some children are never returned home or adopted, remaining in the foster care system until they "age out."

The lead agencies and their subcontractors are the primary providers of services to children and families in the child welfare system. There are currently 17 lead agencies with contracts covering all 20 judicial circuits. The lead agencies and their subcontractors employ case managers and supervisors to oversee the provision of services to children in the child welfare system. Many of the services are not directly provided by the lead agencies or the case management subcontractors, but by substance abuse, mental health, and other specialized community based providers.

There is variation across the state in deciding the point at which the lead agency assumes responsibility for the case management of a child welfare case, with varying degrees of cooperation and overlap between CPIs and lead agencies. In addition, special problems arise when multiple areas of the state are involved in either the investigation or the placement of children.

Child Welfare Workforce

History

The college degree most tailored to and associated with child welfare is the bachelor's or master's in social work. During the first half of the 20th century, the federal government, in cooperation with universities and local agencies, established a child welfare system staffed by individuals with professional social work educations. Child welfare came to be viewed as a prestigious specialty within the social work profession.¹¹

In the 1990's, an increased recognition of child abuse led to enactment of state child abuse and neglect reporting laws and toll free numbers to report abuse. This resulted in a large increase of child abuse reports and resources for the preparation and support of additional staff needed to respond to the reports were inadequate. States moved quickly to hire additional employees to investigate abuse. One way to expand the workforce was to reduce staff qualifications. In response to having a varied workforce without similar expertise and training, agencies began to structure child welfare work differently, attempting to reduce its complexity and make it possible for people with fewer qualifications to adequately perform required tasks.¹²

Current Qualifications

The current qualifications for child protective investigators are not specified in statute or rule, but DCF's internal hiring practices require that new protective investigators have a bachelor's degree in any field and one year of child welfare related experience, or a master's degree in any field. Preference is given to candidates with a human services related degree. The department is not involved in the hiring practices or standards established by the sheriff's offices.¹³

The current qualifications for child welfare case managers operating in the community based care system are established by rule and are a bachelor's degree in social work or related field.¹⁴ Since employment decisions for child welfare case managers are made by individual lead agencies, and since DCF does not collect data on their practices, the extent to which this rule is actually observed by the lead agencies is not clear. DCF does have the authority to exempt employees from the rule, and often does so.

In addition to the above qualifications, the 2012 Legislature required that both child protective investigators and child welfare case managers be obtain child welfare certification from a third-party credentialing entity.¹⁵ This certification requires the individual to demonstrate core competency in any child welfare practice area. A "core competency" is defined in statute to be

¹¹ Child Welfare Workforce, Research Roundup, Child Welfare League of America, (Sept. 2002) *available at* <http://www.cwla.org/programs/r2p/rnews0209.pdf>. (last visited March 3, 2014).

¹² Jones, L.P. and Okamura, A. Reprofessionalizing Child Welfare Services: An Evaluation of a Title IV-E Training Program, *Research on Social Work Practice*, Vol. 10 No. 5, September 2000 and Zlotnik, J.L., Preparing Social Workers for Child Welfare Practice: Lessons from an Historical Review of the Literature, *Journal of Health & Social Policy*, Vol. 15, No. 3/4, 2002.

¹³ Communication from the Department of Children and Family Services, Family Safety Office, (Sept. 16, 2010) (on file with the Committee on Children, Families, and Elder Affairs.)

¹⁴ Section 409.1671(5)(a), F.S., requires that each community-based lead agency must be licensed as a child-caring or child-placing agency. Section 65C-15.017(2) and (3), F.A.C., sets the education and experience requirements for such agencies.

¹⁵ Currently, the Florida Certification Board.

the minimum knowledge, skills, and abilities necessary to carry out child welfare work responsibilities.¹⁶ Child welfare workers, including child protective investigators and case managers must meet the following requirements to be certified:

- Register with the Florida Credentialing Board;
- Complete employer-provided training;¹⁷
- Pass a written exam;
- Apply and maintain provisional certificate for a period of up to 12 months;
- Complete field, individual, and group supervision requirements;¹⁸
- Complete on the job experience requirements;¹⁹
- Apply for full certification;
- Completing annual continuing education requirements of 20 hours per year; and
- Renewing the certification every two years.

Social Workers in Child Welfare

Florida and seven other states—Georgia, Indiana, New Jersey, New York, Pennsylvania, Tennessee, and Texas—require a bachelor’s degree for entry-level child protective investigators. By comparison, five states—Arizona, Michigan, Missouri, Ohio, and Washington—require a bachelor’s degree from a list of specified fields including psychology, sociology, and social work. The legislature’s Office of Program Policy Analysis and Government Accountability (OPPAGA) reviewed child welfare systems in 17 states. They found three of those states, California, Illinois, and North Carolina, require a bachelor’s degree in social work.²⁰ In addition, Kansas²¹ and Washington State²² also require a social worker degree.

According to the department, the degrees are currently known for 1,214 of the 1,522 child protective investigators (CPIs).²³ This data does not include information on the degrees of those investigators in the 6 county sheriff’s offices. Approximately 10 percent of the department’s CPIs have a social work degree (BSW or MSW). See table 1 below.

¹⁶ Section 402.40, F.S.

¹⁷ Section 409.16713(1)(a), F.S., removes from DCF all training dollars except those reserved for CPI training. Lead agencies thus are responsible for providing whatever training they feel is necessary for child welfare case managers. The DCF required preservice training for CPIs is a total of 27 days of training, some administered in class and some on-line.

¹⁸ According to DCF, the minimum field supervision is six separate occasions of interaction with children, the individual supervision is 20 hours of one-on-one supervision, and the group supervision is 10 hours of supervision with two or more staff at the same time. All supervision is provided by supervisors within the agency.

¹⁹ According to DCF, the minimum experience requirement is 1,040 hours of experience in a child welfare direct services position (approximately 6 months of full-time employment). Applicants may include pre-service training, mentoring, and professional development hours in the calculation of on-the-job experience hours.

²⁰ OPPAGA, Research Memorandum, State Child Welfare Systems: Key Components and Performance Indicators March 6, 2014.

²¹ Informal communication, Florida State University School of Social Work, (Mar. 3, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²² Informal communication, University of Central Florida School of Social Work, (Jan. 28, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²³ Data provided by the Department of Children and Families, (Jan. 27, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

Table 1. Degrees of DCF Child Protective Investigators

Degree	Number	Percent of Workforce
Other	388	32.0%
Criminal Justice	361	29.7%
Other Health and Human Service	350	28.8%
Social Work	115	9.5%
Total	1,214	100%

There were 4,395 students enrolled statewide in programs leading to a bachelor’s or master’s degree in social work in the fall of 2011 (see table 2.).²⁴ There were 1,684 graduates from the state 13 schools of social work in 2011-2012.²⁵ The 13 public and private schools of social work are located throughout the state. The bachelor’s level program in social work requires a structured internship with approximately 512 hours of supervision by a master’s level social worker and 50 hours of coursework. In contrast, a psychology or a criminology major requires no internship and 36 hours of coursework, and a sociology major requires no internship and 30 hours of coursework.²⁶

Table 2. 2011-12 BSW and MSW Enrollment and Degrees

	Public Universities	Enrollment	Degrees
1	Florida Agricultural and Mechanical University	250	81
2	Florida Atlantic University	666	171
3	Florida Gulf Coast University	154	65
4	Florida International University	538	171
5	Florida State University	778	333
6	University of Central Florida	650	255
7	University of South Florida	323	184
8	University of West Florida	248	113
	Private Universities	Enrollment	Degrees
9	Barry University	420	209
10	Florida Memorial University	50	15
11	Saint Leo University	218	50
12	Southeastern University	70	31
13	Warner University	30	6
	Total	4,395	1,684

The impact of child welfare workers with a social work degree has been examined by researchers. Education is the variable that child welfare workforce researchers have explored most often in relation to performance.²⁷ Much of the research on the effect of education has

²⁴ Informal communication, Florida State University School of Social Work, (Mar. 3, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²⁵ Data provided by the Florida Board of Governors and the Independent Colleges and Universities for 2011-2012, (Nov. 18, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

²⁶ *Id.*

²⁷ *Id.* Several studies have found evidence that social work education, at either the bachelors of social work (BSW) or masters of social work (MSW) level, positively correlates with performance. A study conducted in Maryland public child welfare agencies found an MSW to be the best predictor of overall performance as measured by supervisory ratings and employee reports of work related competencies. A national study that measured competencies related to 32 job-related duties found that

focused on the agency-university partnership programs that have been established over the past decade using federal funding provided by Title IV-E of the Social Security Act. While there is variation among these programs, they generally aim to increase educational opportunities for agency staff to add to the pool of potential child welfare employees and enhance the relevance of curricula in schools of social work. Research to examine their effects found that students score significantly higher on measures of job-related competencies. Graduates of the specialized child welfare program in New York State, for example, had higher levels of skills, confidence, and sensitivity to clients.²⁸

Issues Identified in Child Abuse Deaths

Agency Structure and Stability

Since 1998 the department has had eight secretaries with more changes soon to come. In July 2013, the agency secretary resigned²⁹ and an interim secretary was named who has agreed to remain through the 2014 Legislative Session.³⁰ With each new secretary typically comes a new vision and a new strategic plan that includes substantial changes to both the structure of the agency and staff assignments that result in constant disruption to the functioning of the agency. Couple the frequent changes in department leadership with changes to federal and state law and changes in rules and operating procedures and it is difficult, if not impossible, to achieve long term stability.

One key finding of a research project designed to compare several community mental health service systems was that stable human service systems are more likely to perform well than are systems in a state of flux: The researchers reported “Stability of a system is both a strength and a weakness. The key is to find a balance between flexibility and rigidity. Systems need to be changed and reinvigorated. However, in the public and nonprofit sectors change often is adopted for its own sake rather than to solve problems. New political leadership wants to throw out the old regime. Advocates are constantly demanding that more money be spent and the latest methods be adopted. Providers often think that they would get a better deal in a new system. What we do know is that no system can be changed every few years and still produce quality service. Continual change increases the rewards for noncooperation in an existing system,

both MSW and BSW staff were better prepared for child welfare work than their colleagues without social work education. Research conducted with staff in Kentucky’s public child welfare agency also revealed that staff with social work degrees scored significantly better on state merit examinations, received somewhat higher ratings from their supervisors, and had higher levels of work commitment than other staff. A Nevada study showed that caseworkers who had a social work degree were significantly more likely to create a permanent plan for children in their caseloads within three years than their colleagues without social work education.

²⁸ *Id.* Also see Lewandowski, K. (1998). *Retention outcomes of a public child welfare long-term training program*. Professional Development: International Journal of Continuing Social Work Education, 1 and Zlotnik, J.L. *Enhancing Child Welfare Service Delivery: Promoting Agency-Social Work Education Partnerships*, Policy and Practice, 2001. Although the evidence related to educational qualifications is not unequivocal, it provides support for social work education as the best preparation for practice in child welfare. These findings tend to be most consistent with regard to graduates of specialized education programs offering enhanced child welfare content and internships in child welfare settings.

²⁹ Marbin Miller, C. and Klas, M.E., *DCF Secretary David Wilkins Resigns Amid Escalating Controversy over Child Deaths*, TAMPA BAY TIMES, July 18, 2013 available at <http://www.tampabay.com/news/politics/gubernatorial/dcf-secretary-david-wilkins-resigns-amid-escalating-scandal-over-child/2132083> (last visited Mar. 3, 2014).

³⁰ Koff, R., *Interim DCF Boss to Stay on Through Spring*. TAMPA BAY TIMES, Dec. 11, 2013 available at <http://www.tampabay.com/news/politics/stateroundup/interim-dcf-boss-to-stay-on-through-spring/2156688> (last visited Mar. 3, 2014).

creating the impetus for yet more change. Our research leads us to recommend that if you must change a system, do it infrequently and, if possible, incrementally.”³¹

Currently, the structure of the department is provided for in law which requires the appointment of a secretary, a deputy secretary and an assistance secretary for substance abuse and mental health. The law also provides that department offices may be consolidated, restructured, or rearranged by the secretary, in consultation with the Executive Office of the Governor, and that the secretary may appoint additional managers and administrators as he or she determines are necessary for the effective management of the department.³²

Child Welfare Workforce Issues

A number of commissions and task forces established over the past 20 years often after a series of deaths of children from child abuse or neglect. The commissions and task forces have often found that child protective and child welfare staff did not follow procedures or lacked the training and ability to perform their duties. The commissions and task forces have recommended ways to improve the qualifications of child welfare staff. Some of the findings are stated below:

The Study Commission on Child Welfare was established by the Florida Legislature in November 1989, after several children died while in state care.³³ The Legislature asked the commission to review state laws and programs and make recommendations which would ensure that children are protected. One issue considered by the commission was the role of child protective investigators in abuse and neglect investigations. The commission is particularly interested in CPIs because they have the highest annual turnover rate (45.7 percent) of the HRS staff serving children.³⁴ Working CPIs reported that prior to employment as a CPI, they worked most frequently in social service/welfare, law enforcement, and in education positions (54 percent); the rest previously held positions as sales personnel, law clerks, real estate agents, and members of the U.S. military.³⁵ The commission made a number of recommendations relating to CPIs, including that HRS must revise the training and experience requirements to target recruitment of entry level professional staff with bachelor’s degrees in social work, child development, and guidance and counseling.³⁶

On April 25, 2002, DCF revealed that a child in its care, 5-year-old Rilya Wilson, had disappeared 15 months earlier from her custodial home and had not been seen since. In response,

³¹ Milward, H.B. & Provan, K.G. Governing the Hollow State. *Journal of Public Administration Research and Theory* 2: 359-379. 2000.

³² Section 20.19, F.S.

³³ *Id.* Also see Lewandowski, K. (1998). *Retention outcomes of a public child welfare long-term training program*. Professional Development: International Journal of Continuing Social Work Education, 1 and Zlotnik, J.L. *Enhancing Child Welfare Service Delivery: Promoting Agency-Social Work Education Partnerships*, Policy and Practice, 2001. Although the evidence related to educational qualifications is not unequivocal, it provides support for social work education as the best preparation for practice in child welfare. These findings tend to be most consistent with regard to graduates of specialized education programs offering enhanced child welfare content and internships in child welfare settings.

³⁴ Report of the Study Commission on Child Welfare, *Part Two Background and Findings* (Mar. 1991) (on file with the Senate Committee on Children, Families, and Elder Affairs).

³⁵ *Id.*

³⁶ Report of the Study Commission on Child Welfare, *Part One Recommendations* (Mar. 1991) (on file with the Senate Committee on Children, Families, and Elder Affairs).

Gov. Jeb Bush appointed a four-member Governors Blue-Ribbon Panel on Child Protection.³⁷ In addition to many identified immediate priorities, the panel also specified a number of longer term priorities, including the following:

The department will compare the performance and longevity of child welfare staff with degrees in social work or other behavioral sciences vis-a-vis other degreed staff. DCF also ought to review caseworker job descriptions vis-a-vis actual practice to determine if these are in keeping with national standards for social and child-welfare work. The Panel has heard testimony suggesting that employees with social work degrees are frequently better prepared to work with, and more attuned to the needs of, children and their families. We also suggest that DCF work with all Florida universities toward a program where graduates could receive certification as a child welfare specialist.³⁸

In a more recent Florida case involved a 2-year-old child who died from physical abuse. The Child Welfare League of America (CWLA) was commissioned to study the death. The family constellation in which this child lived and died included 2 adult women, 5 adult men, and 10 children, including the victim. These people had varying connections and living arrangements throughout the child's life, and the family constellation had had between 2005 and 2013 a total of 16 reports to the child abuse hotline. Among the observations made in the CWLA report were issues of substance abuse, domestic violence, a "chronic lack of even marginal parental nurturing," developmental delays in several of the children in the home, referrals for services made and not followed through, lack of managerial review, and "many years of systemic failure." In the words of the report, "(c)hanging a checklist or hiring additional staff cannot solve these pervasive problems."³⁹

One of the problems highlighted by the various commissions and panels is the turnover of child protective investigator workforce. Experience among child abuse investigators suffers with significant employee turnover. The annual turnover rate of department CPIs has been 32 percent, 19 percent, and 22 percent over the last 3 years. The negative impact of turnover is well known -- increased training costs (\$6.2 million each year) and inexperienced workers.

Child welfare workers with degrees in social work are not immune from turnover. During the period from 2004-2013, FSU placed and supervised a total of 293 interns in child welfare settings in the northwest region of Florida. While many of the interns were hired for positions with the department, their retention within the department was a problem, with few staying more than a few years. As a result, FSU began surveying students leaving employment within the field to determine the reasons for leaving. The top five reasons given by the students were:

- Poor overall management/administration by upper level management;
- Lack of professional support from supervisors;
- No respect and lack of feeling valued by supervisors and upper level management;

³⁷ Governor's Blue Ribbon Panel on Child Protection, (May 2002) (on file with the Senate Committee on Children, Families, and Elder Affairs).

³⁸ *Id.* In spite of continuing dialog with the Schools of Social Work statewide, the department does not appear to have made progress towards increasing the number of staff with degrees in social work.

³⁹ Child Welfare League of America, *Special Review Report re JVM*, submitted December 19, 2013, p. 15.

- Lack of focus on team work, often employees felt like they were pitted against each other by upper level management and supervisors; and
- No support for professional development or advancement.⁴⁰

While students related that caseloads were indeed high at some points and that salaries can always be better, neither of these issues were cited as primary reasons for leaving.⁴¹

To assist the Senate Committee on Children, Families, and Elder Affairs, OPPAGA conducted a series of focus groups with both child protective service investigators and child welfare case managers. They found a variety of problems in the working conditions of CPIs and case managers.⁴²

OPPAGA found that CPIs and case managers experience a lack of mentoring and management support across the state. Some case managers noted that high turnover rates among workers resulted in supervisors carrying caseloads themselves, leaving little time for supervision or mentoring. In addition, most case managers reported that supervisors' primarily focus on meeting department performance measures, rather than encouraging quality work or mentoring new case managers.

They also found that CPIs and case managers reported that administrative tasks detract from the time they can spend with families and children. Investigators estimated that they spend 60 percent to 80 percent of their time on the administrative requirements associated with each case rather than with families. Investigators stated they could not complete required case-related tasks in the standard 40-hour work week and that they routinely work nights and weekends.

OPPAGA found that CPIs and case managers also expressed concern about the sometimes volatile environment in which they work. Both investigators and case managers reported that they are required to go into unsafe neighborhoods and dangerous, violent homes, but they do not feel that the department is concerned for their safety. While investigators can request law enforcement agencies to have officers accompany them, they reported that law enforcement agencies are sometimes not responsive to their requests or that it takes hours for officers to arrive.

Finally, OPPAGA found that CPIs and case managers reported that electronic equipment has not kept up with technology; for example, they reported they are issued laptop computers that are not enabled for wireless Internet connection. Department-issued mobile phones have poor or no reception depending on the investigator's location. As a result, staff must use personal phones at their own expense.

According to the U.S. Administration on Children and Families, a supportive organizational culture is a key ingredient in building a stable and effective child welfare workforce. Core elements of organizational culture include agency leadership, workforce management,

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² OPPAGA, Research Memorandum, State Child Welfare Systems: Key Components and Performance Indicators March 6, 2014.

supervision, and support. Organizational culture and employee relations significantly influence an agency's ability to recruit and retain staff as well as make long-lasting workforce changes.

A negative organizational culture is associated with higher worker turnover and less satisfactory child outcomes. The culture of some child welfare organizations may be compliance-driven and “fear-based.” Organizations are compliance-driven when they emphasize output-related activities such as checking boxes in a process and counting family contacts. Cultures that are fear-based emphasize the consequences of failure, which can be both catastrophic and widely-publicized when a child dies under the state’s care or subsequent to an investigation.

Efforts to Improve Child Protection

The state has taken many actions to improve the quality of child abuse investigators over the years. Most recently, the Legislature has made significant investments in child protection and child welfare.

- In the 2010 Session, the Legislature required child abuse investigators and child welfare case workers to be certified.⁴³ The certification is outsourced and includes testing in child welfare and agreement to a set of ethics.
- In the 2011 Session, the Legislature provided \$11 million to the department to redesign the central abuse hotline.
- In the 2012 Session, the Legislature made several improvements to the child protection system by:
 - Appropriated \$10.8 million to provide additional permanent and temporary child abuse investigators.
 - Appropriated \$7.9 million to improve state’s child welfare information system (Florida Safe Families Network, or FSFN).
 - Provided funding to raise CPI salaries by \$4,300.
- In the 2013 Session, the Legislature provided \$4 million for CPI redesign and sheriff’s offices and \$1.8 million for FSFN.

University Partnerships with Child Welfare

Section 1004.61, F.S., currently directs DCF to form partnerships with the schools of social work of the state universities in order to encourage the development of graduates trained to work in child protection. Schools of social work participate in child welfare worker training and provide advice. The University of South Florida for example, coordinates child welfare training in the state. This partnership effort has not proven effective in increasing the professionalization of the DCF workforce as evidences low recruitment and retention of social workers in the child welfare system.

The federal government provides both policy and resources to states for child welfare services under Title IV of the Social Security Act. One use of such funds is the education and training of child welfare workers. Some states use these funds to create partnerships between its child welfare agency and university colleges of social work. The universities provide the expertise in child welfare research, policy, and practices. They also develop and conduct on the job training to child welfare workers. The child welfare agency, in turn, advises the universities on the

⁴³ Chapter 2011-163 Laws of Fla.

content of the training and education in the university so graduates are better prepared for child welfare work.

Unlawful Abandonment of a Child

Adoption is a legal process, but the process is not always followed which can put the child in danger. Beginning on September 9, 2013, Reuters New Service published a five-part series, titled “The Child Exchange,” which exposed how American parents were using Internet message boards to find new families for children they regretted adopting – a practice that has been called “private re-homing.” Reuters spent 18 months investigating eight message boards where participants advertised unwanted children and examined two dozen cases in which adopted children were re-homed.⁴⁴ The investigative series found:

- On average, a child was advertised for re-homing at least once a week;
- The average range for children being advertised for re-homing is 6 to 14 years of age;
- Re-homing is accomplished through basic power of attorney documents which allow the new guardians of the child to enroll the child in school or secure government benefits;
- At least 70 percent of the children offered for re-homing on one Yahoo message board were international adoptees;
- Only 29 states have laws that govern how children can be advertised for adoption;⁴⁵ and
- The Interstate Compact for the Placement of Children, which is meant to be a safeguard against the improper placement of children across state lines, is often not enforced by law enforcement.⁴⁶

On October 29, 2013, Reuters updated its story by reporting that a bipartisan group of 18 federal lawmakers had submitted a letter to the United States House of Representatives subcommittee overseeing adoption requesting a study by the Government Accountability Office. The study would identify gaps in state and federal laws “related to the oversight and prosecution of wrong-doers in the re-homing of children” and would also identify ways to better support struggling adoptive families.⁴⁷ Florida law currently contains no criminal provisions specifically relating to re-homing.

III. Effect of Proposed Changes:

Section 1 amends s. 20.19, F.S., to direct the Secretary of DCF to appoint an Assistant Secretary for Child Welfare to lead the department in carrying out its duties and responsibilities for child protection and child welfare, and specifies the qualifications for a person appointed to that position. This will increase the expertise within the department for child welfare.

Section 2 amends s. 402.40, F.S., that requires persons providing child protective and child welfare services, whether employed by DCF, the sheriff’s offices, lead agencies, or lead agency subcontractors, to earn and maintain a professional certification for a professional credentialing

⁴⁴ Megan Twohey, *The Child Exchange*, REUTERS, (Sept. 9, 2013), available at <http://www.reuters.com/investigates/adoption/#article/part1> (last visited Mar. 3, 2014).

⁴⁵ Florida is one of the 29 states that have addressed this issue. See s. 63.212(1)(g), F.S.

⁴⁶ *Id.*

⁴⁷ Megan Twohey, *U.S. lawmakers call for action to curb Internet child trading*, REUTERS, available at <http://www.reuters.com/article/2013/10/29/us-adoption-react-idUSBRE99S1A320131029> (last visited Mar. 3, 2014).

entity approved by DCF. The bill exempts from that requirement any child protective investigator or supervisor who has a bachelor's or master's degree in social work from an accredited school of social work. This clarifies which child welfare workers need to be certified.

Section 3 creates s. 402.402, F.S., to require that on an annual and statewide basis, 80 percent of all child protective investigators and child protective investigation supervisors hired on or after July 1, 2014, by DCF or a sheriff's office must have a bachelor's degree or master's degree in social work from an accredited school of social work. The bill exempts all current personnel from this requirement if they are employed before July 1, 2014. The bill requires an annual report to the Governor, the President of the Senate, and the Speaker of the House as to the compliance with this requirement. Overtime, this change will ensure that the majority of child protective service investigators and supervisors have the best qualification and education for performing their duties.

Section 4 creates s. 402.403, F.S., to establish a child protective investigator and supervisor tuition exemption program and sets out the qualifications for obtaining the exemption. The program is for high performing child protective investigator and supervisors who do not have a social work degree. This program will allow current and future child welfare workers without a social work degree to improve their education qualifications.

Section 5 creates s. 402.404, F.S., to establish a child protective investigator and supervisor student loan forgiveness program and sets out the qualifications for obtaining the loan forgiveness. Approximately half of all graduates from the state university system have a student loan debt.⁴⁸ The bill allows the department to pay up to \$3,000 per year towards the student loan debt as an incentive for degreed social workers working as child protective investigators or child protective investigations supervisors. This program will help attract and retain child protective investigator and supervisors with a social work degree.

Section 6 creates s. 827.10, F.S., to create the criminal offense of abandoning a child and provides definitions and penalties for that offense. This will provide a better tool for prosecutors to stop the unlawful adoptions currently made in the state, referred to as "re-homing." This practice is illegal and puts children at great risk of abuse or neglect.

Section 7 creates s. 1004.615, F.S., to establish the Florida Institute for Child Welfare and to set forth the purpose, duties, and responsibilities of the Institute. The institute is defined as a consortium of the state's public and private university schools of social work. The institute is to advise the state on child welfare policy, improve the curriculum for social work degree programs, and develop on the job training for child protective investigators and child welfare case managers. It requires the institute provide a report annually by October 1st to the Governor, the President of the Senate, and the Speaker of the House outlining its activities in the preceding fiscal year, significant research findings and results of other programs, and specific recommendations for improving child protection and child welfare services.

⁴⁸ Data provided by the Florida Board of Governors, (Feb. 11, 2014) (on file with the Senate Committee on Children, Families, and Elder Affairs).

Section 8 amends s. 1009.25, F.S., to add child protective investigators and supervisors to the list of persons exempted from payment of tuition and fees at a state college or state university. This change, along with the changes in section 3 of the bill will allow the department of the sheriff's office to send child protective investigators and supervisors to a university to get a degree in social work.

Section 9 repeals s. 402.401, F.S. This section is the current provision relating to student loan forgiveness, which the bill makes obsolete.

Section 10 repeals s. 1004.61, F.S. This is the current provision relating to partnerships between DCF and state schools of social work, which the bill makes obsolete.

Section 11 corrects a cross reference in s. 39.01, F.S.

Section 12 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private schools of social work may see an increased enrollment of students as a result of this bill.

C. Government Sector Impact:

The annual cost of an additional assistant secretary and an executive assistant would be approximately \$260,000. The requirement in the bill that 80 percent of new CPIs and supervisors hold a social work degree should have little or no fiscal impact. Salaries were raised for department CPIs in 2012 and wages are not currently a significant barrier to attracting and retaining social workers. The cost of the tuition exemption program to the state university system cannot be determined until the number of persons taking

advantage of the program is known. There will be costs associated with the loan forgiveness program. The costs will be limited by the amount of funding provided by the legislature. Using the current number of department CPIs (1,522) and an average turnover rate of 24 percent, then an additional 365 CPIs would be hired each year. If all of these new hires are social workers and receive the loan repayment amount of \$3,000, then the annual cost would be \$1,095,000. The establishment of the Institute for Child Welfare would have associated costs depending on the structure or the institute. Similar consortiums of universities can cost between \$500,000 and \$2 million according to the Florida Board of Governors. Additional federal Title IV E training funding may be available to cover the cost.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.19, 39.01, 402.40 and 1009.25.

This bill creates the following sections of the Florida Statutes: 402.402, 402.403, 402.404, 827.10, and 1004.615.

This bill repeals the following sections of the Florida Statutes: 402.401 and 1004.65.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.