

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

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BILL: CS/SB 1324

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

SUBJECT: Child Welfare

DATE: January 27, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>Kidd</u>	<u>AHS</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1324 makes a number of changes to the laws relating to child welfare designed to increase the accountability of parents with children in out-of-home care, encourage better communication between caregivers and birth parents, and shorten the length of time children spend in out-of-home care. Specifically, the bill:

- Requires circuit and county court judges for dependency cases to receive education relating to early childhood development, which includes the value of strong parent-child relationships, secure attachments, stable placements and the impact of trauma on children in out-of-home care.
- Codifies the creation and establishment of early childhood court (ECC) programs that serve the needs of children (typically under the age of three) in dependency court by using specialized dockets, multidisciplinary teams, evidence-based treatment and a nonadversarial approach.
- Requires that background screenings for prospective foster parents be completed within 14 business days after criminal history results are received by the Department of Children and Families (DCF), unless additional information is needed to complete processing.
- Requires the DCF to notify the court of any report to the central abuse hotline that involves a child under court jurisdiction.
- Allows the DCF to file a shelter or dependency petition without the need for a new child protective investigation or the concurrence of the child protective investigator if the department determines that the safety plan is no longer sufficient to keep the child safe or

that the parent or caregiver has not sufficiently increased his or her level of protective capacities to ensure the child's safety.

- Provides factors for the court to consider when determining whether a change of legal custody or placement is in the child's best interest.
- Provides circumstances under which a court may remove a child and place him or her in out-of-home care if a child was placed in the child's own home with an in-home safety plan or was reunited with a parent with an in home safety plan.
- Provides legislative findings and intent and codifies provisions and responsibilities for working partnerships between foster parents and birth parents in order to ensure that children in out-of-home care achieve permanency as soon as possible, to reduce the likelihood they will re-enter care, and to ensure that families are prepared to resume care of their children.
- Provides a process for a community-based care lead agency (CBC) to demonstrate the need to directly provide more than 35 percent of all child welfare services in the lead agency's service area.
- Specifies timelines and steps in the process necessary for both foster parent licensing and approval of adoptive parents.
- Contingent upon an annual appropriation, requires the Office of the State Courts Administrator (OSCA) to establish a community coordinator position for each circuit to coordinate the ECC program and manage data collection between the participating ECC court teams.
- Authorizes OSCA to hire a statewide training specialist to provide training to the ECC court teams, contingent upon an annual appropriation.
- Contingent upon an annual appropriation, requires the DCF to contract with one or more university-based centers with expertise in mental health, requiring that the center(s) hire a clinical director to oversee the clinical training of ECC court teams.

The bill will have a significant, additional fiscal impact on state government. See Section V.

The bill takes effect on July 1, 2020.

## **II. Present Situation:**

### **Judicial Education**

The Florida Court Education Council was established in 1978 and charged with providing oversight of the development and maintenance of a comprehensive educational program for Florida judges and certain court support personnel. The Council's responsibilities include making budgetary, programmatic, and policy recommendations to the Supreme Court regarding continuing education for Florida judges and certain court professionals.

All judges new to the bench are required to complete the Florida Judicial College program during their first year of judicial service following selection to the bench. Taught by faculty chosen from among the state's most experienced trial and appellate court judges, the College's curriculum includes:

- A comprehensive orientation program in January, including an in-depth trial skills workshop, a mock trial experience and other classes.

- Intensive substantive law courses in March, incorporating education for both new trial judges and those who are switching divisions.
- A separate program designed especially for new appellate judges.
- A mentor program providing new trial court judges regular one-to-one guidance from experienced judges.<sup>1</sup>

All Florida county, circuit, and appellate judges and Florida supreme court justices are required to comply with the following judicial education requirements:

- Each judge and justice shall complete a minimum of 30 credit hours of approved judicial education programs every three years.
- Each judge or justice must complete four hours of training in the area of judicial ethics. Approved courses in fairness and diversity also can be used to fulfill the judicial ethics requirement.
- In addition to the 30-hour requirement, every judge new to a level of trial court must complete the Florida Judicial College program in that judge's first year of judicial service following selection to that level of court.
- Every new appellate court judge or justice must, within two years following selection to that level of court, complete an approved appellate-judge program. Every new appellate judge who has never been a trial judge or who has never attended Phase I of the Florida Judicial College as a magistrate must also attend Phase I of the Florida Judicial College in that judge's first year of judicial service following appointment.<sup>2</sup>

To help judges satisfy this educational requirement, Florida Judiciary Education currently presents a variety of educational programs for new judges, experienced judges, and some court staff. About 900 hours of instruction are offered each year through live presentations and distance learning formats. This education helps judges and staff to enhance their legal knowledge, administrative skills and ethical standards.

In addition, extensive information is available to judges handling dependency cases in the Dependency Benchbook. The book is a compilation of promising and science-informed practices as well as a legal resource guide. It is a comprehensive tool for judges, providing information regarding legal and non-legal considerations in dependency cases. Topics covered include the importance of a secure attachment with a primary caregiver, the advantages of stable placements and the effects of trauma on child development.<sup>3</sup>

## **Early Childhood Courts**

### ***Problem-Solving Courts***

In 1989, Florida started problem-solving court initiatives by creating the first drug court in the

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<sup>1</sup> The Florida Courts, *Information for New Judges*, available at: <https://www.flcourts.org/Resources-Services/Judiciary-Education/Information-for-New-Judges> (Last visited December 26, 2019).

<sup>2</sup> Fla. R. Jud. Admin. 2.320 As amended through August 29, 2019, available at: <https://casetext.com/rule/florida-court-rules/florida-rules-of-judicial-administration/part-iii-judicial-officers/rule-2320-continuing-judicial-education> (Last visited December 26, 2019).

<sup>3</sup> The Florida Courts, *Dependency Benchbook*, available at <https://www.flcourts.org/Resources-Services/Court-Improvement/Family-Courts/Dependency/Dependency-Benchbook> (Last visited December 27, 2019).

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.<sup>4</sup>

Florida's problem-solving courts address the root causes of an individual's involvement with the justice system 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, to reduce recidivism and promote confidence and satisfaction with the justice system process.<sup>5</sup>

### ***Early Childhood Courts in Florida***

Early childhood courts (ECC) address child welfare cases involving children typically under the age of three. ECC is considered a "problem-solving court" that is coordinated by the Office of the State Courts Administrator with a goal of improving child safety and well-being, healing trauma and repairing the parent-child relationship, expediting permanency, preventing recurrence of maltreatment, and stopping the intergenerational cycle of abuse/neglect/violence.<sup>6</sup>

Using the Miami Child Well-Being Court model and the National ZERO TO THREE organization's Safe Babies Court Teams approach, Florida's ECC program began a little more than four years ago.<sup>7</sup> Currently, there are 24 ECC programs in Florida.

The Legislature appropriated \$11.3 million in the State Courts in Fiscal Year 2019-2020 for problem-solving courts, including early childhood courts. The Trial Court Budget Commission determines the allocation of those funds to the circuits.<sup>8</sup>

### ***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 efforts, with ties to the National Council for Juvenile and Family Court Judges and Office of Juvenile Justice and Delinquency Prevention Model Courts Project.<sup>9</sup>

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

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<sup>4</sup> 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*: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts> (last visited October 2, 2019).

<sup>5</sup> *Id.*

<sup>6</sup> Center for Prevention & Early Intervention Policy, Florida State University, Florida's Early Childhood Court Manual, April 2017, *available at*: <http://cpeip.fsu.edu/babyCourt/resources/Early%20Childhood%20Court%20Manual%204172015.pdf>. (last visited October 2, 2019).

<sup>7</sup> *Id.*

<sup>8</sup> Chapter 2019-115, L.O.F. Specific Appropriation 3247.

<sup>9</sup> 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 October 3, 2019).

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 systems-integration approach to promote healing and recovery from trauma in maltreated young children and to break the intergenerational nature of child abuse and neglect.<sup>10,11</sup>

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, child’s attorney, or both; and the child welfare caseworker.
- Young children exposed to maltreatment and other harmful experiences need evidence-based clinical intervention to restore their sense of safety and trust and ameliorate early emotional and behavioral problems. Such intervention must address the child-caregiver relationship and has 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 the treating clinician provides ongoing assessment of the child-parent relationship, the parent’s ability to protect and care for the child, and the child’s wellbeing. This is best accomplished by involving the clinician on the court team to collaborate with the other parties involved in the court proceeding. This unusual role for the clinician in the court process is actively supported by the judge.<sup>12</sup>

### ***Safe Babies Court Teams***

The ZERO TO THREE program was founded in 1977 as 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.<sup>13</sup>

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<sup>10</sup> 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](http://cap.law.harvard.edu/wp-content/uploads/2015/07/22_miami-child-well-being-court-model.pdf) (last visited October 3, 2019).

<sup>11</sup> 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.

<sup>12</sup> 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 October 3, 2019).

<sup>13</sup> ZERO TO THREE, Our History, *available at*: <https://www.zerotothree.org/about/our-history> (last visited September 30, 2019).

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.<sup>14</sup>

Based on the Miami Child Well-Being Court and the New Orleans models,<sup>15,16</sup> 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.<sup>17</sup>

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.<sup>18</sup>

The following timeframes are based on data extracted from the Florida Dependency Court Information System (FDCIS) in December 2018, 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 to 3 at the time of removal who were in the Early Childhood Court (ECC) program to children ages 0 to 3 who were not in the ECC program.<sup>19</sup>

Measure	# For Children not in ECC	# For Children in ECC
Median number of days from removal to reunification closure	736.2	477.1
Median number of days from removal to adoption closure	699.0	687.3
Median number of days from removal to permanent guardianship	683.3	453.1
Average time to overall permanency in days	695.0	552.9
Children in ECC had a 40% reduction in recurrence of maltreatment compared to non-ECC children		

<sup>14</sup> 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-championingchildren-encouraging-parents-engaging-communities>. (last visited September 30, 2019).

<sup>15</sup> 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 October 1, 2019).

<sup>16</sup> *Id.* Safe Babies Courts differ from the other models by providing community coordinators who work with court personnel to keep the process on track.

<sup>17</sup> ZERO TO THREE, Safe Babies Court Teams, available at: <https://www.zerotothree.org/our-work/safe-babies-court-team> (last visited October 1, 2019).

<sup>18</sup> The California Evidence-Based Clearinghouse for Child Welfare, available at: <http://www.cebc4cw.org/program/safe-babies-court-teams-project/> (last visited September 30, 2019).

<sup>19</sup> Florida Courts, Office of Court Improvement, Early Childhood Courts, available at: <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Early-Childhood-Courts> (last visited October 1, 2019).

Shortening the time children spend in out-of-home care should serve as a potential cost savings for the state due to the reduction in out-of-home care cost.

**Differences Between Early Childhood Courts and Regular Dependency Courts**

Services	Early Childhood Court	“Regular” Dependency Court
Court hearings	Monthly hearings assess progress and solve problems quickly.	Only a 6-month judicial review.
Community Coordinator	Coordinates monthly parent team meetings to prioritize family services, integrate fast track services to expedite permanency for the child.	No coordinator. Case plans may not address real family needs. Reviewed every 6 months; not fluid to changing family needs that impact permanency. Needed services often delayed or wait listed.
Integrated Multidisciplinary Team approach	Families encouraged and supported by multidisciplinary team including court staff, community-based care case managers, attorneys, GAL staff & volunteers, and clinicians specializing in Child Parent Therapy.	No teams. Piecemeal services. Not integrated. Families struggle to get needed services timely and to complete case plan.
Visitation	Daily contact encouraged (3x week minimum) to strengthen parent child attachment & promote reunification.	Only monthly visitation required in statute.
Evidence based Clinical services	Child Parent Therapy offered to all families in ECC to heal trauma, improve parenting & optimize child/parent relationship. Clinician reports to court to inform decisions toward stable placement.	Therapies and evidence-based interventions not usually offered to children younger than age 5 and their families.
Time to permanency	Spent 112 days less in the system than non-ECC children to reach a permanent stable family (reunification or placed with relative or non-relative) in 2016.	Stayed in out-of-home care 112 days longer than ECC children in 2016.
Re-entry into child welfare	Only two ECC children re-entered the system in 2016 (3.39% compared to 3.86% for non-ECC children).	Statewide recurrence is 9.69%.

**Post Disposition Change of Custody**

Currently, the court may change the temporary legal custody or the conditions of protective supervision at a post disposition hearing, without the necessity of another adjudicatory hearing. The standard for changing custody of the child is in the best interest of the child. When applying this standard, the court considers the continuity of the child’s placement in the same out-of-home residence as a factor when determining the best interests of the child. If the child is not placed in

foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.<sup>20</sup>

- In cases where the issue before the court is whether a child should be reunited with a parent, the court reviews the conditions for return and determine whether the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home with an in-home safety plan prepared or approved by the DCF will not be detrimental to the child's safety, well-being, and physical, mental, and emotional health.<sup>21</sup>
- In cases where the issue before the court is whether a child who is placed in the custody of a parent should be reunited with the other parent upon a finding that the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home of the other parent with an in-home safety plan prepared or approved by the DCF will not be detrimental to the child, the standard is that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification and that reunification would be in the best interest of the child.<sup>22</sup>

### **Adoption Home Study and Screening**

- The adoption of a child from Florida's foster care system is a process that the DCF estimates can usually be completed within nine months. The process typically includes an orientation session, an in-depth training program to help prospective parents determine if adoption is right for the family, a home study and a background check. Once the process has been completed, prospective parents are ready to be matched with a child available for adoption.<sup>23</sup>
- The prospective adoptive parents' initial inquiry to the department or to the community-based care lead agency (CBC) or subcontractor staff, whether written or verbal, must receive a written response or a telephone call within seven business days. Prospective adoptive parents who indicate an interest in adopting children must be referred to a department approved adoptive parent training program, as prescribed in rule 65C-13.024, F.A.C.
- An application to adopt must be made on the "Adoptive Home Application."
- An adoptive home study which includes observation, screening and evaluation of the child and adoptive applicants must be completed by a staff person with the CBC, subcontractor agency, or other licensed child-placing agency prior to the adoptive placement of the child. The aim of this evaluation is to select families who will be able to meet the physical, emotional, social, educational and financial needs of a child, while safeguarding the child from further loss and separation from siblings and significant adults. The adoptive home study is valid for 12 months from the approval date. An adoptive parent application file consists of the following documentation including, but not limited to:
  - The child's choice, if the child is developmentally able to participate in the decision. The child's consent to the adoption is required if the child is age 12 or older unless excused by the court;

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<sup>20</sup> Section 39.522, F.S.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Florida Department of Children and Families, The Road to Adoption, *available at*: <http://www.adoptflorida.org/roadtoadoption.shtml> (last visited December 30, 2019).

- The ability and willingness of the adoptive family to adopt some or all of a sibling group, although no individual child shall be impeded or disadvantaged in receiving an adoptive family due to the inability of the adoptive family to adopt all siblings. The needs of each individual child must be considered, as well as the family's demonstrated efforts to maintain the sibling connection;
- The commitment of the applicant to value, respect, appreciate, and educate the child regarding his or her racial and ethnic heritage and to permit the child the opportunity to know and appreciate that ethnic and racial heritage;
- The family's child rearing experience;
- Marital status;
- Residence;
- Income;
- Housing;
- Health;
- Other children and household members;
- All adoptive applicants must complete the requirements for background screening as outlined in rule 65C-16.007, F.A.C. which includes abuse and neglect history checks on all adoptive applicants and other household members 12 years of age and older, pursuant to sections 39.0138 and 39.521, F.S.; and
- References.

The department approved adoptive parent training must be provided to and successfully completed by all prospective adoptive parents except licensed foster parents and relative and non-relative caregivers who previously attended the training within the last five years, as prescribed in rule 65C-13.024, F.A.C., or have the child currently placed in their home for six months or longer and been determined to understand the challenges and parenting skills needed to successfully parent the children available for adoption from foster care.

There are a number of factors that can affect the time necessary for the typical adoption home study process to be completed.

### **Foster Care Licensing Home Study and Background Screening**

Current law provides for the establishment of licensing requirements for family foster homes, residential child-caring agencies, and child-placing agencies in order to protect the health, safety, and well-being of all children in the state who are cared for by these homes and agencies and provides procedures to determine adherence to these requirements.<sup>24</sup>

- Each applicant wishing to become a licensed out-of-home caregiver must complete the "Application for License to Provide Out-of-Home Care for Dependent Children." Persons living together in a caretaking role must both sign the application.
- The child-placing agency completing the Unified Home Study must, at a minimum, conduct two visits to the applicant's home, inspect the entire indoor and outdoor premises, document the conditions, and conduct face-to-face interviews with all household members. The dates, names of persons interviewed and summary of these interviews shall be documented in the Unified Home Study.

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<sup>24</sup> Section 409.175, F.S.

- A staff person, certified pursuant to section 402.40, F.S., from the supervising agency must perform a thorough assessment of each prospective licensed out-of-home caregiver and document this assessment in the Unified Home Study section of Florida Safe Families Network (FSFN). The assessment must include an extensive and comprehensive list of information.
- The Unified Home Study must be reviewed and signed by the applicant, licensing counselor and his or her supervisor. A copy of the Unified Home Study shall be provided to the applicant. The complete application file must be submitted in accordance with the traditional or attestation model for licensure. A request for additional information shall be submitted by the Regional Licensing Authority within 10 business days of receipt of the file. A traditional licensing application file must consist of the following documentation including, but not limited to:
  - Application for license to provide out-of-home care for dependent children;
  - Unified home study;
  - Proof of income;
  - A “Partnership Plan for Children in Out-of-Home Care;”
  - Parent Preparation Pre-service Training certificate;
  - Verification of criminal history screening for applicant and all household members as specified in subsection 65C-13.023(2), F.A.C.;
  - Required references; and
  - Family documents.

A licensing specialist who has been trained by the DCF or other state entity, such as the local health department, in the areas of water supply, food holding temperature, plumbing, pest control, sewage, and garbage disposal, must complete the Foster Home Inspection Checklist, incorporated by reference in rule 65C-13.025, F.A.C.

If the application file is approved, a license must be issued to the applicant. The license must include the name and address of the caregiver, the name of the supervising agency, the licensed capacity, and the dates for which the license is valid. The DCF Regional Managing Director or designee within upper level management shall sign the license. Any limitations must be displayed on the license. The CBC or supervising agency is responsible for ensuring the license is sent to the foster parent.<sup>25</sup>

If the DCF determines that the application will be denied, the department must within 10 business days notify the applicant and supervising agency by certified mail, identifying the reasons for the denial of the license, the statutory authority for the denial of the license, and the applicant’s right of appeal pursuant to chapter 120, F.S.<sup>26</sup>

## **Parenting Partnerships**

### ***Quality Parenting Initiative (QPI)***

The Quality Parenting Initiative, a strategy of the Youth Law Center in California, is an approach to strengthening foster care, refocusing on excellent parenting for all children in the child welfare

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<sup>25</sup> 65C-13025, F.A.C.

<sup>26</sup> *Id.*

system. It was launched in 2008 in Florida, and as of 2018, over 75 jurisdictions in 10 states (California, Florida, Illinois, Louisiana, Minnesota, Nevada, Ohio, Pennsylvania, Texas and Wisconsin) have adopted the QPI approach.<sup>27</sup>

In order to thrive, all children need excellent parenting. When parents cannot care for their children, the foster parent or other caregiver must be able to provide the loving, committed, skilled care that the child needs, in partnership with the system, to ensure that children thrive. Both the caregiver's parenting skills and the system's policies and practices should be based on child development research, information and tools. QPI is based on five core principles:

- Excellent parenting is the most important service we can provide to children in out-of-home care. Children need families, not beds;
- Child development and trauma research indicates that children need constant, consistent, effective parenting to grow and reach their full potential;
- Each community must define excellent parenting for itself;
- Policy and practice must be changed to align with that definition; and
- Participants in the system are in the best position to recommend and implement that change.<sup>28</sup>

QPI is an approach, a philosophy and a network of sites that share information and ideas about how to improve parenting as well as recruit and retain excellent families. It is an effort to rebrand foster care, not simply by changing a logo or an advertisement, but by changing the expectations of and support for caregivers. The child welfare system commits to fully supporting excellent parenting by putting the needs of the child first. QPI was developed to ensure that every child removed from the home because of abandonment, abuse or neglect is cared for by a foster family who provides skilled, nurturing parenting while helping the child maintain connections with his or her family.<sup>29</sup>

When QPI is successful, caregivers have a voice. They work as a team with agency staff, case workers, birth parents, courts, attorneys and others to protect the child's best interests. Caregivers receive the support and training they need to work with children and families, understand what is expected of them, and know what to expect from the system. Systems are then able to select and retain enough excellent caregivers to meet the needs of each child for a home and family. When these changes are accomplished, outcomes for children and their families will improve.<sup>30</sup>

In 2013, the legislature enacted some of the basic principles of quality parenting including, but not limited to, roles and responsibilities for caregivers, the DCF, CBC and other agency staff, transitions for children changing placements and information sharing.<sup>31</sup>

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<sup>27</sup> QPI Florida, Quality Parenting Initiative, Just in Time Training, available at: <http://www.qpiflorida.org/about.html> (Last visited December 26, 2019).

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Section 409.145, F.S.

### III. Effect of Proposed Changes:

**Section 1** amends s. 25.385, F.S., relating to standards for instruction of circuit and county court judges, to require circuit and county court judges for dependency cases to receive education relating to the value of secure attachments, stable placements and the impact of trauma on children in out-of-home care.

**Section 2** creates s. 39.01304, F.S., relating to early childhood courts, to codify the creation and establishment of early childhood court programs that serve cases involving children typically under the age of three by using specialized dockets, multidisciplinary teams, evidence-based treatment and a nonadversarial approach.

**Section 3** amends s. 39.0138, F.S., relating to criminal history and other records checks, to require that background screenings for prospective foster parents be completed within 14 business days after criminal history results are received by the Department of Children and Families (DCF), unless additional information regarding the criminal history is required to complete processing.

**Section 4** amends s. 39.301, F.S., relating to protective investigations, to require the DCF to notify the court of any report to the central abuse hotline that involves a child under court jurisdiction. The amendments to s. 39.301, F.S., also allow the department to file a shelter or dependency petition without the need for a new child protective investigation or the concurrence of the child protective investigator if the department determines that the safety plan is no longer sufficient to keep the child safe or that the parent or caregiver has not sufficiently increased his or her level of protective capacities to ensure the child's safety.

**Section 5** amends s. 39.522, F.S., relating to post disposition change of custody, to provide factors for the court to consider when determining whether a change of legal custody or placement is in the child's best interest. Those factors include:

- The child's age.
- The developmental and therapeutic benefits to the child of remaining in his or her current placement or moving to the proposed placement.
- The stability and longevity of the child's current placement.
- The established bonded relationship between the child and the current or proposed caregiver.
- The reasonable preference of the child, if the court has found that the child is of sufficient intelligence, understanding, and experience to express a preference.
- The recommendation of the child's current caregiver.
- The recommendation of the child's guardian ad litem, if one has been appointed.
- The quality of the child's relationship with a sibling, if the change of legal custody or placement will separate or reunite siblings.
- The likelihood of the child attaining permanency in the current or proposed placement.
- Any other relevant factors.

The amendments to s. 39.522, F.S., also provide circumstances under which a court may remove a child and place a child in out-of-home care if such child was placed in his or her own home

with an in-home safety plan or was reunited with a parent with an in-home safety plan. Those circumstances include:

- The child is abused, neglected, or abandoned by the parent or caregiver, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment.
- The parent or caregiver has materially violated a condition of placement imposed by the court, including, but not limited to, not complying with the in-home safety plan or case plan.
- The parent or caregiver is unlikely within a reasonable amount of time to achieve the full protective capacities needed to keep the child safe without an in-home safety plan.

If a child meets the above criteria for removal and placement in out-of-home care, the court must consider all of the following in making its determination to remove the child and place the child in out-of-home care:

- The circumstances that caused the child's dependency and other identified issues.
- The length of time the child has been placed in the home with an in-home safety plan.
- The parent's or caregiver's current level of protective capacities.
- The level of increase, if any, in the parent's or caregiver's protective capacities since the child's placement in the home, based on the length of time the child has been placed in the home.

**Section 6** amends s. 39.6011, F.S., relating to case plan development, to include in provisions required in a case plan the responsibility of the parents and caregivers to work together to successfully implement the case plan. The case plan must specify how the case manager will assist the parents and caregivers in developing a productive relationship, including meaningful communication and mutual support.

**Section 7** amends s. 39.701, F.S., relating to judicial reviews, to require the court to retain jurisdiction over a child placed in a home with a parent or caregiver with an in-home safety plan and update language related to service providers. It also requires the case plan assessment made before every judicial review to include a statement related to the working relationship between the parents of a child and the caregivers.

**Section 8** amends s. 63.092, F.S., relating to preliminary home studies, to require that preliminary home studies for identified prospective adoptive minors that are in the custody of the DCF be completed within 30 days of initiation.

**Section 9** creates s. 63.093, F.S., relating to the adoption of a child from the child welfare system to specify the requirements in the process.

**Section 10** creates s. 409.1415, F.S., relating to parenting partnerships, to provide legislative findings and intent and codify provisions and responsibilities for working partnerships between foster parents and birth parents in order to ensure that children in out-of-home care achieve permanency as soon as possible, to reduce the likelihood they will re-enter care and to ensure that families are prepared to resume care of their children.

**Section 11** amends s. 409.145, F.S., relating to care of children and quality parenting, to remove similar provisions being relocated to newly created s. 409.1415, F.S.

**Section 12** amends s. 409.175, F.S., relating to licensure of family foster homes, residential child-caring agencies, and child-placing agencies, to require that a licensing study of a family foster home must be completed by the DCF or an authorized licensed child-placing agency within 30 days of initiation. It also sets timelines and requirements for the entire licensure process.

**Section 13** amends s. 409.988, F.S., relating to duties of community-based care lead agencies, to provide a process for a lead agency to demonstrate the need to provide more than 35 percent of all child welfare services in the lead agency's service area. Currently, a lead agency is prohibited from directly providing more than 35 percent of all child welfare services in the lead agency's service area.

**Section 14** amends s. 39.302, F.S., relating to protective investigations of institutional child abuse, to conform to changes made by the act.

**Section 15** amends s. 39.6225, F.S., relating to the Guardianship Assistance Program, to conform to changes made by the act.

**Section 16** amends s. 393.065, F.S., relating to application and eligibility determination for developmental disability services, to conform to changes made by the act.

**Section 17** amends s. 409.1451, F.S., relating to independent living services, to conform to changes made by the act.

**Section 18** provides an effective date of July 1, 2020.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

CS/SB 1324 is expected to have a significant fiscal impact on the expenditures of the State Courts and Department of Children and Families (DCF) due to the need for additional staffing, training and contracted services. However, CS/SB 1324 provides that funding is “*contingent upon an annual appropriation by the Legislature, and subject to available resources.*”

**State Courts*****Judicial Time and Workload***

The total fiscal impact of the bill cannot be accurately determined due to the unavailability of data needed to quantifiably establish the increase in judicial time and workload resulting from increased time or quantity of early childhood court (ECC) hearings as well as the actual number of staff required to meet the requirements of the bill.<sup>32</sup>

Trial court judicial workload is measured using a case weighting system that calculates the amount of time that it takes for a judge to dispose of a case. Passage of this bill may impact the case weighting system. The number of case filings using the case weighting system is used to determine the needs for additional judicial resources each year. Any judicial workload increases in the future as a result of this bill will be reflected in the Supreme Court’s annual opinion In re: Certification of Need for Additional Judges.<sup>33</sup>

***Additional Positions and Training***

The bill will also have a fiscal impact on the state by requiring specialized staff and support services. Each circuit with an early childhood court would need a community coordinator. In addition, the bill would require training for judges, magistrates and staff. The Office of State Courts Administrator estimates the additional costs of the bill as follows:

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<sup>32</sup> Office of the State Courts Administrator, 2020 Judicial Impact Statement, SB 1324, January 14, 2020.

<sup>33</sup> *Id.*

<b>FTE and Other Costs</b>	<b>Number of FTE</b>	<b>Recurring Cost</b>
Statewide training specialist	1	\$101,442
Court community coordinators and oversight positions	20	\$1,912,128
Training requirements		\$100,000
<b>Total FTE/Costs for State Courts</b>	<b>21</b>	<b>\$2,113,570</b>

Potentially, a cost savings from the use of an ECC program might be realized in the future when the federal Families First Prevention Services Act is implemented during federal Fiscal Year 2021-2022. The ECC program and its use of some model of parent-child therapy might be eligible for federal funding for prevention services.

**Department of Children and Families**

The bill requires the department to contract with one or more university-based centers with an expertise in infant mental health, and the center(s) must hire a statewide clinical director. The statewide clinical director is responsible for ensuring the quality, accountability, and fidelity of the ECC program’s evidence-based treatment, training, and technical assistance related to clinical services. The clinical director is also responsible for ongoing clinical training for ECC court teams. The projected annual recurring cost for the DCF to contract with a university-based center is \$136,120.<sup>34</sup>

Any additional judicial and state agency workload may be offset to the extent the ECC program and services reduce recidivism. Shortening the time children spend in out-of-home care may reduce costs to the state due to the reduction in out-of-home care costs as well as court time and resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 25.385, 39.0138, 39.301, 39.302, 39.522, 39.6011, 39.6225, 39.701, 63.092, 393.065, 409.145, 409.1451, 409.175, and 409.988.

This bill creates the following sections of the Florida Statutes: 39.01304, 63.093, and 409.1415.

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<sup>34</sup> Department of Children and Families, 2020 Bill Analysis, SB 236, September 30, 2019.

**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 15, 2020:**

- Makes changes to provisions relating to the timeframes relating to the completion of background screenings and home or licensing studies to reflect the steps in the approval of adoptive parents and the licensure of foster homes.

- B. **Amendments:**

None.