

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 1442

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Book

SUBJECT: Early Childhood Court Programs

DATE: February 20, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Fav/CS
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1442 creates an early childhood court program that addresses cases involving children typically under the age of three and utilizes specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill requires:

- Specific core components to be included in the program before the Office of the State Courts Administrator (OSCA) recognizes an early childhood court. Those components include judicial leadership, community coordination, a court team, and a continuum of mental health services.
- The OSCA, in coordination with the circuit courts, to hire and train a full-time community coordinator at each program site. The OSCA may also hire a statewide community coordinator to implement the program.
- The OSCA to contract with one or more university-based centers with an expertise in infant mental health to hire a statewide clinical director.
- The Florida Institute for Child Welfare, in consultation with other entities, to evaluate the impact of these programs on children in the child welfare system, to include an analysis of data collected by the OSCA. The institute is required to submit the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2021.

The bill's staffing provisions are contingent upon appropriations. If funded by the Legislature, the OSCA expects the bill will cost \$1.7 million from the General Revenue Fund. See Section V. Fiscal Impact Statement.

The bill is effective on July 1, 2018.

II. Present Situation:

Problem-Solving Courts

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the United States in Miami-Dade County. Other types of problem-solving court dockets subsequently followed using the drug court model and were implemented to assist individuals with a range of problems such as drug addiction, mental illness, domestic violence, and child abuse and neglect.¹

Florida's problem-solving courts address the root causes of justice system involvement through specialized dockets, multidisciplinary teams, and a nonadversarial approach. Offering evidence-based treatment, judicial supervision, and accountability, problem-solving courts provide individualized interventions for participants, thereby reducing recidivism and promoting confidence and satisfaction with the justice system process.²

Early Childhood Courts in Florida

Early childhood courts address child welfare cases involving children typically under the age of three. Traditional dependency courts focus on ensuring the safety and permanency of children while focusing less on underlying non-legal issues such as the mental health of the child and parents, the effects of trauma on young children, and the long-lasting effects of abuse and neglect on childhood development. Early childhood courts are designed to improve child safety and well-being, heal trauma and repair the parent-child relationship, expedite permanency, prevent recurrence of maltreatment, and stop the intergenerational cycle of abuse/neglect/violence.³

Since 2014, early childhood courts programs have been operating in Florida using the Miami Child Well-Being Court model and the National ZERO TO THREE organization's Safe Babies Court Teams approach.⁴

The Miami Child Well-Being Court

The development of the Miami Child Well-Being Court (CWBC) model began in the early 1990s out of an atypical collaboration that included a judge, a psychologist, and an early interventionist/education expert. The Miami CWBC model evolved over the course of more than a decade and is now widely recognized as one of the country's leading court improvement

¹ The most common problem-solving courts in Florida are drug courts, mental health courts, veterans courts and early childhood courts. Florida Courts, Office of Court Improvement, Problem-Solving Courts, *available at*: <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/index.stml> (last visited January 24, 2018).

² *Id.*

³ Center for Prevention & Early Intervention Policy, Florida State University, Florida's Early Childhood Court Manual, April 2015, *available at*: <http://cpeip.fsu.edu/babyCourt/resources/Early%20Childhood%20Court%20Manual%204172015.pdf>. (last accessed January 24, 2018).

⁴ *Id.*

efforts, with ties to the National Council for Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention Model Courts Project.⁵

The Miami CWBC was unique due to the leadership of a judge who insisted that the court process should be informed by the science of early childhood development and who required the court to engage in intensive efforts to heal the child and, if possible, the parent-child relationship. As with the problem-solving approach of drug and mental health courts, such leadership represented a paradigm shift away from the traditional adversarial culture of the court for one in which judges utilize a court-initiated systems-integration approach to promote healing and recovery from trauma in maltreated young children and to break the intergenerational transmission of child abuse and neglect.^{6,7}

The Miami CWBC galvanized the long-term commitment and shared vision of decision-makers across the judiciary, child welfare, child mental health, and other child- and family-serving systems in Miami- Dade to create meaningful, lasting change for court involved children and their families. The Miami CWBC model is anchored by three essential principles:

- The needs of vulnerable children involved in dependency court will be best served through a problem-solving court approach led by a science-informed judge. This approach is realized through a court team that is committed to collaboration in the interest of the child’s safety and emotional well-being. In addition to the judge, the court team includes the attorney representing the parent, the attorney for the state, the guardian ad litem (GAL) or court-appointed special advocate (CASA), the child’s attorney, or both; and the child welfare caseworker.
- Young children exposed to maltreatment and other harmful experiences need evidence-based clinical interventions to restore their sense of safety and trust and ameliorate early emotional and behavioral problems. Such interventions must address the child-caregiver relationship and have the potential to catalyze the parent’s insight to address the risks to the child’s safety and well-being. The intervention employed in the Miami CWBC is Child-Parent Psychotherapy applied to the context of court-ordered treatment.
- The judicial decision-making process is improved when ongoing assessment of the child-parent relationship, the parent’s ability to protect and care for the child, and the child’s well-being is provided by the treating clinician. This is best accomplished by involving the clinician on the court team to collaborate with the other parties usually involved in court proceedings. This unusual role for the clinician in the court process is actively supported by the judge.⁸

⁵ The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, *available at*: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 25, 2018).

⁶ Harvard Law School, Child Advocacy Program, The Miami Child Well Being Court Model, *available at*: http://cap.law.harvard.edu/wp-content/uploads/2015/07/22_miami-child-well-being-court-model.pdf (last visited January 20, 2018).

⁷ In 1994, Dr. Joy Osofsky began developing a similar court in New Orleans, working through an “infant team” of judges, lawyers, therapists and others to provide interventions for abused and neglected babies. They had two goals: to achieve permanency more quickly, although not necessarily reunification, and to prevent further abuse and neglect.

⁸ The Miami Child Well-Being Court Model, Essential Elements and Implementation Guidance, *available at*: <http://www.floridaschildrenfirst.org/wp-content/uploads/2013/02/MiamiChild.pdf>. (last visited January 25, 2018).

Safe Babies Court Teams

ZERO TO THREE was founded in 1977 at the National Center for Clinical Infant Programs by internationally recognized professionals in the fields of medicine, mental health, social science research, child development and community leadership interested in advancing the healthy development of infants, toddlers, and families. ZERO TO THREE has a history of turning the science of early development into helpful resources, practical tools and responsive policies for millions of parents, professionals, and policymakers. The organization houses a number of programs including Safe Babies Court Teams.⁹

In 2003, in partnership with the National Council of Juvenile and Family Court Judges, Court Teams for Maltreated Infants and Toddlers were conceptualized and in 2005, the first court teams were established in Fort Bend, Texas; Hattiesburg, Mississippi; and Des Moines, Iowa. Currently, the initiative operates in multiple sites around the country.¹⁰

Based on the Miami Child Well-Being Court and the New Orleans models,^{11,12} the Safe Babies Court Teams Project is based on developmental science and aims to:

- Increase awareness among those who work with maltreated infants and toddlers about the negative impact of abuse and neglect on very young children; and,
- Change local systems to improve outcomes and prevent future court involvement in the lives of very young children.¹³

This approach is recognized by the California Evidence-Based Clearinghouse for Child Welfare as being highly relevant to the child welfare system and demonstrating promising research evidence.¹⁴

The following performance data is based on cases closed during calendar year 2016 for children who were removed from their parents' care due to allegations of abandonment, abuse, or neglect. These measures compare groups of children ages 0-3 who were in the early childhood court program to children ages 0-3 who were not in the program.¹⁵

⁹ ZERO TO THREE, *Our History*, available at: <https://www.zerotothree.org/about/our-history>. (last visited January 24, 2018).

¹⁰ ZERO TO THREE, *The Safe Babies Court Team Approach: Championing Children, Encouraging Parents, Engaging Communities*, available at: <https://www.zerotothree.org/resources/528-the-safe-babies-court-team-approach-championing-children-encouraging-parents-engaging-communities>. (last visited January 24, 2018).

¹¹ ACES Too High, In Safe Babies Courts, 99% of kids don't suffer more abuse — but less than 1% of U.S. family courts are Safe Babies Courts. February 23, 2015, available at: <https://acestoohigh.com/2015/02/23/in-safe-babies-courts-99-of-kids-dont-suffer-more-abuse-but-less-than-1-of-u-s-family-courts-are-safe-babies-courts/>. (last visited January 23, 2018).

¹² *Id.* Safe Babies Courts differ from the other models by providing community coordinators who work with court personnel to keep the process on track.

¹³ ZERO TO THREE, *Safe Babies Court Teams*, available at: <https://www.zerotothree.org/resources/services/safe-babies-court-teams>. (last visited January 21, 2018).

¹⁴ The California Evidence-Based Clearinghouse for Child Welfare, available at: <http://www.cebc4cw.org/program/safe-babies-court-teams-project/> (last accessed January 20, 2018).

¹⁵ Florida Courts, Office of Court Improvement, *Early Childhood Courts*, available at: <http://www.flcourts.org/resources-and-services/court-improvement/problem-solving-courts/early-childhood-court.stml> (last visited January 24, 2018).

Measure	Children <u>Not</u> in program	Children in program
Median number of days from removal to reunification	298.5	226
Median number of days from removal to adoption	704	537
Median number of days from removal to another permanency option	497	385
Re-removal after case closure	3.86%	3.39%

Florida Institute for Child Welfare

In 2014, the Legislature established the Florida Institute for Child Welfare at the Florida State University College of Social Work. The purpose of the institute is to advance the well-being of children and families by improving the performance of child protection and child welfare services through research, policy analysis, evaluation, and leadership development.¹⁶ The institute is required to:

- Maintain a program of research which contributes to scientific knowledge and informs both policy and practice;
- Advise the department and other organizations participating in the child protection and child welfare system regarding scientific evidence;
- Provide advice regarding management practices and administrative processes used by DCF and other organizations participating in the child protection and child welfare system and recommend improvements; and
- Assess the performance of child protection and child welfare services based on specific outcome measures.¹⁷

III. Effect of Proposed Changes:

Section 1 creates s. 39.01304, F.S., related to the creation of an early childhood court program that addresses cases involving children most frequently under the age of three and utilizes specialized dockets, multidisciplinary teams, and a nonadversarial approach. The bill provides legislative findings and intent and core components that are required for a court to be recognized as an early childhood court. The bill requires:

- The OSCA to hire and train a full-time community coordinator at each program site. The OSCA may also hire a statewide community coordinator to implement the program.
- The OSCA to contract with one or more university-based centers with an expertise in infant mental health to hire a statewide clinical consultant.
- The OSCA to provide training to court teams on meeting program objectives.
- The Florida Institute for Child Welfare, in consultation with other entities, to evaluate the impact of early childhood court programs on children in the child welfare system, to include an analysis of data collected by the OSCA. The institute is also required to submit interim reports in 2019 and 2020 and the results of the evaluation to the Governor, the President of the Senate, and the Speaker of the House by October 1, 2021.

Section 2 provides that the bill takes effect July 1, 2018.

¹⁶ Section 1004.615, F.S.

¹⁷ Id.

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:

None.

C. Government Sector Impact:

The bill requires the OSCA, subject appropriation and the availability of additional resources, to hire staff and contract for a clinical director. According to the OSCA, 21 early childhood courts will be in operation as of the effective date of the bill (19 current programs and two in the process of being created). If funded by the Legislature, the cost for community coordinators at the 21 program sites will be \$1,462,440 in recurring general revenue funds.¹⁸ An additional \$69,640 in recurring general revenue funds will be needed to fund any future early childhood courts. In addition, the cost to hire a clinical director to oversee the court model is estimated to be \$88,487 in recurring general revenue funds.¹⁹

The bill requires the OSCA, within appropriated funds, to provide training to the court teams on the program objectives. The OSCA estimates these costs to be \$100,000 in nonrecurring general revenue funds.²⁰ The bill requires the Florida Institute for Child Welfare evaluate the early childhood courts. The bill is silent on funding for this provision, but the OSCA estimates that it will require an information systems consultant to collect and analyze the data for the evaluation. This position is estimated to cost \$91,934 in recurring general revenue funds.²¹

¹⁸ Office of the State Court Administrator, *Senate Bill 1442 Fiscal Analysis* (Jan. 24, 2018) (on file with the Senate Subcommittee on Criminal and Civil Justice Appropriations).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

The bill does not expressly increase the number of hearings being held in dependency cases; however, successful early childhood court programs will require more frequent and lengthier hearings. These hearings may increase judicial workload in those circuits that do not currently have a program but implement one under the bill and may reduce caseloads in existing dependency courts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates s. 39.01304 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 29, 2018:

The amendment does the following:

- Removes definitions from the bill;
- Removes references to ZERO TO THREE and Safe Babies Court Team to enable the Miami Child Well-Being Court and other models that meet the specified criteria to be recognized as early childhood courts in Florida;
- Removes the reference to the FSU Center for Prevention and Early Intervention Policy to allow other university centers with a specified expertise to participate in the process; and
- Provides for core components that must be in place for a court to be recognized as an early childhood court.

- B. **Amendments:**

None.